

NOTICES

DEPARTMENT OF AGRICULTURE

Dog Control Facility Bill Reimbursement Grant Program

The Department of Agriculture (Department) gives notice of the guidelines and conditions under which it will award up to \$200,000 in grants under its Year 2003 Dog Control Facility Bill Reimbursement Program (Program). The Program will award bill reimbursement grants of up to \$10,000 per recipient to humane societies or associations for the prevention of cruelty to animals that meet the guidelines and conditions of this Program. The Program will be funded from the Dog Law Restricted Account from funds which are surplus funds for the limited purposes set forth in section 1002(b) of the Dog Law (3 P. S. § 459-1002(b)).

A proposed version of these guidelines and conditions was published at 32 Pa.B. 3402 (July 13, 2002). The Department invited public and legislative review of these proposed guidelines and conditions in accordance with 7 Pa. Code § 23.4 (relating to guidelines and conditions). No comments were received. The Department attributes this, in part, to the fact that the Program is quite similar to programs conducted in previous years and, in part, to the fact the Department consulted with affected entities in the process of drafting the proposed guidelines and conditions.

The guidelines and conditions are substantively identical to the guidelines and conditions for last year's "Year 2002 Dog Control Facility Bill Reimbursement Grant Program," published at 31 Pa.B. 4545 (August 18, 2001), with three exceptions: (1) the total amount of grant funds available has increased to \$200,000 (up from \$175,000 in 2002); (2) the maximum per recipient grant amount has been raised to \$10,000 (up from \$7,500 in 2002); and (3) the eligibility criteria have been expanded to allow a grant applicant to have a maximum total operating budget of up to \$350,000 (up from \$250,000 in 2002).

The Department invites applications for grants under the Program in accordance with the final guidelines and conditions that follow.

Guidelines and Conditions for the Year 2003 Dog Control Facility Bill Reimbursement Grant Program

1. Definitions.

The following words and terms, when used in these guidelines and conditions, have the following meanings:

Department—The Department of Agriculture.

Dog control—The apprehending, holding and disposing of stray or unwanted dogs, or as otherwise defined in section 102 of the Dog Law (3 P. S. § 459-102).

Eligible Bill—A document seeking payment for materials, services or utilities from a grant recipient, setting forth the following:

- i. The date the document is issued.
- ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.
- iii. If for materials, a description of the materials and the date of delivery.
- iv. If for services, a description of the nature of the services and the dates upon which the services were rendered.
- v. If for utilities (such as electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility, for which payment is sought, was provided.
- vi. The name, address and telephone number of the entity issuing the document.

Humane society or association for the prevention of cruelty to animals—A nonprofit society or association duly incorporated under 15 Pa.C.S. Chapter 53 Subchapter A (relating to incorporation generally) for the purpose of prevention of cruelty to animals, or as otherwise defined in section 102 of the Dog Law.

Program—The Year 2003 Dog Control Facility Bill Reimbursement Program.

2. Eligibility.

A humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the Program if that humane society or association for the prevention of cruelty to animals:

- a. Has been in operation for at least 1 year immediately preceding the application date.
- b. Has performed dog control functions for at least 1 year immediately preceding the application date.
- c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs into its facility within the year immediately preceding the application date.
- d. Is not a party to a contract with the Department under which the Department pays that humane society or association for the prevention of cruelty to animals for dog control activities performed in the year 2003.
- e. Agrees—as a condition of receiving any grant money under the Program—to continue to perform dog control activities through the year 2003.
- f. Has a total operating budget of \$350,000 or less for the 2003 calendar year or, if its budget is on a basis other than calendar year, has a total operating budget of \$350,000 or less for each fiscal year comprising any portion of calendar year 2003.

3. Use of Grant Funds.

The Department will allocate a specific maximum grant amount to a successful grant applicant through a written

grant agreement. This maximum grant amount will be specified in the grant agreement, and will not exceed \$10,000 with respect to any application. The maximum grant amount will be retained by the Department and used to reimburse the grant recipient for eligible bills the grant recipient has paid with respect to materials, services or utilities provided to the grant recipient from January 1, 2003, through December 31, 2003. The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Money remaining in a grant allocation beyond the termination date of the grant agreement will lapse into the Dog Law Restricted Account. If a bill covers materials, services or utilities provided, in whole or in part, before January 1, 2003, or after December 31, 2003, that bill is not an eligible bill and will not be reimbursed by the Department under the Program.

4. Application Process.

a. *Application required.* A humane society or association for the prevention of cruelty to animals seeking a grant under the Program must complete a written application form and deliver it to the Department no later than 30 days from the date this notice is published in the *Pennsylvania Bulletin*. Applications received by the Department beyond that date will not be considered.

b. *Obtaining an application form.* The Department will provide grant application forms upon request. Requests for application forms should be directed to Richard Hess, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4833, fax: (717) 772-4352.

c. *Contents of grant application form.* A grant application form shall require the following information:

- i. The name and address of the applicant.
- ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2.
- iii. The maximum grant amount sought by the applicant—not to exceed \$10,000.
- iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 2003 for the same type of materials, services or utilities for which reimbursement will be sought under the grant agreement.
- v. Other information as the Department might reasonably require.

5. Review and approval of grant application.

a. *Review and notification.* The Department will review each timely grant application and provide the applicant written notification of whether the Department awards the grant, denies the grant or awards a grant in some amount less than the applicant sought. This written notification will be mailed no later than 60 days from the date this notice is published in the *Pennsylvania Bulletin*, to the address provided by the applicant on the grant application form. If an application is incomplete or the Department requires additional information or documentation to evaluate the grant request, it will so advise the applicant.

b. *Review criteria.* The Department will consider the following, among other factors, in determining whether to award a grant application:

- i. The number of applications received and the availability of funds for the grants sought.
- ii. The relative contribution of the applicant to dog control activities in the area it serves.
- iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.
- iv. The relative importance of the grant to the continued operation of the applicant's dog control facility.
- v. The expense or logistical difficulty the Department would encounter if the applicant's dog control facility was no longer in operation.

6. Grant agreement.

a. *Grant agreement required.* A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions under which the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

b. *Reimbursement requests.* The grant agreement will set forth the exact procedure by which a grant recipient shall seek reimbursement from the Department for payment of eligible bills. The basic reimbursement request procedure will be as follows:

By May 15, 2003, the grant recipient will: (1) deliver copies of the eligible bills it has paid between January 1 and April 30, 2003; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By September 15, 2003, the grant recipient will: (1) deliver copies of the eligible bills it has paid between May 1 and August 31, 2003; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By January 15, 2004, the grant recipient will: (1) deliver copies of the eligible bills it has paid between September 1 and December 31, 2003; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

c. *Payment by the Department.* The Department will reimburse a grant recipient for eligible bills within 60 days of receiving a complete and timely reimbursement request.

d. *Termination.* The Department may terminate a grant agreement at any time by providing the grant recipient written notice of termination at the address set forth on the grant application.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 02-1559. Filed for public inspection September 6, 2002, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 27, 2002.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-23-02	Sky Financial Group, Inc., Bowling Green, OH, to acquire 100% of the voting shares of Three Rivers Bancorp, Inc., Monroeville, PA, and thereby indirectly acquire Three Rivers Bank and Trust Company, Jefferson Borough, PA	Bowling Green, OH	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-14-02	Patriot Bank Pottstown Montgomery County	4930 5th St. Highway Muhlenberg Township Berks County (Temporary)	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-23-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 225 West Lancaster Avenue Ardmore Montgomery County <i>From:</i> 354 W. Lancaster Ave. Haverford Montgomery County	Approved
8-26-02	Parkvale Savings Bank Monroeville Allegheny County	<i>To:</i> Brentwood Town Square Pittsburgh Allegheny County <i>From:</i> 4128 Brownsville Road Pittsburgh Allegheny County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-23-02	Farmers First Bank Lititz Lancaster County	Weis Market 5360 Lincoln Highway Gap Lancaster County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-22-03	Diamond Credit Union Pottstown Montgomery County	Corners at Broadcasting Ridge Wyomissing Berks County	Filed

FRANCES A. BEDEKOVIC,
Acting Secretary

[Pa.B. Doc. No. 02-1560. Filed for public inspection September 6, 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 below, 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 above 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>
PA-0032131 Sewage	Locust Lake State Park Bureau of State Parks P. O. Box 1467 Harrisburg, PA 17120	Ryan Township Schuylkill	Locust Creek (3A)	Yes
PA-0062316 Sewage	Blue Mountain Village Sales, Inc. 1 Blue Mountain Village Saylorsburg, PA 18353	Monroe Ross Township	Aquashicola Creek (2B)	Yes
PA-0051691	Pharmachem Corporation 719 Stefko Boulevard Bethlehem, PA 18016-1035	Northampton Bethlehem City	UNT to Lehigh Canal (2C)	Yes
PA-0038270 IW	Sunoco Partners Marketing & Terminals L. P. 1801 Market Street Philadelphia, PA 19103	Schuylkill Rush Township	Little Schuylkill River (3A)	Yes
PA-0062723	Sunoco Partners Marketing & Terminals, L. P. 1801 Market St. Philadelphia, PA 19103	Whitehall Township Lehigh County	Lehigh River (2C)	Yes

<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>
PA-0061182 (Minor Renewal)	Big Boulder Corporation P. O. Box 707 Blakeslee, PA 18610-0707	Kidder Township Carbon County	Unnamed Tributary to Tunkhannock Creek (2A)	Yes

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

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

PAG123563, CAFO, Jason L. and Lucy L. Hege, 3966 Funk Road, Chambersburg, PA 17201-8776.

This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Activity: The Hege Farm is an existing dairy and swine operation with a total AEU's of 473.9. An estimated quantity of total annual manure production is 9,644 tons. The operation consists of 125 Holsteins, 75 heifers, 20 calves and 1,700 finishing hogs. Plans include building a new freestall barn to house the dairy cows. All dairy waste is directed into an uncovered pit. The new building is planning to use the same pit. All hog waste is directed to a pit that is completely covered. The area surrounding the dairy pit is underlain with tile which outlets by two pond areas. Of the 1,031,334 gallons of liquid dairy manure generated on the farm, 235,700 gallons is used on the farm and 795,634 gallons are exported from the farm. All of the 503 tons of heifer and calf solids and 1,001,525 gallons of liquid swine manure generated on the farm is used on the farm.

The receiving stream, Rocky Spring Creek, is in the State Water Plan watershed 13-C and is classified for: TSF.

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 0033766, Sewage, **North Heidelberg Sewer Company**, P. O. Box 609, Bernville, PA 19506.

This facility is located in Jefferson Township, **Berks County**.

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

The receiving stream, Northkill Creek, is in Watershed 3-C, and classified for cold water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Western Berks Water Authority is located on Tulpehocken Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.05 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18
Total Phosphorus	1.0	2.0
Total Residual Chlorine	0.44	1.45
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)	5,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 0.10 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
NH ₃ -N	20	40
Total Phosphorus	1.0	2.0
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	10,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

PA0041114, Sewage, **The Kiski School**, 1888 Brett Lane, Saltsburg, PA 15684.

This application is for renewal of an NPDES permit to discharge treated sewage from The Kiski School STP in Loyalhanna Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Kiskiminetas River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company.

Outfall 001: existing discharge, design flow of 0.04 mgd.

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

The EPA waiver is in effect.

PA0217620, Sewage, **Consol Pennsylvania Coal Company**, P. O. Box 355, Eighty Four, PA 15330.

This application is for renewal of an NPDES permit to discharge treated sewage from Crabapple Portal Sewage Treatment Plant in Rich Hill Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Crabapple Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of Sistersville Water Company on the Ohio River.

Outfall 001: existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.4			1.0
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0238830, Sewage, **Louis Bartok I SRSTP**, 7458 Sugar Lake Road, Cochranon, PA 16314.

This proposed facility is located in Wayne Township, **Crawford County**.

Description of Proposed Activity: a new permit for a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃ fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Franklin General Authority on French Creek located at Franklin, approximately 15 miles below point of discharge.

The receiving stream, Unnamed Tributary to Lake Creek, is in watershed 16-D and classified for cold water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor and Report	
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

PA0238848, Sewage, **Louis Bartok II SRSTP**, 7437 Sugar Lake Road, Cochranon, PA 16314.

This proposed facility is located in Wayne Township, **Crawford County**.

Description of Proposed Activity: a new permit for a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Franklin General Authority on French Creek located at Franklin, approximately 15 miles below point of discharge.

The receiving stream, Sugar Lake (Lake Creek), is in watershed 16-D and classified for cold water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor and Report	
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

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

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

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

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection.

Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

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

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

WQM Permit No. 3802402, Sewerage, **Copart Auto Auctions**, 5500 East 2nd Street, 2nd Floor, Benicia, CA 94510.

This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/operation of a small flow treatment system to serve the Copart Auto Auction in Grantville.

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

WQM Permit No. 1002411, Sewerage, **John C. Davis**, 212 Leslie Road, Renfrew, PA 16053. This proposed facility is located in Forward Township, **Butler County**.

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

WQM Permit No. 4302412, Sewerage, **Chester M. Miller**, 455 Fredonia Road, Fredonia, PA 16124. This proposed facility is located in Otter Creek Township, **Mercer County**.

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

WQM Permit No. 2502418, Sewerage, **Charles R. Kennedy**, 12580 Kerr Road, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

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

NPDES Stormwater Individual Permit

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q247	Norsemen Construction, Inc. P. O. Box 113 Creamery, PA 19430	Lehigh County Upper Macungie Township	Little Lehigh Creek HQ-CWF

Wayne County Conservation District: Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS107427	Roger Dirlam Melvin Plucknett Eric Linde R. R. 6, Box 6825 Honesdale, PA 18431-9655	Wayne County Texas Township	Unnamed tributary to Lackawaxen River HQ-CWF, MF

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.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10-0423	Ardeth Facciani 221 Station Street Johnstown, PA 15905	Bedford Township Bedford County	Shobers Run (HQ-CWF)

Cumberland County Conservation District, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013; (717) 240-7812.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10-H096	Mark Simpson 3609 Gettysburg Rd. Camp Hill, PA 17011	Silver Spring Township Cumberland County	Trindle Spring Run (CWF, HQ-CWF)

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the 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 Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

Permit No. Minor Amendment, Public Water Supply.

