

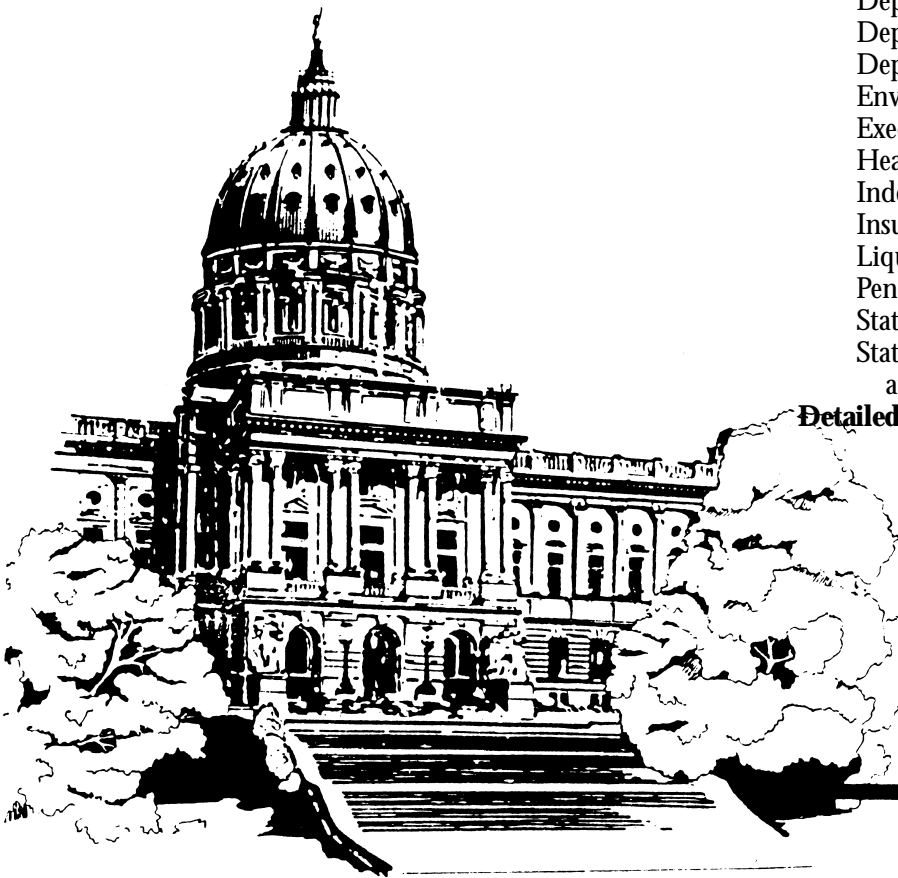
PENNSYLVANIA BULLETIN

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Agencies in this issue:

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The Courts
Department of Banking
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Development
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Department of Environmental Protection
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Department of Labor and Industry
Department of Public Welfare
Environmental Hearing Board
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Independent Regulatory Review Commission
Insurance Department
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State Board of Barber Examiners
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and Salespersons

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No. 336, November 2002

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

Recent Actions during the 2002 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2002 GENERAL ACTS ENACTED—ACT 126 through 128					
126	Oct 10	HB1215	PN4443	immediately	Capital Budget Act of 2002-2003—enactment
127	Oct 17	SB0138	PN2283	immediately*	Judicial Code (42 Pa.C.S.)—omnibus amendments
128	Oct 17	SB0572	PN0598	60 days	Judicial Code (42 Pa.C.S.)—jury duty exemptions and qualified juror list

* with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 02-1938. Filed for public inspection November 1, 2002, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1 AND 4]

Amendment to the Rules of Procedure of the
Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 16th day of October, 2002, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted amendments to Rules of Procedure 126, 127 and 413, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Rules of Procedure 126, 127 and 413 shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 126. Continuances.

A request for a continuance shall be made by filing an original motion and one copy with the Clerk, and serving a copy of the motion on the opposing party. The opposing party shall file its answer to the motion within 10 days of service of the motion. The motion shall be decided by the Conference Judge, who may grant the motion, but only for exceptional cause shown.

Rule 127. Other Motions.

Other motions not specifically governed by a Rule of this Court shall be served in accordance with Rule 122(E) and (F). The opposing party shall file its answer to the motion within 10 days of service of the motion.

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 4. PRE-TRIAL PROCEEDINGS

OMNIBUS MOTION FOR RELIEF; REPLY; ANSWER

Rule 413. Answer.