Applicant	Renovo Borough Water System
Borough	Renovo Borough, Clinton County
Responsible Official	Judy Kelley, Water Committee Chairperson Renovo Borough Council 128 Fifth Street Renovo, PA 17764
Type of Facility	PWS
Consulting Engineer	Kerry A. Uhler & Associates 140 Rear West High Street Bellefonte, PA 16823
Application Received Date	August 20, 2002
Description of Action	Installation of butterfly flow control valve

Permit No. Minor Amendment, Public Water Supply.

Applicant	Pennsylvania Suburban Water Company
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Township	Monroe Township, Snyder County
Responsible Official	Richard T. Subasic, VP/Gen. Mgr. Pennsylvania Suburban Water Company 204 East Sunbury Street Shamokin, PA 17872
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 321 Washington Street Huntington, PA 16652
Application Received Date	August 9, 2002
Description of Action	Installation of two interconnections between the former Monroe Manor Water Company and Rolling Green Water Company

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 as follows, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of

the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Vacant Parcel (1126—1130 Spring Garden Street), City of Philadelphia, **Philadelphia County.** Keith D'Ambrosio, Whitestone Associates, Inc., 1120 Welsh Rd., North Wales, PA 19454, on behalf of Ross Goldberg, Posel Management Co., 212 Walnut St., Philadelphia, PA 19106, has submitted a Notice of Intent to Remediate soils contaminated with inorganics and PAHs. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on July 31, 2002.

Chelsea Housing, City of Philadelphia, **Philadelphia County.** William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of James L. McMahan, Chelsea Historic Properties, LP, 4041 Ridge Ave., Philadelphia, PA 19129, has submitted a Notice of Intent to Remediate soils contaminated with chlorinated solvents, Fuel Oil No. 2, Fuel Oil No. 6, inorganics, lead, other organics, PAHs, PCBs and pesticides; and groundwater contaminated with chlorinated solvents, Fuel Oil No. 2, Fuel Oil No. 6, other organics and PAHs. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on August 5, 2002.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Ivy Wood Industrial Works, Saxonburg Borough and Clinton Township, **Butler County.** Civil and Environmental Consultants, Inc. (on behalf of Ivy Wood Industrial Works, 161 Deer Creek Road, Saxonburg, PA 16056) has submitted a Notice of Intent to Remediate Soil contaminated with inorganics. The applicant proposes to remediate the site to meet the site specific standards. A summary of the Notice to Remediate was reported to have been published in the *Butler Eagle* on August 26, 2002.

*Treesdale Inc. is also participating in the remediation of the site, per telephone call conversation with Claudia Smith Ciafre on August 22, 2002.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S.

§§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

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

Renewal Applications Received

Environmental Transport Group Inc., P. O. Box 296, Flanders, NJ 07836. License No. **PAHC 0023.** Received on August 22, 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 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's providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified as follows. 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.

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

49-00009A. Mohawk Flush Doors, Inc. (P. O. Box 112, Northumberland, PA 17857) for construction of a wood door spray booth and two roll coaters in Point Township, **Northumberland County**.

17-305-046. P and N Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) for modification of a coal processing operation by increasing the operation's throughput in Goshen Township, **Clearfield County**. The processing operation is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

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.

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

46-00020. Superior Tube Co. (3900 Germantown Pike, Colledgeville, PA 19426) administratively amended to finalize an appeal of the Title V Operating Permit, as well as to address changes through Plan Approval 46-0020B in Lower Providence Township, **Montgomery County**.

09-00003. Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) administratively amended to address testing requirements of the appeal and the 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. This is Administrative Amendment No. 2 of Title V Operating Permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

23-00004. American Ref-Fuel Co. of Delaware Valley, L. P. (10 Highland Avenue, Chester, PA 19013) administratively amended to address the appeal of the Title V Operating Permit, as well as to incorporate changes from 23-0004 in the City of Chester, **Delaware County**.

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

36-05015. Dart Container Corp. of PA (60 East Main Street, Leola, PA 17540) for operation of a foam products manufacturing facility in Upper Leacock Township, **Lancaster County**. This action is a renewal of the Title V Operating Permit that was issued in 1997.

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

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

23-00095. Norquay Technology, Inc. (800 West Front Street, Chester, PA 19016) for a Synthetic Minor Operating Permit in the City of Chester, **Delaware County**. The facility manufactures custom and specialty chemicals. The sources of emissions include two boilers, process area, scrubbers and condensers. The facility has a potential to emit 11 tons of VOCs, 10 tons per year for single hazardous air pollutants (HAPs) and 25 tons per year for any combination of HAPs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

15-00057. Coatesville Hospital Corp. (201 Reeceville Road, Coatesville, PA 19320) for a Synthetic Minor Operating Permit in Caln Township, **Chester County**. Coatesville Hospital is a medical facility providing patient care. The sources of emissions include two boilers and two diesel emergency generators. The facility has a potential to emit 24.9 tons of NOx. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

15-00085. Lincoln University (1570 Baltimore Pike, Lincoln University, PA 19352) for their facility in Lower Oxford Township, **Chester County**. The facility's major emission points include 43 boilers and 13 generators, which have the potential to emit major levels of NOx before taking limitations.

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

67-03001. Frito-Lay, Inc. (3553 Gillespie Drive, York, PA 17404) for operation of a snack food manufacturing plant in West Manchester Township, **York County**. Annual emissions of PM-10, NOx and VOC are estimated at several tons per pollutant. The Natural Minor Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating in accordance with the applicable air quality requirements.

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

65-00830. Mine Safety Appliances Co. (P. O. Box 428, 3880 Meadowbrook Road, Pittsburgh, PA 15230) a renewal for operation of a medical appliance and supplies plant in Murrysville, **Westmoreland County**.

56-00244. Pennsylvania Department of Corrections (P. O. Box 598, Camp Hill, PA 17001) a renewal for a State correctional facility in Brothersvalley Township, **Somerset County**.

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

96-034. Atlantic Metals Corp. (3100 East Orthodox Street, Philadelphia, PA 19137) for manufacture of specialty powders and service to the steel industry in the City of Philadelphia, **Philadelphia County**, to remove numerous particulate sources and the Plant 2 Dust Collector that have all been removed from the facility, to change the monitoring method from daily pressure drop checks across the Munson Baghouse and Chicago Conveyor Baghouse to daily visual inspections for emissions on the exhaust stack of each control device and to

incorporate a second baghouse that controls the spray dryer which was permitted under Installation Permit No. 98196, which will be monitored by a daily pressure drop check across the unit. There is no change in actual emissions. The Natural Minor Operating Permit was originally issued on April 17, 2001.

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. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone

number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

14990301 and NPDES Permit No. PA 0242781. Glenn O. Hawbaker, Inc., P. O. Box 135, State College, PA 16804. Revision to the existing NPDES Permit to allow utilization of an existing treatment basin, from an inactive coal mining operation, for pumped pit water settling. The permit is located in Rush Township, **Centre County** and affects 90.5 acres. Receiving streams unnamed tributary Moshannon Creek. Application received June 11, 2002.

17020111 and NPDES Permit No. PA 0243329. Larson Enterprises, Inc., P. O. Box 96, Kylertown, PA 16847-0096. Commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 19.4 acres. Receiving stream: Sulphur Run, classified for the following use CWF. Application received August 19, 2002.

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

03020110 and NPDES Permit No. PA0250244. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Application for commencement, operation and reclamation of a bituminous surface mine located in Redbank Township, **Armstrong County**, affecting 73 acres. Receiving streams: unnamed tributaries to Redbank Creek to Redbank Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is the Borough of Hawthorn. Application received August 19, 2002.

65980105 and NPDES Permit No. PA0202363. Joseph Rostosky Coal Company (2578 Country Lane, Monongahela, PA 15063). Renewal application for continuous operation and reclamation for a bituminous surface mine located in Rostraver Township, **Westmoreland County**, affecting 28.8 acres. Receiving streams unnamed tributary to the Monongahela River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is the Authority of the Borough of Charlerio. Renewal application received August 22, 2002.

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

56970103 and NPDES Permit No. PA0234524. Marquise Mining Corporation, 3889 Menoher Blvd., Johnstown, PA 15905, permit renewal for commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 308.9 acres. Receiving streams: Fallen Timber Run; unnamed tributary to Fallen Timber Run; unnamed tributary to Stonycreek classified for the following uses: cold water fishery; cold water fishery and cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam on Stonycreek River. Application received August 19, 2002.

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

33960109 and NPDES Permit No. 0227331. TDK Coal Sales, Incorporated (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface and auger operation in Union Township, **Jefferson County** affecting 157.4 acres. Receiving streams: unnamed tributary to Little Mill Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 19, 2002.

Noncoal Applications Received

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

58990844. Douglas G. Kilmer (R. R. 1 Box 85K, Union Dale, PA 18470), Stage I and II release on a small quarry operation in Choconut Township, **Susquehanna County** affecting 3 acres for \$3,000 on property owned by Douglas Shea. Application received August 12, 2002.

58000856. David B. Salsman, Sr. (R. R. 3 Box 179, Meshoppen, PA 18630), Stage I and II release on a small quarry operation in Rush Township, **Susquehanna County** affecting 2 acres for \$2,000 on property owned by David B. Salsman, Sr. Application received August 13, 2002.

5376SM16C3 and NPDES Permit PA0593915. American Asphalt Paving Co. (500 Chase Road, Shavertown, PA 18708), renewal of NPDES Permit in Jackson Township, **Luzerne County**, receiving stream: Brown's Creek. Classified for the following use: CWF. Application received August 14, 2002.

19950301T. Benton Mobile Concrete, Inc. (P. O. Box 273, Benton, PA 17814-0273), transfer of an existing quarry operation from Stillwater Asphalt, Inc. in Stillwater Borough, **Columbia County** affecting 9.2 acres. Receiving stream: none. Application received August 15, 2002.

06910301C2. Berks Products Corporation (726 Spring Street, P. O. Box 421, Reading, PA 19603), boundary correction to an existing quarry operation in Maxatawny Township, **Berks County** affecting 38.4 acres, receiving stream: none. Application received August 15, 2002.

4873SM6C3 and NPDES Permit PA0009695. Global Stone PenRoc, LP (P. O. Box 1967, York, PA 17405), renewal of NPDES Permit in West Manchester Township, **York County**, receiving stream: Codorus Creek. Classified for the following use: warm water fishery. The first downstream potable water supply intake from the point of discharge is the York Water Company. Application received August 19, 2002.

7974SM3C6 and NPDES Permit PA0595853. New Hope Crushed Stone & Lime Co. (Phillips Mill Road, New Hope, PA 18938), renewal of NPDES Permit in Solebury Township, **Bucks County**, receiving stream Primrose Creek. Classified for the following use: trout stocking fishery. The first downstream potable water supply intake from the point of discharge is the BCWSA The Water Works. Application received August 19, 2002.

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

03010407 and NPDES Permit No. PA0250040. Stitt Coal Company, Inc. (R. D. 1, Box 197A, Ford City, PA 16226). Application received for a pit variance and blast plan revision for a large noncoal surface mine located in Kittanning Township, **Armstrong County**, affecting

251.5 acres. Receiving streams Garrets Run to Allegheny River, classified as a warm water fishery. There are no potable water supply intakes within 10 miles of the point of discharge. Revision application received August 26, 2002.

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

56022801. Mostoller Landfill, Inc., 7095 Glades Pike, Somerset, PA 15501, commencement, operation and restoration of a noncoal (clay) mine in Brothersvalley Township, **Somerset County**, affecting 5 acres. Receiving stream: unnamed tributary to Kimberly Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 15, 2002.

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

4379305 and NPDES Permit No. PA 0118818. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Revision to an existing sand and gravel permit in East Lackawannock Township, **Mercer County** affecting 164 acres. Receiving streams: Neshannock Creek, classified for the following: TSF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 8.6 acres to the permitted area. Application received August 19, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability and who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E01-237. Lake Heritage Property Owners Association, Inc., 1000 Heritage Drive, Gettysburg, PA 17325 in Mount Joy Township, **Adams County**, ACOE Baltimore District.

To construct and maintain cast-in-place concrete, concrete block, segmental block, pressure treated timber seawalls, rip-rap stone bank protection and docks in Lake Heritage (WWF) (Gettysburg, PA Quadrangle N: 10.75 inches; W: 8.75 inches) in Mount Joy Township, Adams County.

E28-305. Tex R. Myers, 13204 Worleytown Road, Greencastle, PA 17225 in Antrim Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 4-foot by 18-foot precast concrete box culvert in an unnamed tributary to the Conococheague Creek (WWF) (Williamson, PA Quadrangle N: 2.0 inches; W: 0.8 inch) in Antrim Township, **Franklin County**.

E34-107. Pennsylvania Department of Transportation District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830 in Tuscarora Township, **Juniata County**, ACOE Baltimore District.

To remove the existing two span bridge and to construct and maintain a bridge with a span of 61 feet on a 38.5° skew with a minimum underclearance of 6.6 feet across Laurel Run (CWF) on SR 05850, Section A02, Segment 120, Offset 1089 located in Honey Grove Village (McCoysville, PA Quadrangle N: 4.5 inches; W: 7.0 inches) to Tuscarora Township, Juniata County.

E36-743. Drumore Township, 1675 Furniss Road, Drumore, PA 17518 in Drumore Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing 5-foot, 6 inches by 16-foot span steel bridge and to construct and maintain a 7-foot by 16-foot wide precast concrete arch culvert at a point approximately 3,600 feet west of the intersection of SR

272 and T-375 (Goshen Mill Road) within the confines of an unnamed tributary to Peters Creek (HQ-WWF) (Wakefield, PA Quadrangle N: 10.0 inches; W: 10.3 inches) in Drumore Township, Lancaster County.

E67-727. Trent Brown, Izaac Walton League of America, York County, Chapter 67, 7131 Ironstone Hill Road, Dallastown, PA 17313 in Shrewsbury Township, **York County**, ACOE Baltimore District

To construct and maintain 1,100 linear feet of stream restoration/bank stabilization in and along the South Branch Codorus Creek using a natural stream channel design approach including the installation of in-stream structures (rock vanes, cross vanes, rock toe protection and root wads), bank grading and riparian plantings. The project is located on the Robert and Greta Dise property approximately 2,000 feet southeast of the intersection of SR 0616 and Fissels Church Road to the intersection of SR 0616 and the railroad tracks (Glen Rock, PA Quadrangle N: 4.6 inches; W: 13.6 inches) in Shrewsbury Township, York County. The restoration will impact 0.09 acre of palustrine emergent wetland, 0.04 acre permanent impact and 0.05 acre temporary impact. The amount of permanent wetland impact is considered a de minimis impact of 0.05 acre and wetland mitigation is not required.