Within 30 days after the service of a Board Complaint, if no omnibus motion is filed, or within 20 days after the dismissal of all or part of the omnibus motion, the Judicial Officer may file an answer admitting or denying the allegations contained in the Board Complaint. Failure to file an answer shall be deemed a denial of all factual allegations contained in the Board Complaint. Unless otherwise ordered by the Court, no additional pleading will be accepted.

[Pa.B. Doc. No. 02-1939. Filed for public inspection November 1, 2002, 9:00 a.m.]

[207 PA. CODE CH. 7]

Amendment to the Rules of Procedure of the
Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 16th day of October, 2002, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted an amendment to Rule of Procedure 704, as more specifically hereinafter set forth, *It Is Hereby Ordered* that Rule of Procedure 704 shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE III. OTHER PROCEEDINGS

CHAPTER 7. OTHER RELIEF

Rule 704. Conference Judge.

The President Judge may appoint a member of the Court to serve as Conference Judge on the case as provided by the rules of [**this**] Chapter [**7**] **3**.

[Pa.B. Doc. No. 02-1940. Filed for public inspection November 1, 2002, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 5, 9, 11, 15 and 21]

Order Adopting Amendments to Pa.R.A.P. 511, 903,
904, 1113, 1512, 2113, 2136 and 2185 and Notes;
No. 142; Appellate Procedural Rules Doc. No. 1

Order

Per Curiam:

Now, this 18th day of October, 2002, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published before adoption at 29 Pa.B. 2441—2443 (May 8, 1999) and 29 Pa.B. 2767 (May 29, 1999);

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to the Pennsylvania Rules of Appellate Procedure 511, 903, 904, 1113, 1512, 2113, 2136 and 2185 and Notes thereto are adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective December 2, 2002.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS

MULTIPLE APPEALS

Rule 511. Cross Appeals.

[The discontinuance or, except as prescribed by Rule 903(b) (cross appeals) or by Rule 1113(b) (cross petitions), the taking of an appeal by a party shall not affect the right of appeal of any adverse party.

Official Note: Based on former Supreme Court Rule 20B, former Superior Court Rule 10B, and the last sentence of former Commonwealth Court Rule 28.]

The timely filing of an appeal shall extend the time for any other party to cross appeal as set forth in Rules 903(b) (cross appeals), 1113(b) (cross petitions for allowance of appeal) and 1512(a)(2) (cross petitions for review). The discontinuance of an appeal by a party shall not affect the right of appeal of any other party regardless of whether the parties are adverse.

Official Note: The 2002 amendment clarifies the intent of the former rule that the filing of an appeal extends the time within which any party may cross appeal as set forth in Rules 903(b), 1113(b) and 1512(a)(2) and that a discontinuance of an appeal by a party will not affect the right of any other party to file a timely cross appeal under Rules 903(b), 1113(b) or 1512(a)(2) or to otherwise pursue an appeal or cross appeal already filed at the time of the discontinuance. The discontinuance of the appeal at any time before or after a cross appeal is filed will not affect the right of any party to file or discontinue a cross appeal.

The 2002 amendment eliminates the requirement that a party be adverse in order to file a cross appeal and supersedes *In Re Petition of the Board of School Directors of the Hampton Township School District*, 688 A.2d 279 (Pa. Cmwlth. 1997), to the extent that decision requires that a party be adverse to the initial appellant in order to file a cross appeal. See Rule 903(b).

See also Rules 2113, 2136 and 2185 regarding briefs in cross appeals and Rule 2322 regarding oral argument in multiple appeals.

An appellee should not be required to file a cross appeal because the Court below ruled against it on an issue, as long as the judgment granted appellee the relief it sought. See *Ratti v. Wheeling Pittsburgh Steel Corp.*, 758 A.2d 695 (Pa. Super. 2000) and *Hashagen v. Worker's Compensation Appeal Board*, 758 A.2d 276 (Pa. Cmwlth. 2000). To the extent that *Saint Thomas Township Board of Supervisors v. Ycko*, 758 A.2d 755 (Pa. Cmwlth. 2000) is in conflict, it is disapproved.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 903. Time for Appeal.

* * * * *

Official Note:

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[Prior to the enactment of the Judicial Code it had been established that the time within which a matter may move from one stage to another within the Unified Judicial System is a procedural matter similar to the deadline for responsive pleadings, etc., and is not a "statute of limitation or repose" as that phrase is used in Section 10(c) of the Judiciary Article. E.g., the Supreme Court had fixed the time for Supreme Court review on certiorari, had prescribed the time for seeking review of sheriffs' and district justices' determinations in execution matters, and of changes of venue in criminal matters, had fixed the time for appeal in certain PCHA matters and had fixed the time for appeal in certain arbitration matters. See former Supreme Court Rule 68 1/2 (416 Pa. XXV); Pa.R.Civ.P. 3206(b) and 3207; Pa.R.C.P.J.P. 1016; former Pa.R.Crim.P. 313(a) (471 Pa. XLIV); Pa.R.Crim.P. 325; former Pa.R.J.A. 2101 (451 Pa. LXXIII).]

Thus, on both a statutory and constitutional basis, this rule supersedes all inconsistent statutory provisions prescribing times for appeal.

As to Subdivision (b), compare 42 Pa.C.S. § 5571(f) (cross appeals).

A party filing a cross appeal pursuant to Subdivision (b) should identify it as a cross appeal in the notice of appeal to assure that the prothonotary will process the cross appeal with the initial appeal. See also Rule 511 (cross appeals), Rule 2113 (Reply Brief), Rule 2136 (Briefs in Cases of Cross Appeals), Rule 2185 (Time for Serving and Filing of Briefs) and Rule 2322 Cross and Separate Appeals).

In Re Petition of the Board of School Directors of the Hampton Township School District, 688 A.2d 279 (Pa. Cmwlth. 1997), the Commonwealth Court panel held that Rule 903(b) does not extend the appeal period for any other party to file an appeal unless the party is "adverse." Under the 2002 amendment to Rule 511, the requirement that a party be adverse in order to file a cross appeal is eliminated. Once a notice of appeal is filed by one party, any other party may file a cross appeal within fourteen days.

* * * * *

Rule 904. Content of the Notice of Appeal.

* * * * *

Official Note:

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A party filing a cross appeal should identify it as a cross appeal in the notice of appeal to assure that the prothonotary will process the cross appeal with the initial appeal. See also Rules 2113, 2136 and 2185 regarding briefs in cross appeals and Rule 2322 regarding oral argument in multiple appeals.

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1113. Time for Petitioning for Allowance of Appeal.

* * * * *

Official Note: See Note to Rule 903 (time for appeal).

A party filing a cross petition for allowance of appeal pursuant to Subdivision (b) should identify it as a cross petition to assure that the prothonotary will process the cross petition with the initial petition. See also Rule 511 (cross appeals), Rule 2136 (Briefs in Cases Involving Cross Appeals) and Rule 2322 Cross and Separate Appeals).

[Explanatory Note—1979]

[In order to afford the Superior Court and the Commonwealth Court sufficient time to act upon an application for reargument which shows sufficient merit to call for an answer, the time for filing a petition for allowance of appeal in such cases is extended by 30 days.]

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

PETITION FOR REVIEW

Rule 1512. Time for Petitioning for Review.

* * * * *

(b) *Special provisions*—A petition for review of:

(1) A determination of the Department of Community Affairs in any matter arising under the Local Government Unit Debt Act [(53 P. S. § 6780-1 et seq.)] shall be filed within 15 days after entry of the order or the date the determination is deemed to have been made, when no order has been entered.

* * * * *

Official Note: [See note to Rule 903 (time for appeal).] Rule 102 defines a “quasijudicial order” as “an order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.”

See Note to Rule 903 (Time for Appeal). A party filing a cross petition for review pursuant to Subdivision (a)(2) should identify it as a cross petition for review to assure that the prothonotary will process the cross petition for review with the initial petition for review. See also Rule 511 (Cross Appeals), Rule 2136 (Briefs in Cases of Cross Appeals) and Rule 2322 (Cross and Separate Appeals).

* * * * *

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2113. Reply Brief.

(a) *General rule.*—In accordance with Rule 2185(a) [,] (Time for Serving and Filing Briefs; General Rule), the appellant may file a brief in reply to matters raised by appellee’s brief and not previously [raised] addressed in appellant’s brief [, and if]. If the appellee

has cross [-] appealed, the appellee may file a similarly limited reply brief. [in reply to the response of the appellant to the issues presented by the cross-appeal.]

* * * * *

[(c) *Cross appeals.*—A reply brief may be filed by the appellant as prescribed in Rule 2136 (briefs in cases involving cross appeals).]