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

E08-397. Warren Township, P. O. Box 52, Warren Center, PA 18851. Bridge construction, in Warren Township, **Bradford County**, ACOE Baltimore District (Little Meadows, PA Quadrangle N: 11.8 inches; W: 7.5 inches).

To construct and maintain a 30 foot long by 20 foot wide truck scale bridge with side rails and a concrete block retaining wall over Corbin Creek (CWF) located adjacent to the Warren Township Municipal Building on the Township lot. The project will not impact wetlands while impacting about 40 feet of waterway.

E17-368. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Dominion Transmission, Inc., LN-280 Operation and Maintenance, in Brady, Goshen, Huston, Lawrence, Sandy and Union Townships and Troutville Borough, **Clearfield County**, ACOE Baltimore and Pittsburgh District (Various, PA Quadrangles N: 22.2 inches; W: 1.4 inches).

To replace, operate and maintain an existing 20-inch diameter pipeline over 30-miles within an existing 75-foot right-of-way for the transmission of natural gas. The operation and maintenance of the gas transmission line may require the replacement of 28 stream crossings that are as follows:

<i>Stream Name</i>	<i>Water Quality Designation</i>	<i>Latitude Coordinates</i>	<i>Longitude Coordinates</i>
Tributary—Jack Dents Branch of Medix Run	HQ-Cold Water Fishery	41°14'16"	78°22'14"
Tributary—Jack Dents Branch of Medix Run	HQ-Cold Water Fishery	41°13'58"	78°22'60"
Medix Run	HQ-Cold Water Fishery	41°13'22"	78°24'26"
Little Medix Run	HQ-Cold Water Fishery	41°12'57"	78°25'44"
Saunders Run	HQ-Cold Water Fishery	41°11'56"	78°28'7"
Little Laurel Run	HQ-Cold Water Fishery	41°11'10"	78°29'53"
Pray Run	HQ-Cold Water Fishery	41°10'41"	78°30'33"

<i>Stream Name</i>	<i>Water Quality Designation</i>	<i>Latitude Coordinates</i>	<i>Longitude Coordinates</i>
Tributary—Laurel Run	HQ-Cold Water Fishery	41°10'19"	78°31'5"
Laurel Run	HQ-Cold Water Fishery	41°09'55"	78°32'16"
Tributary—Laurel Run	HQ-Cold Water Fishery	41°09'52"	78°32'20"
Tributary—South, Bennetts Branch	HQ-Cold Water Fishery	41°08'15"	78°37'4"
Dressler Run	HQ-Cold Water Fishery	41°06'43"	78°39'12"
Laborde Branch	Cold Water Fishery	41°14'16"	78°40'11"
Sugarcamp Run	Cold Water Fishery	41°05'15"	78°41'52"
Tributary—Luthersburg Branch	Cold Water Fishery	41°04'40"	78°42'29"
Tributary—Luthersburg Branch	Cold Water Fishery	41°04'31"	78°42'44"
Tributary—Luthersburg Branch	Cold Water Fishery	41°04'9"	78°43'1"
Tributary—Luthersburg Branch	Cold Water Fishery	41°03'45"	78°43'24"
Tributary—Luthersburg Branch	Cold Water Fishery	41°03'43"	78°43'28"
Limestone Run	Cold Water Fishery	41°03'26"	78°43'60"
Stump Creek	Cold Water Fishery	41°02'30"	78°45'41"
Tributary—East Mahoning Creek	HQ-Cold Water Fishery	41°01'56"	78°46'5"
Tributary—East Mahoning Creek	HQ-Cold Water Fishery	41°01'43"	78°46'15"
Tributary—Beaver Run	HQ-Cold Water Fishery	41°01'10"	78°47'13"
Beaver Run	HQ-Cold Water Fishery	41°00'20"	78°47'37"

Replacement of gas transmission lines shall be completed so that there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 30-mile right-of-way of LN-280 during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary. Since Jack Dent Branch, Medix Run, Saunders Run, Laurel Run, Pray Run, South-Bennetts Branch, Laborde Branch and their tributaries are wild trout streams, no maintenance work shall be conducted in or along the stream channels between October 1 and April 1 without prior written approval from the Fish and Boat Commission. Since Jack Dents Branch, Medix Run and Laborde Branch are stocked trout fisheries, no maintenance work shall be conducted in or along the stream channels between March 1 and June 15 without prior written approval from the Fish and Boat Commission.

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

E65-807. Pennsylvania Department of Transportation, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. Fairfield Township, **Westmoreland County** and West Wheatfield Township, **Indiana County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a four span bridge having four normal spans of 31.69 meters and a minimum underclearance of 9.83 meters across the Conemaugh River (WWF) on a new alignment located 300 meters upstream from the existing bridge for the purpose of improving transportation safety. The proposed work includes the placement and maintenance of fill in 0.082 acre of palustrine emergent/forested wetland. To compensate for wetland loss, the applicant will make a monetary contribution to the Pennsylvania Wetland Replacement Project. The project is located on S.R. 0259, Section 450 (Bolivar, PA Quadrangle N: 4.25 inches; W: 2.2 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publica-

tion. Comments received 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 the comment and the relevant facts upon which it is based.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>
02011	Charles L. Moeller P. O. Box 126 220 S. Elizabeth St. Spencerville, OH 45887	Lackawanna

ACTIONS

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

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

Any person aggrieved by these actions 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 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 decisional law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. You do not need a lawyer 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 ((717) 787-3483) for more information.

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

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

The following applications have been received for 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.

<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
Archibald Borough	4 ASTs storing hazardous substances	36,000 gallons

NPDES Permit No. PA0052078, Sewage, **Elverson Borough Municipal Authority**, P. O. Box 266, 101 South Chester Street, Elverson, PA 19520, Elverson Borough, **Chester County**.

The following notice reflects changes to the notice published at 32 Pa.B. 2603 (May 25, 2002):

1. The average monthly limit for Total Residual Chlorine has been revised to read 0.03 mg/l in the Final Permit.
2. The Fecal Coliform limit for October 1 through April 30 has been revised to read 2,000 colonies/100 ml as a geometric average, in the Final Permit.

WQM Permit No. 1502412, Sewage, **Pennsylvania American Water Company**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320.

This proposed facility is located in West Caln Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the construction and operation of a sewage pump station and force main to serve the Calnshire West and Sandy Hill Residential Subdivision.

WQM Permit No. 4602409, Sewerage, **Whitpain Township**, 960 Wentz Road, P. O. Box 800, Blue Bell, PA 19422

This proposed facility is located in Whitpain Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the replacement of an existing wastewater pump station with a new submersible pump station.

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

WQM Permit No. 5401405, Sewerage, **Branch Township Municipal Authority**, P. O. Box 295, Llewellyn, PA 17974.

This proposed facility is located in Branch Township, **Schuylkill County**.

Description of Proposed Action/Activity: construction of a 45 MGD STP and associated collection system to treat domestic wastewater from Cass and Branch Townships.

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

NPDES Permit No. PA0246476 and 5002402, Sewage, **Sonshine Ministries, Inc.**, 1481 Reigle Road, Harrisburg, PA 17712.

This proposed facility is located in Northeast Madison Township, **Perry County**.

Description of Proposed Action/Activity: Authorization for construction of sewage treatment facilities and authorization to discharge to Bixler Run in Watershed 7-A

NPDES Permit No. PA0051748, Sewage, **Tulpehocken Area School District**, 428 New Schaeferstown Road, Bernville, PA 19506-8939.

This proposed facility is located in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for discharge to Little Northkill Creek in Watershed 3-C.

NPDES Permit No. PA0087530, Sewage, **Paul L. McAnulty**, 3651 Waggoners Gap Road, Carlisle, PA 17013-9540.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for discharge to Conodoguin Creek in Watershed 7-B.

WQM Permit No. 2888407 (02-1), Sewerage, **Borough of Greencastle**, 60 North Washington Street, Greencastle, PA 17225-1230.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Modifications to the construction/operation of a new headworks facility at existing STP. Project will consist of installation of screening and vortex grit removal.

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: Construction/operation of a small flow treatment system to serve their single family residence.

NPDES Permit No. PA0246620, Industrial Waste, **Norfolk Southern Railway Company**, 110 Franklin Road, S.E., Roanoke, VA 24042.

This proposed facility is located in Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of Spring Creek in Watershed 7-C.

WQM Permit No. PA0084166, Industrial Waste, **City of Lebanon Authority**, 400 S. 8th Street, Lebanon, PA 17042.

This proposed facility is located in Swatara Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization for discharge to UNT Swatara Creek in Watershed 7-D.

NPDES Permit No. PA0082538, Industrial Waste, **Altoona City Authority (Andronic Pappas Water Treatment Facility)**, Horseshoe Curve Plant, 20 Greenwood Road, Altoona, PA 16602-7114.

This proposed facility is located in Logan Township, **Blair County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Burgoon Run (Lake Altoona) in Watershed 11-A.

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

NPDES Permit No. PA0039721, Sewage, **Rostraver Township Sewage Authority**, 202 Port Royal Road, P. O. Box 976 Municipal Building, Belle Vernon, PA 15102 is authorized to discharge from a facility located at Rehoboth Valley Industrial District STP, Rostraver Township, **Westmoreland County** to receiving waters named unnamed tributary of Speers Run.

NPDES Permit No. PA0205087, Sewage, **Rockwood Real Estate, Inc.**, R. D. 2, Box 208, Rockwood, PA 15557 is authorized to discharge from a facility located at Scottyland Camping Resort STP, Middle Creek Township, **Somerset County** to receiving waters named Lost Creek.

NPDES Permit No. PA0205966, Sewage, **Economy Borough Municipal Authority**, 2860 Conway Wallrose Road, Baden, PA 15005 is authorized to discharge from a facility located at Chestnut Ridge STP, Economy Borough, **Beaver County** to receiving waters named Cooney Hollow—Tributary to Big Sewickley Creek.

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

WQM Permit No. 2002414, Sewerage, **Todd and Julianne Sommers**, 10961 Heather Drive, Meadville, PA 16335.

This proposed facility is located in East Fairfield Township, **Crawford County**.

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

WQM Permit No. 4302410, Sewerage, **Jill A. Rock**, 206 Hooper Road, Transfer, PA 16154.

This proposed facility is located in Delaware Township, **Mercer County**.

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

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

Any person aggrieved by these actions may appeal, under Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 decisional law.

Individuals who want 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, you may qualify for

free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

<i>NPDES No. Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S109	Paradise Falls Lutheran Assoc. 1319 Paradise Falls Cresco, PA 18326	Monroe	Paradise Township	Paradise Creek HQ-CWF
PAS10U173	Jack Calahan, Inc. 2767 Mill Road Doylestown, PA 18901	Northampton	Hanover Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104114	Keane Development 12 Keane Lane Bradford, PA 16701	McKean	Lafayette Township	Turnup Run (HQ-CWF) and unnamed tributaries to Turnup Run (HQ-CWF)

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage Under (1) General NPDES Permits to Discharge Wastewater into the Waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of this 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 Non-Exceptional 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 Non-Exceptional 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>
Lehigh County Lynn Township	PAR10Q170	Lynn Township P. O. Box 8 New Tripoli, PA 18066	Ontelaunee Creek CWF	Lehigh County Conservation District (610) 391-9583
Lehigh County N. Whitehall Township	PAR10Q173	Western Lehigh Valley Corp. 1390 Ridgeview Dr. Suite 302 Allentown, PA 18104	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Northampton County Palmer Township	PAR10U186	J. B. Reilly/Robert Johnson Lehigh West Land Assoc., LP 1390 Ridgeview Drive Suite 302 Allentown, PA 18104	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Amity Township Berks County	PAR10C434	James Hollenbach, Pres. Hollenbach Const. Inc. 166 Holly Rd. P. O. Box 507 Boyertown, PA 19512	Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Clearfield County Sandy Township	PAR101777	Fontana and Fontana Development Inc. 645 W. Pittsburgh St. Greensburg, PA 15601	Sandy Lick Creek WWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2626
Allegheny County Monroeville	PAR10A519-1	R. E. Cochran, LP 4200 William Penn Hwy. Monroeville, PA 15146	East Thompson Run/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Elizabeth Township	PAR10A567	Round Hill Cemetery 2131 Round Hill Church Road Elizabeth, PA 15037	Douglas Run/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAR10A581	Robert Morris University 881 Narrows Run Rd. Coraopolis, PA 15108	Unit Narrows Run/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Fayette Township	PAR10A592	Hickory Grade Land Company, Inc. P. O. Box 401 Bridgeville, PA 15017	UNT Coal Run/WWF	Allegheny County Conservation District (412) 241-7645
Beaver County Center Township	PAR100293	Raymond and Karen Hall 137 Hall Road Aliquippa, PA 15001	Shafers Run/WWF	Beaver County Conservation District (724) 774-7090
Cambria County Richland Township	PAR101087	TVM Building Products 160 Jari Drive Suite 120 Johnstown, PA 15904	Sandy Run/CWF	Cambria County Conservation District (814) 472-2120
Somerset County Somerset Township	PAR106148	Paul S. Reisdorph 2001 Southeast 10th St. Bentonville, AR 72716-0550	UNT Somerset Lake/WWF	Somerset County Conservation District (814) 445-4652
Somerset County Addison Borough	PAR106149	Precision Pallets & Lumber 7044 National Road P. O. Box 51 Addison, PA 15411-0051	Chub Run/WWF	Somerset County Conservation District (814) 445-4652

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>
City of Chester Delaware County	PAR600069	Clean Metal, LLC 21 High St. Elkins, WV 26241	Delaware River—3G Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Hatfield Township Montgomery County	PAR120006	Rosenberger's Dairies 847 Forty Foot Rd. Hatfield, PA 19440	Neshaminy Creek—2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
West Goshen Township Chester County	PAR120007	Rosenberger's Dairies 847 Forty Foot Rd. Hatfield, PA 19440	Chester Creek—3G Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bristol Township Bucks County	PAR120005	Rosenberger's Dairies 847 Forty Foot Rd. Hatfield, PA 19440	Mill Creek-2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lehigh County Whitehall Township	PAR112206	John Medernach & Co., Inc. 117 Franklin Street P. O. Box 24 Whitehall, PA 18052	Lehigh River TSF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511)
North Fayette Township Allegheny County	PAR506113	Deep Valley Coal & Disposal Inc. 711 Old Steubenville Pike Oakdale, PA 15071	Pinkertons Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria Township Cambria County	PAR806218	FedEx Freight East Inc. P. O. Box 840 Harrison, AR 72601-0840	UNT to Little Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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>
Armstrong Township Indiana County	PAG046258	David Semone 1695 Lions Health Camp Rd. Indiana, PA 15701	UNT to Curry Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
East Fairfield Township Crawford County	PAG048825	Todd and Julianne Sommers 10961 Heather Drive Meadville, PA 16335	Unnamed tributary to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township Mercer County	PAG048821	Jill A. Rock 206 Hooper Road Transfer, PA 16154	Lawango Run Tributary	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>
Center Township Beaver County	PAG056179	Morelli Corporation 2 Lindsay Drive Beaver Falls, PA 15010	Moon Run to Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
South Park Township Allegheny County	PAG056182	Washington Engineering & Construction Co. P. O. Box 1203 Washington, PA 15301	Piney Fork, tributary of Peters Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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>
Derry Township	PAG-08-3518	Derry Township Munic. Auth. 670 Clearwater Dr. Hershey, PA 17033	Hershey Trust Farm #41	Tom Sweeney DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4786
Derry Township	PAG-08-3518	Derry Township Munic. Auth. 670 Clearwater Dr. Hershey, PA 17033	Hershey Trust Farm #46	Tom Sweeney DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4786
Leamer Farm Biosolids Site Green Township Indiana County	PAG086106	City of Johnstown 241 Asphalt Road Johnstown, PA 15906		Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-10

DEP—Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Berks County Cumru Township	PAG103514	Sunoco Pipeline, L. P. Ten Penn Center, 26th Floor Philadelphia, PA 19103-1699	UNT to Wyomissing/ CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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 tele-

phone 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.