[(d)] (c) *Other Briefs.*—No further briefs may be filed except with leave of court.

Official Note: [The 1987 amendment grants a general right to file a reply brief in every case to matters not previously raised in appellant’s brief. Appellees may file a similarly limited reply brief to the response of the appellant to the issues presented by the cross-appeal. The length of a reply brief is provided in Rule 2135(b).] An appellant now has a general right to file a reply brief. The scope of the reply brief is limited, however, in that such brief may only address matters raised by appellee and not previously addressed in appellant’s brief. No subsequent brief may be filed unless authorized by the court.

The length of a reply brief is set by Rule 2135 (length of briefs). The due date for a reply brief is found in Rule 2185(a) (time for serving and filing briefs).

Where there are cross appeals, the deemed or designated appellee may file a similarly limited reply brief addressing issues in the cross appeal. See also Rule 2136 (briefs in cases involving cross appeals).

Rule 2136. Briefs in Cases Involving Cross Appeals.

(a) *Designation of parties in cross appeals.* If a cross appeal is filed, the plaintiff or moving party in the court or other government unit below shall be deemed the appellant for the purposes of this chapter and Chapter 23 (sessions and argument), unless the parties otherwise agree or the appellate court otherwise orders. Where [the nature of the matter is such that] the identity of the appellant for the purposes of this chapter and Chapter 23 is not readily apparent, the prothonotary of the appellate court shall designate the appellant for the purposes of [this chapter and Chapter 23] those two chapters when giving notice under Rule 1934 (filing of the record). [The brief of the appellee shall contain the issue and argument involved in the cross appeal, as well as the answer to the brief of the appellant, and the appellant may file a brief in answer to the brief of the appellee on the cross appeal.]

(b) *Order of briefs.* The deemed or designated appellant shall file its principal brief on the merits of its appeal in accordance with the briefing schedule. The deemed or designated appellee shall then file a brief that addresses (i) the arguments advanced in the appellant’s brief and (ii) the merits of the cross appeal. Thereafter, the appellant shall file its second brief, which shall (i) reply to issues raised in the appellee’s brief and not previously addressed in appellant’s principal brief and (ii) respond to the issues raised by appellee regarding the cross appeal. The appellee may then file a reply brief limited to issues raised by the appellant that

were not previously addressed by the appellee in its principal brief on the merits of the cross appeal.

Official Note: [Ordinarily there will be three briefs in a case involving a cross appeal: appellant's main brief, appellee's main brief, and appellant's reply brief directed to the issues on the cross appeal. However, Rule 2113 permits a fourth brief; appellee's reply to appellant's answer on the cross appeal.]

[Explanatory Note—1979]

[The appellate prothonotary is directed to designate the party who shall file the first brief in cases involving cross appeals where the identity of the "moving party" below is not readily apparent.]

For cross appeals, Rule 2136 provides both a method for determining which party shall file the first brief and a description of the subsequent briefs. Either party may initiate the process described in Subdivision (a) by notifying the prothonotary by letter that the prothonotary must designate the appellant, that is the party to file the first brief, or that the parties have agreed which party shall be the appellant.

With regard to the briefing process, when there are cross appeals, there may be up to four briefs: (1) the deemed or designated appellant's principal brief on the merits of the appeal; (2) the deemed or designated appellee's brief responding to appellant's arguments and presenting the merits of the cross appeal; (3) the appellant's second brief replying in support of the appeal and responding to the issues raised in the cross appeal; and (4) appellee's second brief in support of the cross appeal.

Thus, the deemed or designated appellee's first brief (Brief No. 2 as described above) functions as both a response to the arguments advanced by the appellant in the first appeal and the primary brief on the merits of the cross appeal. Similarly, the deemed or designated appellant's second brief (Brief No. 3 as described above) serves the dual purposes of responding to the merits of the arguments in the cross appeal and replying to arguments raised in opposition to the first appeal. See generally Rule 2111 (brief of the appellant), Rule 2112 (brief of the appellee), and Rule 2113(a) (regarding reply briefs).

Rule 2135 (length of briefs) establishes the length of the various briefs. Only appellee's second brief is considered a reply brief subject to the lesser page limits. There is no provision for a longer principal brief on the merits in cross appeal situations.

Rule 2185(a) (time for serving and filing briefs) provides that appellant's second brief shall be served within 30 days after service of the preceding brief. Appellee's second brief is due 14 days later.

Rule 2322 (cross and separate appeals) addresses oral argument in cross appeals.

FILING AND SERVICE

Rule 2185. Time for Serving and Filing Briefs

(a) *General Rule.*—The appellant shall serve appellant's brief not later than the date fixed pursuant to Subdivision (b) of this rule, or within 40 days after the date on which the record is filed, if no other date is so fixed. The appellee shall serve appellee's brief within 30

days after service of appellant's brief and reproduced record if proceeding under Rule 2154(a). A party may serve a reply brief permitted by these rules within 14 days after service of the preceding brief but, except for good cause shown, a reply brief must be served and filed so as to be received at least three days before argument. **In cross appeals, the second brief of the deemed or designated appellant shall be served within 30 days of service of the deemed or designated appellee's first brief.** Except as prescribed by Rule 2187(b) (advance text of briefs), each brief shall be filed not later than the last day fixed by or pursuant to this rule for its service.

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Official Note:

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The 2002 amendment recognizes that in cross appeals the deemed or designated appellant's second brief is more extensive than a reply brief and, therefore may require more than 14 days to prepare. See Rule 2136 (briefs in cases involving cross appeals).

**Explanatory Comment to
Recommendation No. 4 of 2002
Amendments to Pa.R.A.P. 511, 903, 904,
1113, 1512, 2113, 2136 and 2185 and Notes**

Introduction: The Appellate Rules contemplate three "multiple appeal" situations in which more than one party may wish to challenge individually an order of a court. These are: cross appeals; cross petitions for review; and cross petitions for allowance of appeal. The proposed amendments are intended to simplify and clarify the terminology and procedures in such cases. The 2002 amendments do not create a right to file new briefs or affect the right to file briefs heretofore permitted by the Appellate Rules.

Rule 511 (Cross Appeals).

The 2002 amendment clarifies the intent of the former rule that the filing of an appeal extends the time within which any party may cross appeal as set forth in Rules 903(b), 1113(b) and 1512(a)(2) and that a discontinuance of an appeal by a party will not affect the right of any other party to file a timely cross appeal under Rules 903(b), 1113(b) or 1512(a)(2) or to otherwise pursue an appeal or cross appeal already filed at the time of the discontinuance. The discontinuance of the appeal at any time before or after a cross appeal is filed will not affect the right of any party to file or discontinue a cross appeal. The 2002 amendment supersedes *In Re: Petition of the Board of School Directors of the Hampton Township School*, 688 A.2d 279 (Pa. Cmwlth. 1997) to the extent that decision requires that a party be adverse to the initial appellant in order to file a cross appeal.

The Note to Rule 511 is also amended to advise that an appellee should not be required to file a cross appeal because the court below ruled against it on an issue, as long as the judgment granted appellee the relief it sought.

Rule 903 (Time for Appeal).

The 2002 amendment to the Note to Rule 903 includes a suggestion, for the aid of the appellate court filing office, that a party identify a cross appeal in its notice of appeal. This will assure that the appeals are linked for processing purposes. The proposed amendment to the note also cross references Rule 511 (Cross Appeals), Rule 2136 (briefs in cases of cross appeals) and Rule 2322

(Cross and Separate Appeals). This is for the convenience of counsel and the parties to alert them to the unique aspects of cross appeal or petition practice. See also conforming amendments to the Notes to Rules 1113 and 1512.

The Explanatory Comment—1979, which is simply historical reference, is deleted as unnecessary.

Rule 1113 (Time for Petitioning for Allowance of Appeal).

See explanatory comment to Rule 903 (Time for Appeal).

Rule 1512 (Time for Petitioning for Review).

See explanatory comment to Rule 903 (Time for Appeal).

Rule 2113 (Reply Brief).

The 2002 amendment deletes subdivision (c), an obsolete cross reference to a reply brief in cross appeals. The briefs permitted and proper sequence in cases involving cross appeals are explained in the Note to Rule 2136.

Rule 2136 (Briefs in Cases Involving Cross Appeals).