Realen Homes, L. P., Price Property, Falls Township, **Bucks County**. Joseph W. Standen, Jr., P. G., Leggette, Brashears & Graham, 426 Brandywine Parkway, West Chester, PA 19380, on behalf of H. C. Price Co, 15660 North Dallas Parkway, Dallas, TX 75428, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals. The report is intended to document remediation of the site to meet Site-Specific Standards.

Former Charl-Stan Property, Upper Chichester Township, **Delaware County**. John Mihalich, RMT, Inc., 527 Plymouth Rd., Suite 406, Plymouth Meeting, PA 19462-1641 on behalf of Stephen J. Lewicki, Peter S. Lewicki, Gregory D. Lewicki and Virginia Lewicki, Successor Trustees under the Residuary Trust under Revocable Trust of Stephen Lewicki dated March 26, 1999, P. O. Box 2129, Aston, PA 19014-0129, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Majka Property, Upper Providence Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Heritage Building Group, Inc., 326 Old York Rd., Suite B, Furlong, PA 18925, has submitted a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Philadelphia Eagles Stadium & Parking Areas (Proposed), City of Philadelphia, **Philadelphia County**. Keith M. Kowalski, P. G., URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422, on behalf of City of Philadelphia, Philadelphia Authority for Industrial Development and its agent Philadelphia Industrial Development Corp. c/o Patrick O'Neill, City of Philadelphia Law Department, 1515 Arch St., 16th Floor, Philadelphia, PA 19102, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and solvents; and site groundwater contaminated with lead, heavy metals, polycyclic aromatic hydrocarbons and solvents. The report is intended to document remediation of the site to meet Statewide Health Standards.

Bedrock Partners, City of Philadelphia, **Philadelphia County**. Charlie McGuth, Environmental Maintenance Co., Inc., 1420 Mermaid Lane, Glenside PA 19038, on behalf of Bedrock Partners, P. O. Box 29123, Philadelphia, PA 19127, has submitted a Final Report concerning remediation of site soil contaminated with aviation gasoline, diesel fuel, fuel oil no. 1, 2, 4 and 6, jet fuel, kerosene, leaded gasoline, lead, MTBE, unleaded gasoline and used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

Naftel Residence, Valley Township, **Montour County**. Chambers Environmental Group, Inc., on behalf of Mr. and Mrs. Brian Naftel, 7 Breezy Court, Danville, PA 17821, has submitted a Final Report concerning soil contaminated with BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

LTV Steel Company, Inc. Coke Plant, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of LTV Steel Company, Inc., 200 Public Square, Cleveland, OH 44114) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Site Specific Standard.

The Glosser Property, City of Johnstown, **Cambria County**. Von E. Fisher, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of The Glosser Foundation, 72 Messenger Street, Johnstown, PA 15901 and The Sheesley Supply Company, Inc., 837 Horner Street, Johnstown, PA 15907) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, PAHs, solvents and VOCs. The report is intended to document remediation of the site to meet 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 Land Recycling and Environmental Remediation Standards 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.

Sunoco, Inc., Old Pennell Road Leak Site #9000-0500, Aston Township, **Delaware County**. Lisa M. Holderbach, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Exton, PA 19341, on behalf of Earl R. Sr. Marie H. Evans, 202 Barren Rd., Media, PA 19014, Marie H. Evans, 202 Barren Rd., Media, PA 19014, Glenn Gualtieri, 102 Old Pennell Rd., Aston, PA 19014, Kirk and Hope McGowan, 100 Old Pennell Rd., Aston, PA 19014 and Dean and Anna Fountain, 460 Old Pennell Rd., Aston, PA 19014, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 13, 2002.

Sparango Construction Co., Inc., Whitmarsh Township, **Montgomery County**. Erik W. Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Sparango Construction Co., Inc., 506 Bethlehem Pike, Ft. Washington, PA 19034, has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, PAHs, solvents and pesticides. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 16, 2002.

Hull Corporation Site, Upper Moreland Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Hull Corp., 21 Bonair Dr., Warminster, PA 18974, has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with PCBs, BTEX, PAHs and solvents; and groundwater contaminated with solvents and VOCs. The report was disapproved by the Department on August 14, 2002.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Big Beaver Falls Area School District, Beaver Falls, **Beaver County**. Dean Gerber, URS, 2020 Ardmore Blvd., Suite 205, Pittsburgh, PA 15221 (on behalf of Big Beaver Falls Area School District, 820 16th Street, Beaver Falls, PA 15010-4065) has submitted a Remedial Investigation Report and the Site Specific Risk Assessment Report concerning the remediation of site soil contaminated with lead, heavy metals and PAHs. The Remedial Investigation

Report and the Site Specific Risk Assessment Report was approved by the Department on June 11, 2002.

6260 Broad Street, City of Pittsburgh, **Allegheny County**. William G. Weir Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 and Plumbers Equipment Company, 8150 North Lehigh Street, Morton Grove, IL 60053 (on behalf of URA of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAHs and solvents. The Cleanup Plan was approved by the Department on June 17, 2002.

The Glosser Property, Johnstown, **Cambria County**. Von E. Fisher, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of The David A. Glosser Foundation, 72 Messenger Street, Johnstown, PA 15901 and The Sheesley Supply Company, Inc., 837 Horner Street, Johnstown, PA 15907) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, PAHs, solvents and VOCs. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on August 9, 2002.

LTV Steel Company, Inc. Coke Plant, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of LTV Steel Company, Inc., 200 Public Square, Cleveland, OH 44114) has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The Cleanup Plan was approved by the Department on April 5, 2002.

LTV Steel Company, Inc. Coke Plant, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of LTV Steel Company, Inc., 200 Public Square, Cleveland, OH 44114) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on July 26, 2002.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former Spang Tool Facility, 150 East Brook Lane, East Butler, PA 16002, **Butler County**. Karen Suoza, PG, Civil & Env. Consultants Inc., 333 Baldwin Road, Pittsburgh, PA 15205-9702 (on behalf of Zach Estrin, Esq., JSP International, 213 Great Valley Parkway, Malvern, PA 19355) has submitted a Final Report concerning the remediation of Former Spang Tool Facility for groundwater contaminated with Trichloroethene and 1,2 dichloroethane. The report is intended to document remediation of the site to meet the Site-Specific Standards.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

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

Hazardous Waste Transporter License Renewed

Allstate Power Vac, Inc., 928 E. Hazelwood Avenue, Rahway, NJ 07065. License No. **PA-AH 0339**. Effective August 8, 2002.

Willis Trucking, Inc., 3185 Columbia Road, Richfield, OH 44286. License No. **PA-AH 0292**. Effective August 19, 2002.

Inland Waters Pollution Control, Inc., 2021 S. Schaefer Highway, Detroit, MI 48217. License No. **PA-AH 0292**. Effective August 16, 2002.

Page E.T.C., Inc., P. O. Box 1290, Weedsport, NY 13166. License No. **PA-AH 0338**. Effective August 23, 2002.

Maumee Express, Inc., P. O. Box 278, Somerville, NJ 08876. License No. **PA-AH 0420**. Effective August 21, 2002.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

58-310-004GP. F S Lopke Contracting Inc. (3430 State Route 434, Apalachin, NY 13732-1232) for construction and operation of a portable stone crushing operation and associated air cleaning device in Forest Lake Township, **Susquehanna 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.

09-0061A. Donaldson Co., Inc. (1731 Loretta Avenue, Feasterville, PA 19053) on August 20, 2002, for operation of an extrusion line in Lower Southampton Township, **Bucks County**.

23-0094. Steinbeis Pkg. LLC (1515 Garnet Mine Road, Boothwyn, PA 19061) on August 23, 2002, for operation of rotogravure printing presses in Bethel Township, **Delaware County**.

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

36-05079B. Chester County Solid Waste Authority (P. O. Box 476, Honey Brook, PA 19344) on August 20, 2002, for installation of an enclosed ground flare to combust landfill gas generated at the Lanchester Landfill in Caernarvon Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

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

19-310-007. Sokol Quarries, Inc. (P. O. Box 366, Bloomsburg, PA 17815) on July 2, 2002, for construction of sand and gravel processing equipment in Fishing Creek Township, **Columbia County**. This equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

17-0001A. Reliant Energy Mid-Atlantic Power Holdings, LLC, owner, and **Reliant Energy Northeast Management Co.**, operator (1001 Broad Street, Johnstown, PA 15907) on July 22, 2002, for modification of a coal-fired boiler ash disposal facility by constructing an 86 acre expansion of the facility at the Shawville Generating Station in Bradford Township, **Clearfield County**.

60-310-006A. Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on July 31, 2002, for construction of a stone crushing plant and associated air cleaning device (a water spray dust suppression system) in Buffalo Township, **Union County**. The plant is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

08-302-042A. Oak Hill Veneer, Inc. (P. O. Box 304, Route 14 North, Troy, PA 16947) on July 31, 2002, for construction of a 14.7 million BTU per hour natural gas-fired boiler in Troy Township, **Bradford County**. The boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

17-305-042B. DTE River Hill, LLC (414 Main Street, Suite 600, Ann Arbor, MI 48104), owner, and **Covol Fuels** (11778 South Election Drive, Suite 210, Draper, UT 84020), operator, on July 31, 2002, for modification of a coal fines agglomeration (synthetic fuel) facility by increasing the facility's allowable throughput from 613,000 tons to 1,752,000 tons in any 12 consecutive month period in Karthaus Township, **Clearfield County**. The facility incorporates a coal crusher which is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

14-313-039A. Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on July 31, 2002, for modification of a chemical process facility by increasing the allowable production rate from 154,000 pounds to 275,000 pounds in any 12 consecutive month period in College Township, **Centre County**.

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

63-00916A. Perryman Co. (213 Vandale Drive, Houston, PA 15315) on August 2, 2002, for construction and installation of an Electrolytic Titanium Wire Strand Pickling/Cleaning facility at the Houston Plant in North Strabane Township, **Washington County**. Control of atmospheric emissions from the facility will be accomplished by two scrubber systems, considered best available technology for the processes involved.

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

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

46-313-147. Cabot Corp. (County Line Road, Boyertown, PA 19512) on August 22, 2002, for operation of a refrigerated condenser in Douglass Township, **Montgomery County**.

46-0037C. Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on August 22, 2002, for operation of a tantalum scrap digestion in Douglass Township, **Montgomery County**.

15-0085A. Lincoln University (1570 Baltimore Pike, Lincoln University, PA 19352) on August 22, 2002, for operation of two boilers in Lower Oxford Township, **Chester County**.

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

38-05019. AES Ironwood, LLC (829 Cumberland Street, Lebanon, PA 17042) on August 3, 2002, for construction of a turbine electric generating facility in South Lebanon Township, **Lebanon County**. This facility is subject to 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984 and 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines. This plan approval was extended.

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

53-329-011. Tennessee Gas Pipeline Co. (9 Greenway Plaza, Houston, TX 77046) on August 13, 2002, to correct erroneous particulate matter and sulfur oxides emission limitations previously established for a 367 horsepower natural gas-fired emergency generator in Genesse Township, **Potter County**.

Plan Approval Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13b and 127.13c.

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

49-000224A. Sunbury Property, LLC, owner, and Knight-Celotex, LLC (1400 Susquehanna Avenue, Sunbury, PA 17801) on August 13, 2002, rescinded because it was determined that the respective emission increase was unwarranted due to the laminating operation's demonstrated ability to comply with the original emission limitations in the City of Sunbury, **Northumberland County**. The original plan approval was issued on January 21, 2002, authorizing an increase in the allowable VOC emission rate for a fiberboard laminating operations.

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.

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

23-00031. Mercy Fitzgerald Hospital (1500 Lansdowne Avenue, Darby, PA 19023) on August 20, 2002,

for operation of a Synthetic Minor Operating Permit in Darby Borough, **Delaware County**.

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

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

46-00020. Superior Tube Co. (3900 Germantown Pike, Collegeville, PA 19426) administratively amended to finalize an appeal of the Title V Operating Permit, as well as to address changes through Plan Approval 46-0020B in Lower Providence Township, **Montgomery County**.

09-00003. Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) administratively amended to address testing requirements of the appeal and the 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. This is Administrative Amendment No. 2 of Title V Operating Permit. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

23-00004. American Ref-Fuel Co. of Delaware Valley, L. P. (10 Highland Avenue, Chester, PA 19013) administratively amended to address the appeal of the Title V Operating Permit, as well as to incorporate changes from 23-0004 in the City of Chester, **Delaware County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to such 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.

17960106 and NPDES Permit No. PA 0220302. Bell Resources, Inc., R. R. 2, Box 281, Curwensville, PA 16833. Renewal of an existing bituminous surface mine permit in Penn and Pike Townships, **Clearfield County** affecting 124.8 acres. Receiving streams to Passmore Run, Passmore Run to West Branch Susquehanna River; unnamed tributaries of Kratzer Run to Kratzer Run,

Kratzer Run to Anderson Creek, Anderson Creek to West Branch Susquehanna River. Application received April 24, 2002. Permit issued August 14, 2002.

17010106 and NPDES Permit No. PA 0243086. Moravian Run Reclamation Co., Inc., 605 Sheridan Drive, Clearfield, PA 16830. Commencement, operation and restoration of a bituminous surface mine permit in Woodward Township, **Clearfield County** affecting 286.7 acres. Receiving streams unnamed tributary to Upper Morgan Run. Application received June 16, 2001. Permit issued July 22, 2002.

17990103 and NPDES Permit No. PA 0243132. River Hill Coal Co., Inc., P. O. Box 141, Kylertown, PA 16847. Commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler and Woodward Townships, **Clearfield County** affecting 320 acres. Receiving streams unnamed tributary to Upper Morgan Run, Upper Morgan Run to Clearfield Creek. Application received July 27, 2001. Permit issued August 15, 2002.

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

03990104 and NPDES Permit No. PA0202592. Seven Sisters Mining Co., Inc. (P. O. Box 300, U. S. Route 22, Delmont, PA 15626-0300). Revision for E & S conditions of an existing bituminous surface mine located in South Bend and Burrell Townships, **Armstrong County**, affecting 206.2 acres. Receiving streams unnamed tributary to Fagley Run and to Fagley Run. Revision application received April 19, 2002. Permit issued August 19, 2002.

04970101 and NPDES Permit No. PA0201910. Kerry Coal Company (R. D. 2, Box 2139, Wampum, PA 16157). Renewal permit for continuous operation and reclamation of a bituminous surface mine located in Darlington Township, **Beaver County**, affecting 316.6 acres. Receiving streams: unnamed tributaries to Coalbank Run, North Fork Little Beaver Creek and Dillworth Run. Renewal application received June 17, 2002. Renewal permit issued August 19, 2002.

03910113 and NPDES Permit No. PA 0203459. Walter L. Houser Coal Co., Inc. (13448 State Route 422, Suite 1, Kittanning, PA 16201). Permit renewed for reclamation only of a bituminous surface/auger mine located in Valley Township, **Armstrong County**, affecting 106.1 acres. Receiving streams: two unnamed tributaries to Cowanshannock Creek. Application received June 28, 2002. Reclamation only renewal issued August 20, 2002.

63000101 and NPDES Permit No. PA0202819. Muligan Mining, Inc. (5945 Puddingstone Lane, Bethel Park, PA 15102). Permit revised to add 10.6 acres of remaining area (including support), and to modify erosion and sedimentation controls at a bituminous surface mine located in Smith Township, **Washington County**, now affecting 173.4 acres. Receiving streams unnamed tributaries to Raccoon Creek and Burgetts Fork. Revision application received April 8, 2002. Revision issued August 26, 2002.

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

56000104 and NPDES Permit No. PA0235270. Mountainside Excavating, Inc., 2692 Salco Road, Berlin, PA 15530 to **PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, application and activity permit trans-

fer for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 147.2 acres. Receiving streams unnamed tributaries to Tubs Run; Tubs Run classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 18, 2002. Permit issued August 19, 2002.

56960109 and NPDES Permit No. PA0234273. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for continued operation of a bituminous surface mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 129.0 acres. Receiving streams unnamed tributaries to Blue Lick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 12, 2002. Permit issued August 19, 2002.

Noncoal Permits Actions

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

58020820. Matthew Barlow, (R. D. 3 Box 134, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County**, affecting 3 acres. Receiving stream: unnamed tributary to Reiley Creek and Elk Lake. Application received April 25, 2002. Permit issued August 20, 2002.

34022801. Spring Hollow Building and Landscape Stone, Inc. (1166 Rapps Dam Road, Phoenixville, PA 19460), commencement, operation and restoration of a quarry operation in Spruce Hill and Turbett Townships, **Juniata County**, affecting 8 acres. Receiving streams: none. Application received March 18, 2002. Permit issued August 20, 2002.

40022802. McClure Enterprises, Inc. (3 East McClure Ave., Old Forge, PA 18518), commencement, operation and restoration of a quarry operation in Duryea Borough, **Luzerne County**, affecting 5 acres. Receiving stream: none. Application received June 20, 2002. Permit issued August 20, 2002.

40910302T2. Reading Materials, Inc. (P. O. Box 1467, Skippack, PA 19474), transfer of an existing quarry operation in Lake Township, **Luzerne County** affecting 27.5 acres, receiving stream: none. Application received March 14, 2002. Transfer issued August 22, 2002.

ENVIRONMENTAL GOOD SAMARITAN PROPOSALS ISSUED

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

24021. Elk County Fisherman (HCR 1, Box 199A, Ridgway, PA 15853). A project to provide treatment for two mine drainage discharges to Johnson Run in Jones Township, **Elk County**, affecting 9 acres. Receiving stream: Johnson Run. Project proposal received May 16, 2002. Project approved August 13, 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.

36024086. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Manheim Township, **Lancaster County** with an expiration date of September 5, 2007. Permit issued August 20, 2002.

22024011. Cumberland Valley Drilling & Blasting, Inc., (6820 Wertzville Road, Enola, PA 17025-0250), construction blasting in Susquehanna Township, **Dauphin County** with an expiration date of October 5, 2002. Permit issued August 20, 2002.

46024050. Hall Explosives, Inc., (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Towamencin Township, **Montgomery County** with an expiration date of September 7, 2003. Permit issued August 20, 2002.

36024088. J. Roy's, Inc., (Box 125 Bowmansville, PA 17507), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of December 31, 2003. Permit issued August 20, 2002.

21024045. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting in Silver Spring Township, **Cumberland County** with an expiration date of December 31, 2003. Permit issued: August 20, 2002.

36024087. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting in Strasburg Township, **Lancaster County** with an expiration date of December 31, 2003. Permit issued August 20, 2002.

09024028. Joao & Bradley Construction Company, Inc., (4211 Tracy Lane, Bethlehem, PA 18020), construction blasting in Hilltown Township, **Bucks County** with an expiration date of November 8, 2002. Permit issued August 20, 2002.

55024002. Advanced Concrete, (R. D. 2 Box 147A, Middleburg, PA 17842), construction blasting in Center Township, **Snyder County** with an expiration date of September 30, 2002. Permit issued: August 20, 2002.

52024019. Holbert Explosives, Inc., (237 Masthlope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Lackawaxen Township, **Pike County** with an expiration date of September 15, 2002. Permit issued August 20, 2002.

22024010. Frank & Jones, (102 Royal Oak Court, Greer, SC 29650), construction blasting in Swatara Township, **Dauphin County** with an expiration date of September 25, 2002. Permit issued August 20, 2002.

01024011. T. J. Angelozzi, Inc., (7845 Kabik Court, Woodbine, MD 21797), construction blasting in Cumberland Township, **Adams County** with an expiration date of September 7, 2003. Permit issued August 21, 2002.

39024018. Schlouch Inc., (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of September 13, 2003. Permit issued August 21, 2002.

06024039. Dick Corporation, (3001 Lancaster Pike, Sinking Springs, PA 19608), construction blasting in

Spring and Cumru Townships, **Berks County** with an expiration date of December 24, 2002. Permit issued August 21, 2002.

48024020. Ed Wean Drilling & Blasting, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting in Bethlehem Township, **Northampton County** with an expiration date of September 7, 2003. Permit issued August 21, 2002.

36024089. Hall Explosives, Inc., (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in East Donegal Township, **Lancaster County** with an expiration date of October 7, 2002. Permit issued August 21, 2002.

38024024. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in North Cornwall Township, **Lebanon County** with an expiration date of September 7, 2007. Permit issued August 21, 2002.

38024025. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in South Lebanon Township, **Lebanon County** with an expiration date of December 7, 2002. Permit issued August 21, 2002.

45024058. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting in Paradise Township, **Monroe County** with an expiration date of July 30, 2003. Permit issued August 21, 2002.

45024059. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting in Pocono Township, **Monroe County** with an expiration date of July 30, 2002. Permit issued August 21, 2002.

46024051. Brubacher Excavating, Inc., (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Lower Gwynedd Township, **Montgomery County** with an expiration date of September 13, 2003. Permit issued August 21, 2002.

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

07024002. Glenn O. Hawbaker, P. O. Box 135, State College, PA 16804-0135. Road construction in Holidaysburg Borough, **Blair County**. Anticipated duration August 2002 through December 2002. Permit issued August 19, 2002.

Any person aggrieved by these actions 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 decisional law.

For individuals who wish to challenge this 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, you may qualify for free pro bono representation. Call the Secretary to the Board ((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.

Any person aggrieved by these actions 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 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 decisional law.

For individuals who wish to challenge this 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, you may qualify for free pro bono representation. Call the Secretary to the Board ((717) 787-3483) for more information

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

Permits Issued and Actions on 401 Certifications

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-839. Borough of Perkasie, P. O. Box 275, Perkasie, PA 18944, Perkasie Borough, **Bucks County**, ACOE Philadelphia District.

To remove, replace and maintain an existing three span pedestrian bridge over the East Branch of Perkiomen Creek (TSF) on Market Street with a 75 linear feet of single span pedestrian bridge immediately down stream from the existing bridge. Work will also include approximately 520 linear feet of stream bank stabilization (Telford, PA Quadrangle N: 22.0 inches; W: 5.2 inches).

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

E40-600. City of Wilkes-Barre, 40 East Market Street, Wilkes-Barre, PA 18711. The City of Wilkes-Barre, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of Spring Run (locally known as Bowman Spring Run), consisting of an 18-foot x 6-foot concrete box culvert with its invert depressed 1 foot below stream bed elevation. The project is located along Stanton Street, approximately 100 feet northwest of the intersection of Stanton Street and South Empire Street (Wilkes-Barre West, PA Quadrangle N: 18.7 inches; W: 1.5 inches).

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

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

To construct and maintain: (1) Culvert No. 1 (CV-1), a 120-foot long reinforced concrete box stream enclosure with a clear span of 5 feet and an underclearance of 2.5 feet in an unnamed tributary to Schuylkill River (WWF) at roadway station 13+45; (2) Culvert No. 2 (CV-2), a 74-foot long 30-inch diameter reinforced concrete pipe crossing in an unnamed tributary to the Schuylkill River (WWF) at roadway station 3+45; (3) Outfall No. 6, a flared outfall structure with riprap apron installed within a wetland area located at roadway station 38+00 right side; (4) Fill No. 1, 0.017 acre of fill within a wetland at roadway station 42+30 right side; (5) Fill No. 2, 0.021 acre of fill within a wetland area at roadway station 46+75 right side; and (6) a 10-inch PVC Sanitary Sewer Line with 18-inch steel encasement and 6-inch concrete encasement across an unnamed tributary to the Schuylkill River (WWF) at roadway station 26+50 right side all for the purpose of developing the Traprock Business Center—a 101.74 acre residential, commercial and industrial development located approximately 0.25 mile west of the intersection of Grosstown Road and Benjamin Franklin Highway (SR 2022) along the north side of SR 2022 (Boyertown, PA Quadrangle N: 0.75 inch; W: 9.0 inch) in Douglass Township, Berks County. The permittee is required to provide 0.196 acre of replacement wetlands as a part of this project.

E21-330. Letterman Incorporated, 716 N. West Street, Carlisle, PA 17013 in Silver Springs Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain: (1) a 4-inch diameter ductile iron pipe with precast DW endwall and intake screen within the Conodoguinet Creek (WWF); and (2) a water-line crossing of a wetland for the purpose of supplying water to a system of irrigation ponds for the Rick Valley Golf Club located approximately 200 feet north of the intersection of the Creek and SR 81 South (Wertzville, PA

Quadrangle N: 1.3 inches; W: 9.4 inches) in Silver Springs Township, Cumberland County.

E28-287. The Greens of Greencastle, P. O. Box 68, Boonsboro, MD 21713 in Antrim Township, **Franklin County**, ACOE Baltimore District.

To: (1) construct and maintain 4,400 linear feet of 12-inch diameter PVC sewer line to serve Phase 3—5 of The Greens of Greencastle development project along Muddy Run (HQ CWF) which will cross Muddy Run twice and temporarily impact 2.43 acres of PEM/PFO wetland and permanently impact 0.005 acre of PEM/PFO wetland; (2) fill 0.04 acre of PEM wetland for the extension of Castlegreen Drive within Phase 3; and (3) secondarily impact 0.405 acre of PEM wetland within Phase 3. The project is located about 1.5 miles northwest of Greencastle Borough (Greencastle, PA Quadrangle N: 10.56 inches; W: 16.76 inches and Williams, PA Quadrangle N: 10.48 inches; W: 0.94 inch) in Antrim Township, Franklin County. The permittee is required to provide a minimum of 0.45 acre of replacement wetlands.

SPECIAL NOTICES

Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) hereby announces the following grants to counties

Act 101, Section 901 Planning Grants

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral	Berks	Berks County	Educational Materials, HHW Program	\$ 4,697
	Mifflin	Mifflin County	Municipal Waste Management Plan	\$141,993

BUREAU OF DEEP MINE SAFETY APPROVAL OF REQUEST FOR VARIANCE

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (BDMS) has approved RAG Cumberland Resources, LP's request for a variance from the requirements of section 224(b) of the Pennsylvania Bituminous Coal Mine Act at the Cumberland Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Allison Gaida at (724) 439-7469 or from the BDMS website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

Summary of the Request: RAG Cumberland Resources, LP requested a variance from section 224(b) of the Pennsylvania Bituminous Coal Mine Act to drill a 1,000-foot long continuous horizontal borehole to the north and west of 27 Butt West section in the Cumberland Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements of section 224(b).

The basis for the Bureau's approval is summarized as follows:

1. The long horizontal borehole method proposed in lieu of the requirements set forth in section 224 is a proven technology which has been used successfully at the Cumberland Mine and other underground mines in this Commonwealth.

under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101 (P. L. 556), sections 901 and 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

2. The long horizontal borehole method proposed is much less labor intensive and provides much less exposure to lifting and strain type injuries, by not having to handle and use hand-held drills and steels. By mining normal depth cuts, the work force will be subjected to less risk associated with equipment place changes, rather than mining the outside entry 8 feet at a time.

3. The long horizontal borehole proposed in lieu of the requirements set forth in section 224(b) will provide a greater coal barrier than required by section 224(b). RAG Cumberland's proposed long horizontal borehole method provides an additional coal barrier protection of 35.86 feet over the requirements of section 224(b).

4. The long horizontal boreholes will provide a quicker method to close the borehole in the event of contacting the abandoned mine by closing the valve located at the end of the pipe grouted in the rib and will be more suitable for grouting, if needed.

5. The long horizontal borehole will provide a much larger area of coverage for protecting the workers against accidentally mining into the abandoned mine.

6. The single continuous borehole is drilled with a large mechanical drill that is set up once, as compared to hundreds of times with the manual drilling used to comply with section 224(b). The risk of accidents due to moving machinery and relocating drilling equipment within the same work area is reduced.

7. Accident risk is reduced due to using a contractor to drill the continuous hole as compared to each continuous miner crew being trained to drill individual holes as required in section 224(b).

This approval is limited to the alternate method to drill test holes as required in section 224(b). All other terms and requirements of section 224(b) shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in RAG Cumberland's plan.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Babb Creek Watershed

The Department of Environmental Protection (Department) is holding a public meeting on October 1, 2002, at 6 p.m. at the Arnot Sportsmens Club, Arnot, PA, to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. Three stream segments in the Babb Creek Watershed have been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

Stream Code	Stream Name	Miles Degraded
21681	Babb Creek	0.99
21681	Babb Creek	12.85
21730	Wilson Creek	2.3

The proposed plan provides calculations of stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

Parameter	Criterion Value (mg/l)	Total Recoverable/Dissolved
Aluminum	0.1 of the 96 hour LC 50 0.75	Total Recoverable
Iron	1.5 0.3	Total Recoverable Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal from the late 19th to the mid 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are load allocations (LA) which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 10 years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet or for directions to the Arnot

Sportsmens Club, contact John Mital, Geologic Specialist, Hawk Run District Mining Office, P. O. Box 209, 792 Empire Road, Hawk Run, PA 16840-0209, (814) 342-8200, jmital@state.pa.us.

The TMDL can be viewed and printed from this website: http://www.dep.state.pa.us/watermanagement_apps/tmdl/

Written comments will be accepted at the previous address and must be postmarked by November 6, 2002. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on September 24, 2002. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 02-1561. Filed for public inspection September 6, 2002, 9:00 a.m.]

Extension for Public Notice of Proposed Pennsylvania NPDES General Permit (PAG-13) for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)

The Department of Environmental Protection (Department) is extending the public comment period until September 23, 2002. The Department announced the availability of the draft permit package at 32 Pa.B. 3444 (July 13, 2002), for review and comment by regulated municipalities, interested agencies and the general public. The original 30-day comment period expired August 12, 2002.

The proposed permit document package is available from the Department's Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, e-mail trutrutma@state.pa.us and on the Department's website at www.dep.state.pa.us; directLINK "participate"; scroll down to "Proposals Open for Comment"; then choose "Other Proposals."

Written comments should be submitted at the previously listed address. Comments will also be accepted by electronic mail and should be sent to Geoffrey Maduka at gmaduka@state.pa.us by the applicable deadline. Comments will not be accepted by facsimile or on voice mail.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1562. Filed for public inspection September 6, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of LifeCare Hospitals of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that LifeCare Hospitals of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following

standards contained in this publication: 7.6.B5 (relating to bathing facilities in a psychiatric nursing unit) and 7.6.C (relating to seclusion treatment room of a psychiatric nursing unit).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact the Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, e-mail ra-paexcept@state.pa.us, for Speech and/or Hearing Impaired Persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1563. Filed for public inspection September 6, 2002, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, September 18, 2002, at 10 a.m., in Room 907, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

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

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1564. Filed for public inspection September 6, 2002, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.10(b) (relating to doors):

The Bethlen Home of the Hungarian
Reformed Federation of America
125 Kalassay Drive
Ligonier, PA 15658-8726

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(a) (relating to nurses station):

The Bethlen Home of the Hungarian
Reformed Federation of America
125 Kalassay Drive
Ligonier, PA 15658-8726

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.39(b) (relating to toilet room equipment):

The Bethlen Home of the Hungarian
Reformed Federation of America
125 Kalassay Drive
Ligonier, PA 15658-8726

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

Persons who wish to comment on these exception requests may do so by sending a letter by mail, e-mail or facsimile to the Department at the address previously listed.

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Department at the previously listed address or numbers or 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. 02-1565. Filed for public inspection September 6, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payments to Nursing Facilities; October 1, 2001 Final Rates

This notice announces final nursing facility per diem payment rates based on case-mix index (CMI) adjustments only for nursing facility services provided on or after October 1, 2001, in accordance with section 1902(a)(13)(A) of the Social Security Act (42 U.S.C.A. § 1902(a)(13)(A)), as amended by section 4711 of the Balanced Budget Act of 1997 (Pub.L. No. 105-33). An October 1, 2001 proposed rates notice was published at 31 Pa.B. 6748 (December 8, 2001) and provided for a 30-day comment period. The Department of Public Welfare (Department) did not receive any comments on the proposed October 1, 2001, rate notice.

Rates

The final October 1, 2001, rates are available at the local county assistance offices throughout this Common-

wealth, on the Office of Medical Assistance Programs' website at www.dpw.state.pa.us/omap or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 705-3705.

Methodology

The methodology that the Department used to set the final rates based on CMI adjustments is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

Justification

The justification for establishing the final rates is that the regulations in 55 Pa. Code Chapter 1187 (relating to nursing facility services) and the Commonwealth's approved Title XIX State Plan require that rates be set on a quarterly basis.

Appeals

A Medical Assistance nursing facility provider that has not submitted a signed Certification and Settlement Agreement for Year 7 (July 1, 2001—June 30, 2002) may file an administrative appeal if it believes that the Department made any errors or the provider otherwise disagrees with its year 7 rates. A provider's appeal must be in writing, sent to the Department's Bureau of Hearings and Appeals, P. O. 2675, Harrisburg, PA 17102, and received by the Bureau of Hearings and Appeals within 30 days of the date of the Department's letter notifying the provider of its final rates. The filing of an appeal constitutes the exclusive way by which a provider can present the Department with a demand that a final rate be modified, reversed, rescinded or otherwise altered, or with a demand that the Department increase the amount of reimbursement paid to the provider under that rate. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The provider's rates may be changed as a result of the final adjudication of the appeal. Providers should refer to 55 Pa. Code § 1187.141 (relating to nursing facility's right to appeal and to a hearing) for more detail regarding their appeal rights and the requirements related to their written appeals.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 2001-2002 based on these final rates is \$5.045 million (\$2.301 million in State funds).

Interested persons are invited to submit written comments about the final rates to the Department 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: Suzanne Love, P. O. Box 2675, 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. HOUSTON,
Secretary

Fiscal Note: 14-NOT-330. (1) General Fund; (2) Implementing Year 2001-02 is \$2,301,000; (3) 1st Succeeding Year 2002-03 is \$5,522,000; 2nd Succeeding Year 2003-04 is \$5,522,000; 3rd Succeeding Year 2004-05 is \$5,522,000; 4th Succeeding Year 2005-06 is \$5,522,000; 5th Succeeding Year 2006-07 is \$5,522,000; (4) 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000; 1998-99 Program—\$721,631,000; (7) Medical Assistance—Long

Term Care; (8) recommends adoption. Funding for these changes is included in the 2001-02 and 2002-03 budgets.

[Pa.B. Doc. No. 02-1566. Filed for public inspection September 6, 2002, 9:00 a.m.]

Payments to Nursing Facilities; January 1, 2002 Final Rates

This notice announces final payment rates based on case-mix index (CMI) adjustments only for nursing facility services provided on or after January 1, 2002, in accordance with section 1902(a)(13)(A) of the Social Security Act (42 U.S.C.A. § 1902(a)(13)(A)), as amended by section 4711 of the Balanced Budget Act of 1997 (Pub.L. No. 105-33). A January 1, 2002, proposed rates notice was published at 32 Pa.B. 841 (February 9, 2002) and provided for a 30-day comment period. The Department of Public Welfare (Department) did not receive any comments on the proposed January 1, 2002, rate notice.

Rates

The final January 1, 2002, rates are available at the local county assistance offices throughout this Commonwealth, on the Office of Medical Assistance Programs' website at www.dpw.state.pa.us/omap or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 705-3705.

Methodology

The methodology that the Department used to set the final rates based on CMI adjustments is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

Justification

The justification for establishing the final rates is that the regulations at 55 Pa. Code Chapter 1187 (relating to nursing facility services) and the Commonwealth's approved Title XIX State Plan require that rates be set on a quarterly basis.

Appeals

A Medical Assistance nursing facility provider that has not submitted a signed Certification and Settlement Agreement for Year 7 (July 1, 2001—June 30, 2002) may file an administrative appeal if it believes that the Department made any errors or the provider otherwise disagrees with its year 7 rates. A provider's appeal must be in writing, sent to the Department's Bureau of Hearings and Appeals, P. O. 2675, Harrisburg, PA 17102, and received by the Bureau of Hearings and Appeals within 30 days of the date of the Department's letter notifying the provider of its final rates. The filing of an appeal constitutes the exclusive way by which a provider can present the Department with a demand that a final rate be modified, reversed, rescinded or otherwise altered, or with a demand that the Department increase the amount of reimbursement paid to the provider under that rate. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The provider's rates may be changed as a result of the final adjudication of the appeal. Providers should refer to 55 Pa. Code § 1187.141 (relating to nursing facility's right to appeal and to a hearing) for more detail regarding their appeal rights and the requirements related to their written appeals.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 2001-2002 based on these final rates is \$4.221 million (\$ 1.925 million in State funds).

Interested persons are invited to submit written comments about the final rates to the Department 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: Suzanne Love, P. O. Box 2675, 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-331. (1) General Fund; (2) implementing Year 2001-02 is \$1,925,000; (3) 1st Succeeding Year 2002-03 is \$4,620,000; 2nd Succeeding Year 2003-04 is \$4,620,000; 3rd Succeeding Year 2004-05 is \$4,620,000; 4th Succeeding Year 2005-06 is \$4,620,000; 5th Succeeding Year 2006-07 is \$4,620,000; (4) 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000; 1998-99 Program—\$721,631,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funding for these changes is included in the 2001-02 and 2002-03 budgets.

[Pa.B. Doc. No. 02-1567. Filed for public inspection September 6, 2002, 9:00 a.m.]

Payments to Nursing Facilities; April 1, 2002 Final Rates

This notice announces final payment rates based on case-mix index (CMI) adjustments only for nursing facility services provided on or after April 1, 2002, in accordance with section 1902(a)(13)(A) of the Social Security Act (42 U.S.C.A. § 1902(a)(13)(A)), as amended by section 4711 of the Balanced Budget Act of 1997 (Pub.L. No. 105-33). An April 1, 2002, Proposed Rates Notice was published at 32 Pa.B. 1927 (April 13, 2002) and provided for a 30-day comment period. The Department of Public Welfare (Department) did not receive any comments on the proposed April 1, 2002, rate notice.

Rates

The final April 1, 2002, rates are available at the local county assistance offices throughout this Commonwealth, on the Office of Medical Assistance Programs' website at www.dpw.state.pa.us/omap or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 705-3705.

Methodology

The methodology that the Department used to set the final rates based on CMI adjustments is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

Justification

The justification for establishing the final rates is that the regulations at 55 Pa. Code Chapter 1187 (relating to nursing facility services) and the Commonwealth's approved Title XIX State Plan require that rates be set on a quarterly basis.

Appeals

A Medical Assistance nursing facility provider that has not submitted a signed Certification and Settlement Agreement for Year 7 (July 1, 2001—June 30, 2002) may file an administrative appeal if it believes that the Department made any errors or the provider otherwise disagrees with its year 7 rates. A provider's appeal must be in writing, sent to the Department's Bureau of Hearings and Appeals, P. O. 2675, Harrisburg, PA 17102, and received by the Bureau of Hearings and Appeals within 30 days of the date of the Department's letter notifying the provider of its final rates. The filing of an appeal constitutes the exclusive way by which a provider can present the Department with a demand that a final rate be modified, reversed, rescinded, or otherwise altered, or with a demand that the Department increase the amount of reimbursement paid to the provider under that rate. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The provider's rates may be changed as a result of the final adjudication of the appeal. Providers should refer to 55 Pa. Code § 1187.141 (relating to nursing facility's right to appeal and to a hearing) for more detail regarding their appeal rights and the requirements related to their written appeals.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 2001-2002 based on these final rates is \$4.907 million (\$2.238 million in State funds).

Interested persons are invited to submit written comments about the final rates to the Department 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: Suzanne Love, P. O. Box 2675, 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-332. (1) General Fund; (2) Implementing Year 2001-02 is \$2,238,000; (3) 1st Succeeding Year 2002-03 is \$5,371,000; 2nd Succeeding Year 2003-04 is \$5,371,000; 3rd Succeeding Year 2004-05 is \$5,371,000; 4th Succeeding Year 2005-06 is \$5,371,000; 5th Succeeding Year 2006-07 is \$5,371,000; (4) 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000; 1998-99 Program—\$721,631,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funding for these changes is included in the 2001-02 and 2002-03 budgets.

[Pa.B. Doc. No. 02-1568. Filed for public inspection September 6, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Clarion County

Under section 2002(b) of the Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration, the Department of Transportation and Clarion County are planning the construction of a new bridge to carry Bryner's Mill Road (T-424) over Deer Creek in Elk Township, Clarion County. The new bridge will be approximately 15 meters (49 feet) downstream from the existing bridge, which was damaged during the July 1996 flood resulting in the closure of the bridge.

The subject project is considered a Level 2 Categorical Exclusion in accordance with 23 CFR Part 771.117(d), Item 3 as published in the August 28, 1987 *Federal Register*.

The project is located in State Game Lands No. 63 and will require the acquisition of approximately 0.56 hectares (1.38 acres) of right-of-way from State Game Lands No. 63, which is a Section 2002/Section 4(f) resource. It has been determined that there is no prudent and feasible alternative to the use of the resource and that necessary planning has been incorporated into the project to minimize harm to the resource.

Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion Evaluation Programmatic Section 4(f) Evaluation. Mitigation measures include the following:

- Payment of fair market value of property acquired through implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- Transfer of abandoned right-of-way no longer needed for the proposed bridge and approaches to the Game Commission (Commission).
- Construction of an access point on the north approach where the proposed road departs from the existing road alignment (Station 10+280) to permit public access to a proposed parking area.
- Construction of a parking area of approximately 20 meters (66 feet) by 15 meters (49 feet) for the public near the abandoned Knox and Kane Railroad/T-424 intersection.
- Regrade and seed all disturbed and abandoned areas under the guidance of the Commission.
- Implementation of an approved Erosion and Sedimentation Control Plan.
- Stockpile any tree 8 inches or greater in diameter in areas designated by the Commission for timber sale.

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 the effects.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1569. Filed for public inspection September 6, 2002, 9:00 a.m.]

Finding Mercer County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to remove the existing Chestnut Street Bridge, carrying Chestnut Street over the Wolf Creek in the Borough of Grove City, Mercer County. The existing Chestnut Street Bridge has been determined eligible for the National Register of Historic Places. The effect of this project on the Chestnut Street Bridge will be mitigated by the following measures to minimize harm to the resource.

1. Recordation of the existing bridge to Historic American Engineering Record (HAER) narrative standards to record the historic structure and engineering characteristics.
2. Preparation of a high quality photocopy of the HAER documentation to be provided to the Mercer County Historical Society in Mercer, PA.
3. Erection of an appropriate plaque or marker at the bridge site describing its historical and engineering significance and its historic role in community development.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect.

No adverse environmental effect is likely to result from the removal of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1570. Filed for public inspection September 6, 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, August 22, 2002, and took the following actions:

Regulations Approved:

Environmental Quality Board #7-366: Stream Redesignations (Class A Wild Trout Waters) (amends 25 Pa. Code Chapter 93)

Environmental Quality Board #7-369: Portable Fuel Containers (adds Chapter 130 to 25 Pa. Code)

Environmental Quality Board #7-370: Consumer Products (amends 25 Pa. Code Chapter 130)

Approval Order

Public Meeting held
August 22, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Proxy; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Environmental Quality Board—Portable Fuel Containers; Regulation No. 7-369

On October 26, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB).

This rulemaking adds Chapter 130 to 25 Pa. Code. The proposed regulation was published in the November 10, 2001, *Pennsylvania Bulletin* with a 67-day public comment period. The final-form regulation was submitted to the Commission on July 24, 2002.

The regulation establishes performance standards for portable fuel containers and spouts. It also contains a process by which a manufacturer can apply for an innovative products exemption from the performance standards contained in the regulation.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 4005) 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
August 22, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Proxy; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Environmental Quality Board—Consumer Products; Regulation No. 7-370

On October 26, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 130. The proposed regulation was published in the November 10, 2001, *Pennsylvania Bulletin* with a 67-day public comment period. The final-form regulation was submitted to the Commission on July 24, 2002.

This regulation adopts volatile organic compound (VOC) standards, requirements and definitions for approximately 80 different types of consumer products. The purpose of this regulation is to reduce VOCs. It is based on the Model Rule for Consumer Products from the Ozone Transport Commission and standards and rules promulgated by the California Air Resources Board. Anyone who manufactures, supplies or sells consumer products in this Commonwealth after January 1, 2005, will be required to comply with this regulation.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 4005) 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. 02-1571. Filed for public inspection September 6, 2002, 9:00 a.m.]

Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (Act) (71 P. S. § 745.5(d)) provides that the designated standing Com-

mittees 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's 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 the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#16A-5712	State Board of Veterinary Medicine Professional Conduct; Prescription Drugs (32 Pa.B. 2997 (June 22, 2002))	7/22/02	8/22/02
#6-274	Professional Standards and Practices Commission Definitions of Statutory Terms (32 Pa.B. 2994 (June 22, 2002))	7/22/02	8/22/02

**State Board of Veterinary Medicine Regulation
No. 16A-5712
Professional Conduct; Prescription Drugs
August 22, 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 State Board of Veterinary Medicine (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 31.21. Rules of Professional Conduct for Veterinarians.

Principle 8. Drugs.

1. Subsection (a)—Definitions of “drug” and “prescription drug”—Clarity.

In the version of the proposed rulemaking published in the *Pennsylvania Bulletin*, the definition of “drug” in subsection (a)(1) includes the phrase “[f]or the purposes of Principle 8, the term ‘drug’ means” The definition of “prescription drug” appears separately in subsection (a)(2). However, subsection (a)(2) does not contain the phrase “for the purposes of Principle 8.” In the final-form regulation, the phrase “for the purposes of Principle 8” should be added to subsection (a)(2).

2. Subsection (b)—“Under the veterinarian’s care”—Clarity.

This subsection contains a definition for the phrase “under the veterinarian’s care.” The second sentence of the subsection defines the phrase and begins with the words: “For the purposes of this section. . .” (*emphasis*

added). The phrase “under the veterinarian’s care” does not appear in the other Principles in § 31.21. Should the word “section” be replaced with “Principle 8”?

3. Subsection (d)(6)—Cautionary statements required by Federal law—Clarity.

This subsection references “the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. §§ 301–397) and 21 CFR (relating to food and drugs).” Title 21 of the CFR contains over 1,400 parts. This reference should identify the specific sections, parts or other provisions that are pertinent to cautionary statements that must be added to animal drug labels. Federal regulations may be incorporated by reference under 1 Pa.C.S. § 1937, 45 Pa.C.S. § 727 and 1 Pa. Code § 3.41.

4. Subsection (f)—Written prescriptions—Reasonableness; Need; Clarity.

This subsection requires a veterinarian to provide a client with a written prescription upon request from the client. The subsection includes an exemption from the requirement if the veterinarian has “a good faith belief that the prescription may be misused.”

According to the Preamble, this exemption was included in response to concerns from commentators who work with farm animals. Veterinarians who dispense drugs in large, multiple doses were concerned that unless they dispensed the drugs themselves, it would be “impossible for the veterinarian to have even minimal knowledge or control over the remaining quantity or expiration date of the drug.”

We question the need for the “good faith belief” exemption. The veterinarian determines whether medication is necessary and directs the course of the medication therapy. In the prescription, the veterinarian determines the substance, quantity, dosage and amount of refills, if any. Where the prescription is filled is an unrelated issue. Therefore, unless the Board can justify the need for this exemption, it should delete it from the final-form regulation.

Second, how will clients or consumers be notified that they can request written prescriptions rather than paying for drugs dispensed directly by veterinarians? The final-form regulation should require veterinarians to notify clients that they have the option of receiving a written prescription that can be filled elsewhere.

5. Recordkeeping.—Clarity.

The regulation should reference the recordkeeping requirements in § 31.22 and the specific recordkeeping requirements for controlled substances in Federal regulations at 21 CFR Part 1304.

**Professional Standards and Practices Commission
Regulation No. 6-274**

Definitions of Statutory Terms

August 22, 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 Professional Standards and Practices Commission (Commission) 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.

Section 237.3. Immorality—Reasonableness; Clarity.

Morals of the Commonwealth

This section defines the term “immorality” as “. . . conduct which offends the *morals of the Commonwealth*. . .” (*Emphasis added.*) The phrase “morals of the Commonwealth” is undefined and vague. Moreover, Pennsylvania is comprised of many diverse communities. Given the Commission’s authority to discipline professional educators and charter school staff members which it has found guilty of “immorality,” standards of conduct should be established in clear and explicit terms.

Section 237.9. Crimes involving moral turpitude.—Clarity.

Moral turpitude

Subsection (a)(1) contains the following language used to describe the phrase “moral turpitude”: “private and social duties which a person owes to his fellow human beings or to society in general” and “an act of baseness, vileness or depravity, and contrary to the accepted and customary rule of right and duty between two human beings.”

This language is derived from case law. However, one of the purposes of regulations is to clarify the language used in both statutes and case law. Clarity would be improved by describing with more precision the actions which constitute “moral turpitude,” or providing examples in the final-form regulation.

Specific crimes

Subsection (c) sets forth a mechanism for the Commission to consider crimes added or deleted from the list of crimes in section 111(e)(1) of the Public School Code of 1949 to determine if the crimes involve moral turpitude per se. The process states “The Commission will consider each additional or deleted crime to determine if the crime involves moral turpitude per se and will vote at a public meeting whether the crime will be designated as involving moral turpitude per se.” We have two concerns.

First, the final-form regulation should specify how the Commission’s decisions regarding crimes that are added or deleted to the list will be made available to the public. For example, will the Commission periodically publish a list of crimes that are considered crimes involving moral turpitude?

Second, the criteria the Commission will use for determining whether a crime involves moral turpitude per se are unclear. The Commission should include criteria for making this determination in the final-form regulation.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1572. Filed for public inspection September 6, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Domestic Certificate of Authority

Pennsylvania Healthcare Providers Insurance Exchange has applied for a Certificate of Authority to operate as a domestic reciprocal exchange in this Commonwealth. The filing was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341–991.1718).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement.

Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1573. Filed for public inspection September 6, 2002, 9:00 a.m.]

Keystone Insurance Company; Homeowners Rate Filing

On August 23, 2002, the Insurance Department (Department) received from Keystone Insurance Company a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 17.3% increase amounting to \$2.435 million annually, to be effective October 15, 2002, for new business and November 26, 2002, for renewal business.

Unless formal administrative action is taken prior to October 22, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail xlu@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1574. Filed for public inspection September 6, 2002, 9:00 a.m.]

Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Medical Care Availability and Reduction of Error Fund (Fund) and the Insurance Department (Department) for insureds who are subject to the provisions of the Medical Care Availability and Reduction of Error (MCare) Act (40 P. S. §§ 1303.101—1303.5108). Organizations and physicians that self-insure their medical malpractice exposures are also required to report this claims information. These reports are required under section 743 of the MCare (40 P. S. § 1303.743).

The following calendar year 2001 claims information must be reported to the Fund and to the Department by October 15, 2002:

- the aggregate amount of premium earned;
- the aggregate amount of losses paid;
- the aggregate amount of losses incurred;
- the aggregate amount of loss reserves outstanding;
- the aggregate amount of loss adjustment expenses paid;
- the aggregate amount of loss adjustment expenses incurred;
- the aggregate amount of loss adjustment expense reserves outstanding;
- a table showing separately by accident year and county the number of claims first reported (or arising) in 2001;
- a table showing separately by accident year and disposition (that is judgement of arbitration panel, judgment of court, settlement or other) the number of claims closed (or disposed) in 2001;
- a separate table for each type of disposition identified previously showing for claims closed (or disposed) in 2001 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; the basic coverage premiums collected.

Reports must be submitted in electronic form as an Excel spreadsheet or in printed form. A letter has been mailed instructing medical malpractice carriers to submit their 2001 data.

Medical malpractice carriers who have not received a letter should contact Brenna Murphy, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2114, e-mail brmurphy@state.pa.us. Questions concerning the information contained in this notice may also be directed to Brenna Murphy.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1575. Filed for public inspection September 6, 2002, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Harrisburg Administrative Hearings Office, Capital Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Janene Higley and Shelton Jackson; file no. 02-181-05964; Allstate Insurance Company; doc. no. P02-08-026; September 25, 2002, at 10 a.m.

Parties 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.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend 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. 02-1576. Filed for public inspection September 6, 2002, 9:00 a.m.]

2003 MCare Fund Assessment; Notice 2002-07

The purpose of this notice is to advise all basic insurance coverage insurers and self-insured participating health care providers of issues relating to the timing and methods of notification of the 2003 Assessment of the Medical Care Availability and Reduction of Error Fund (MCare Fund).

Under section 712 of the Medical Care Availability and Reduction of Error Act (act) (40 P.S. § 1303.712), the Insurance Department (Department) is required to notify all basic insurance coverage insurers and self-insured participating health care providers of the 2003 Assessment by November 1, 2002. Consistent with the act, the notification will be provided by the Department no later than November 1, 2002, through publication on the Department's public Internet website. The Department will also contact all basic insurance coverage carriers and self-insured participating health care providers by means of e-mail by November 1, 2002. Basic insurance coverage carriers and self-insured participating health care providers should provide contact person information and e-mail addresses by October 1, 2002, to the Medical Professional Liability Catastrophe Loss Fund, Suite 800, 30 N. Third St., Harrisburg, PA 17101.

In implementing the 2003 Assessment, the Department is reviewing all aspects of the assessment, including, but not limited to, hospital based slot rating and discount levels. The Department requests comments from interested parties on these issues and other 2003 Assessment-related issues. Written comments should be sent by October 1, 2002, to Sarah Lawhorne, Special Assistant to the Insurance Commissioner, Suite 800, 30 N. Third St., Harrisburg, PA 17101.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1577. Filed for public inspection September 6, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Monroe County, Wine & Spirits Shoppe #4505, Ames Plaza, Unit 13, Weir Lake Road, Route 209, Brodheadsville, PA 18322.

Lease Expiration Date: July 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,054 to 5,000 net useable square feet of new or existing retail commercial space on Route 209 within 1/2 mile of the intersection of Weir Lake Road, Chestnut Hill Township.

Proposals due: September 27, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 02-1578. Filed for public inspection September 6, 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 September 30, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00119214. Friendly Express Limousine, Inc. (1810 Byberry Road, Suite C, Bensalem, Bucks County, PA 19020), a Pennsylvania corporation—transfer—persons in limousine service, between points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate at A-00114167 issued to Getaway Car, Inc., subject to the same limitations and conditions.

A-00119213. Heather Noumeh t/d/b/a Royal Limousine Services (502-508 Union Blvd., Allentown, Lehigh County, PA 18102)—persons in limousine service, between points in the county of Lehigh, and from points in said county, to points in Pennsylvania, and return.

Applications 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 each application.

A-00108468, Folder 1, Am-A. David A. Simon, t/d/b/a First Class Limousine Service (207 East 16th Ave., Homestead, Allegheny County, PA 15120)—persons in limousine service, between points in Pennsylvania: *So as to Permit* the transportation of persons in limousine service, between points in Allegheny County. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

A-00111056, Folder 1, Am-A. Cable Enterprises, Inc. (R. D. 3, Box 968, Saltsburg, Westmoreland County, PA 15681), a Pennsylvania corporation—persons in limousine service, between points in Pennsylvania: *So as to Permit* the transportation of persons in limousine service, between points in Allegheny County. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

Complaint

Pennsylvania Public Utility Commission v. TST Expedited Services, Inc.; Doc. No. A-00113393C0202; A-00113393

Dear Respondent:

On April 10, 2002, the Bureau of Transportation and Safety instituted a complaint against TST Expedited Services, Inc., alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by TST Expedited Services, Inc. at A-00113393, F. 2 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the

respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Daniel A. Pryse, t/a Pryse Trucking Company; Doc. No. A-00114108C0201; A-00114108

Dear Respondent:

On April 18, 2002, the Bureau of Transportation and Safety instituted a complaint against Daniel A. Pryse, t/a Pryse Trucking Company, alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Daniel A. Pryse, t/a Pryse Trucking Company at A-00114108 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Distefano Transport, Inc.; Doc. No. A-00113790C0201; A-00113790

Dear Respondent:

On April 10, 2002, the Bureau of Transportation and Safety instituted a complaint against Distefano Transport, Inc., alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Distefano Transport, Inc. at A-00113790 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Michael Russo, t/a Michael Russo Paving; Doc. No. A-00113779C0201; A-00113779

Dear Respondent:

On April 18, 2002, the Bureau of Transportation and Safety instituted a complaint against Michael Russo, t/a Michael Russo Paving, alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29;

and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Michael Russo, t/a Michael Russo Paving at A-00113779 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Jacob R. Trinley, Inc.; Doc. No. A-00113194C0201; A-00113194, Fs. 1 & 2

Dear Respondent:

On April 18, 2002, the Bureau of Transportation and Safety instituted a complaint against Jacob R. Trinley, Inc., alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Jacob R. Trinley, Inc. at A-00113194, Fs. 1 & 2 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and

finer before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Michael Missimer, t/a Michael Missimer Trucking; Doc. No. A-00112779C0201; A-00112779

Dear Respondent:

On April 10, 2002, the Bureau of Transportation and Safety instituted a complaint against Michael Missimer, t/a Michael Missimer Trucking, alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Michael Missimer, t/a Michael Missimer Trucking at A-00112779 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Bud's Transport & Towing, Inc.; Doc. No. A-00112516C0201; A-00112516

Dear Respondent:

On March 21, 2002, the Bureau of Transportation and Safety instituted a complaint against Bud's Transport & Towing, Inc., alleging respondent abandoned or discontinued service without having submitted a letter to this

Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Bud's Transport & Towing at A-00112516 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Louis T. Decenzi, t/a Louis Decenzi Hauling; Doc. No. A-00112507C0201; A-00112507

Dear Respondent:

On March 21, 2002, the Bureau of Transportation and Safety instituted a complaint against Louis T. Decenzi, t/a Louis Decenzi Hauling, alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Louis T. Decenzi, t/a Louis Decenzi hauling at A-00112507 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66

Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Gilbo Corp.;
Doc. No. A-00112176C0201; A-00112176

Dear Respondent:

On March 21, 2002, the Bureau of Transportation and Safety instituted a complaint against Gilbo Corp., alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Gilbo Corp. at A-00112176 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Lawrence Estenich Enterprises, Inc.; *Doc. No. A-00111786C0201; A-00111786*

Dear Respondent:

On March 25, 2002, the Bureau of Transportation and Safety instituted a complaint against Lawrence Estenich Enterprises, Inc., alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Lawrence Estenich Enterprises, Inc. at A-00111786 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. DLC Management Group, Inc.; *Doc. No. A-00110044C0201; A-00110044*

Dear Respondent:

On April 18, 2002, the Bureau of Transportation and Safety instituted a complaint against DLC Management Group, Inc., alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29;

and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by DLC Management Group, Inc. at A-00110044 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Raymond D. Oehlmann, t/a Oehlmann Trucking; Doc. No. A-00109232C0201; A-00109232

Dear Respondent:

On March 21, 2002, the Bureau of Transportation and Safety instituted a complaint against Raymond D. Oehlmann, Oehlmann Trucking, alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 20, 2002, Volume 32, No. 29; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Raymond D. Oehlmann, t/a Oehlmann Trucking at A-00109232 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for

authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Barclay Hotel Associates; Doc. No. A-00103186C0201; A-00103186

Dear Respondent:

On March 14, 2002, the Bureau of Transportation and Safety instituted a complaint against Barclay Hotel Associates, alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 13, 2002, Volume 32, No. 28; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Barclay Hotel Associates at A-00103186 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Tommy P. B. Wizard Corp.; Doc. No. A-00102397C0201; A-00102397, Fs. 1, 2, & 3

Dear Respondent:

On March 14, 2002, the Bureau of Transportation and Safety instituted a complaint against Tommy P. B. Wizard Corp., alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on July 13, 2002, Volume 32, No. 28; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Tommy P. B. Wizard Corp. at A-00102397, Fs. 1, 2, & 3 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Very truly yours,

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission v. Perfect Trucking Corporation of America, Inc.; Doc. No. A-00113697C0201; A-00113697

Dear Respondent:

On April 18, 2002, the Bureau of Transportation and Safety instituted a complaint against Perfect Trucking Corporation of America, Inc., alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on June 8, 2002, Volume 32, No. 23; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by Perfect Trucking Corporation of America, Inc. at A-00113697 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,

James J. McNulty
Secretary

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1579. Filed for public inspection September 6, 2002, 9:00 a.m.]

Tentative Order

Public meeting held
August 8, 2002

Commissioners Present: Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Aaron Wilson, Jr.; Terrance J. Fitzpatrick; Kim Pizzingrilli

Petition for Relief; Alexa Cab Co. and Pars Transport, Inc.; Doc. No. P-00021959

Issuance of Additional Certificates of Public Convenience and Medallions; Docket No. M-00991301

Tentative Order

By the Commission:

Before us for consideration is the Petition for Relief (Petition) filed by Alexa Cab Co. (Alexa) and Pars Transport, Inc. (Pars) (collectively Petitioners), requesting that the Commission waive the A-title vehicle requirement for their medallion taxicabs. This requirement was set forth by Commission Order entered October 18, 1999, at Docket Number M-00991301 (1999 Order).¹ As previously interpreted by the Commission and its staff, the 1999 Order prohibited a newly issued medallion from ever being placed on any vehicle other than an A-titled vehicle.²

Pursuant to the medallion auction authorized by the 1999 Order, Alexa obtained 64 certificates and medallions; Pars allegedly obtained 26. Petition at 2.³ The Petitioners seek relief from the A-title requirement, alleging the following: (a) the requirement no longer serves the Commission's original intent to upgrade the entire Philadelphia taxicab fleet; (b) the A-title requirement is discriminatory because it is not imposed upon older medallions; (c) there was confusion regarding the language imposing the A-title requirement; (d) the A-title restriction is not imposed by the Public Utility Code or any regulation; (e) the Petitioners cannot operate at a profit because of the A-title requirement; and (f) the public would not be inconvenienced by the lifting of the A-title requirement. Petition at 3-4.

Upon careful consideration, we find merit to several of the Petitioners' arguments.⁴ First, the original purpose of the issuance of the additional 161 medallions has, in fact, been achieved. The stated intent of the titling requirement found in the 1999 Order was "to upgrade and improve the operations of taxicabs in Philadelphia." 1999 Order at 4. The goal was to create an immediate influx of new vehicles into the Philadelphia market, which was achieved. Basically, the Commission did not want the new medallions placed upon old vehicles. However, the history and language of the 1999 Order indicate that the Commission did not intend the A-title requirement to be a perpetual requirement. Such a requirement would lead to absurd results. For example, a medallion holder could not

¹*Issuance of Additional Certificates of Public Convenience and Medallions*, Docket No. M-00991301 (Order entered Oct. 18, 1999) (authorizing the issuance of 161 additional certificates of public convenience and medallions for taxicab service in Philadelphia). The 1999 Order defines an A-titled vehicle as "a vehicle purchased from a manufacturer or registered dealer, which was not previously titled and is not a reconstructed or stolen vehicle." Id. at 3, n.2.

²See Letter Issued by Commission's Bureau of Transportation and Safety to New Medallion Holders in January 2001 ("In consideration of the foregoing, be advised that any transfer of the subject medallion(s) will require placement on a motor vehicle which is a 1999 model year or newer vehicle and which is purchased from a manufacturer or registered dealer, which was not previously titled and is not a reconstructed or stolen vehicle.") (emphasis in original); see also *Petition for Waiver: Philadelphia Transport, Inc.*, Docket No. A-00116714, P-00108 (Order entered Oct. 15, 2001) (denying request to waive A-title requirement where owner alleged financial hardship).

³Contrary to the allegations contained in the Petition, Commission records indicate that Pars purchased 7 medallions pursuant to the auction. Currently, Pars holds 12 medallions.

⁴We note that the Petitioners raise several new and novel arguments that were not previously heard or considered by the Commission.

sell a month-old vehicle along with the medallion because the month-old vehicle would no longer be A-titled.

Second, a perpetual A-title requirement creates a two-tiered regulatory environment. Some medallions are burdened by the requirement and others are not. While this may not constitute unlawful discrimination, it certainly does not constitute good policy. As a matter of fundamental fairness, the Commission strives to regulate similarly situated entities in a similar manner. As a practical matter, a regulated community with different classes of medallions creates enforcement problems for the Commission.

Third, it is reasonable to believe that there was confusion regarding the specific requirement of the 1999 Order at the time of auction. The 1999 Order states, *inter alia*:

[W]e will require that a newly issued or reissued medallion shall be placed initially only on a 1999 or 2000 model year vehicle. Further, a newly issued or reissued medallion shall be placed only on an A-titled vehicle, or the equivalent. At no time following initial issuance shall a medallion be placed on a vehicle which is older than a 1999 model year or which is not an A-titled vehicle, or the equivalent.

1999 Order at 3-4 (emphasis added). While the foregoing passage clearly indicates that the medallion had to be initially placed only on a vehicle that was both a 1999 or 2000 model year vehicle and A-titled, the requirements for vehicles after the time of initial issuance arguably was unclear. The use of the word "or" may suggest that subsequent vehicles could either be a 1999 model year or A-titled. Because the Commission's goal was an immediate influx of new vehicles, this interpretation may have been reasonable.

Fourth, the Public Utility Code requires that a medallion taxicab be no more than eight years old.⁵ While the Commission does have great latitude in imposing conditions on certificates of public convenience,⁶ to continue a perpetual A-title requirement is not necessary. Requiring the medallions to be placed initially upon new vehicles was a reasonable condition imposed by the Commission. It served the legitimate purpose of creating an immediate influx of new vehicles into the Philadelphia market. Similarly, the requirement that the new medallions could not subsequently be placed upon vehicles older than 1999 model year was reasonable and consistent with the Public Utility Code. As stated earlier, the Commission's intent was to prevent the new medallion from being placed on old vehicles. Allowing the medallions to now be placed upon vehicles older than 1999 model year would be inconsistent with this intent. Notwithstanding our decision today, we will not permit medallion owners to trade down to vehicles older than a 1999 model year.

Finally, the Commission already regulates the quality of vehicles through its medallion regulations.⁷ If there is a policy issue relating to the quality of vehicles, the remedy should not be isolated to the 161 medallions issued pursuant to the 1999 Order and should be done through the regulatory process.⁸

⁵66 Pa. C.S. § 2404(a).

⁶See *Rheems Water Co. v. Pa. Pub. Util. Comm'n*, 620 A.2d 609 (Pa. Cmwlth. 1993).

⁷See 52 Pa. Code §§ 30.31-30.34 (relating to vehicle requirements and inspections). I also note that the Commission recently issued proposed medallion regulations, some of which relate to vehicle quality. See Proposed Rulemaking; Taxicab Medallion Regulations; 52 Pa. Code Chapter 30, Docket No. L-00020155 (Order entered Mar. 28, 2002).

⁸See, e.g., *Chimenti v. Pa. Dept of Corrections*, 720 A.2d 205 (Pa. Cmwlth. 1998), *aff'd*, 559 Pa. 379, 740 A.2d 1139 (1999) (explaining that a regulation is a government agency's exercise of delegated legislative power to create a mandatory standard of behavior for similarly-situated persons); see also Commonwealth Documents Law (45 P.S. §§ 1102-1602).

For the foregoing reasons, we will tentatively grant the Petition of Alexa and Pars. Similar relief should also be granted to other similarly situated entities. Accordingly, the 1999 Order is tentatively amended to eliminate the perpetual A-title requirement for any and all medallions and certificates issued under the Order. Because this matter affects persons other than the Petitioners, the Opinion and Order entered based on this Motion will be tentative. Interested parties and the public will be given notice in the *Pennsylvania Bulletin* and an opportunity to file comments.

Therefore, It Is Ordered:

1. The Petition of Alexa Cab Co. and Pars Transport, Inc. is tentatively granted.

2. In accordance with 66 Pa.C.S. § 703(g), the Commission's Opinion and Order entered on October 18, 1999, at Docket No. M-00991301 is tentatively amended to eliminate the following words from the partial sentence at the top of page four: ". . . or which is not an A-titled vehicle, or the equivalent."

3. The perpetual A-title requirement upon medallions and certificates issued pursuant to the Commission's Opinion and Order entered on October 18, 1999, at Docket No. M-00991301 is tentatively eliminated.

4. This Tentative Order shall be published in the *Pennsylvania Bulletin*. The public and interested parties may file comments within 20 days from publication.

5. If no comments are filed, a Secretarial Letter shall be issued making final the Tentative Opinion and Order.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1580. Filed for public inspection September 6, 2002, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #0280.P, Purchase of Printer and Fax Cartridges, until 2 p.m. on Thursday, September 19, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600, and will be available September 10, 2002. The cost of the bid documents is \$25 (includes 7% PA sales tax), which is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 02-1581. Filed for public inspection September 6, 2002, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #0279.1, Roof Repairs, Building #7, Packer Avenue Marine Terminal (PAMT), until 2 p.m. on

Thursday, September 26, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600, and will be available September 10, 2002. The cost of the bid documents is \$25 (includes 7% PA sales tax), which is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid job site meeting will be held September 19, 2002, 10 a.m. at PAMT, Columbus Boulevard and Packer Avenue, Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 02-1582. Filed for public inspection September 6, 2002, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Meeting Cancellation

The September 10, 2002, State Conservation Commission (Commission) meeting has been cancelled. The next Commission meeting will be held on November 1, 2002, at Toftrees, State College, PA.

KARL G. BROWN,
Executive Secretary

[Pa.B. Doc. No. 02-1583. Filed for public inspection September 6, 2002, 9:00 a.m.]