In a single party appeal or petition situation, there are three briefs: appellant's principal brief on the merits, appellee's principal brief on the merits and appellant's reply brief. In a cross appeal or petition situation, there are four briefs, because the designated appellant's second brief must serve two purposes, that is, it is the appellant's reply brief (a brief limited in scope by Rule 2113) and, simultaneously, the appellant's principal brief on the merits of the cross appeal or petition. The appellee may then file a "reply" brief on the merits of the cross appeal, that is, a reply brief in the appeal filed by the appellee. This procedure is explained in the proposed amendment to the Note as follows:

When there are cross appeals, there may be up to four briefs: (1) the deemed or designated appellant's principal brief on the merits of the appeal; (2) the deemed or designated appellee's brief responding to appellant's arguments and presenting the merits of the cross appeal; (3) the appellant's second brief replying in support of the appeal and responding to the merits of the cross appeal; and (4) appellee's reply brief in the cross appeal.

Rule 2185 (Time for Serving and Filing Briefs).

The existing rule is unclear as to the due date for the filing of the designated appellant's second brief (Brief No. 3 as described above). The 2002 amendment provides that brief is due thirty days after the deemed appellee's brief (Brief No. 2) as described above.

[Pa.B. Doc. No. 02-1941. Filed for public inspection November 1, 2002, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 2]

Order Amending Rules 221 and 222; No. 287
Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the amendments to Rules of Criminal Procedure 221 (Summoning Investigating

Grand Jurors) and 222 (Composition and Organization of the Investigating Grand Jury) and highlighting the Committee's considerations in formulating the changes. The amendments align these rules with the recent changes to 42 Pa.C.S. § 4545(a) concerning the number of alternate grand jurors. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 17th day of October, 2002, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice, and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 221 and 222 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2003.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART B(1). Investigating Grand Juries

Rule 221. Summoning Investigating Grand Jurors.

(A) After issuing an order summoning an investigating grand jury, the court shall order the officials designated by law to summon prospective jurors to summon not less than [30] 38 persons eligible by law to serve as grand jurors.

* * * * *

Comment

See 42 Pa.C.S. §§ 4521—4524 for the Judicial Code provisions on the selection of prospective jurors.

The number of persons initially summoned for an investigating grand jury has been fixed at no less than [30] 38 to accommodate the requirements for a maximum of [7] 15 alternates as specified in Rule 222. See also 42 Pa.C.S. § 4545(a) (investigating grand jury shall have a minimum of 7 and not more than 15 alternates).

[See 42 Pa.C.S. §§ 4521—4524 for the Judicial Code provisions on the selection of prospective jurors.]

Official Note: Rule 252 adopted June 26, 1978, effective January 9, 1979; amended January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; renumbered Rule 221 and amended March 1, 2000, effective April 1, 2001; amended October 17, 2002, effective January 1, 2003.

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 17, 2002 amendments concerning the number of alternate grand juror published with the Court's Order at 32 Pa.B. 5407 (November 2, 2002).

Rule 222. Composition and Organization of the Investigating Grand Jury.

(A) There shall be impaneled initially to serve on an investigating grand jury 23 legally qualified jurors [plus

7] and a minimum of 7 and not more than 15 legally qualified alternates. During its term, the investigating grand jury shall consist, as provided hereinafter, of not less than 15 nor more than 23 legally qualified jurors, and the remaining alternates.

(B) When an investigating grand jury is to be impaneled and more than 30 persons attend for service and qualify, the judge in charge of the grand jury shall excuse a sufficient number of persons to reduce the panel to not more than 23 persons plus **the minimum of 7 but not more than 15** alternates. After prospective grand jurors have been excused for cause, the reduction to **the minimum of 30 or maximum of 38** shall take place by random drawing in the following manner: 30 to **38** jurors shall be selected by random drawing, of which the first 23 jurors so selected shall be designated permanent grand jurors and the next **7 to 15** jurors shall be designated alternate jurors **1, 2, 3, and so on to a maximum of 15 [through 7]**.

* * * * *

Comment

The initial number of jurors impaneled should be **at least 30, but no more than 38**, to accommodate the **minimum of 7 and maximum of 15** alternate jurors. **See 42 Pa.C.S. § 4545(a) (investigating grand jury shall have a minimum of 7 and not more than 15 alternates).**

The alternate jurors are impaneled with the permanent grand jurors and hear all testimony, but are excluded from taking part in or from being present at deliberations, votes, or preparation of presentments or reports.

If, prior to the impaneling of the investigating grand jury, the number of prospective grand jurors initially summoned falls below **[30] the minimum needed to seat permanent and alternate grand jurors** by reason of excuses for cause, additional prospective grand jurors are to be summoned in the manner provided in these rules. See Rule 221. Any grand jurors already selected to serve on the investigating grand jury must remain.

* * * * *

Official Note: Rule 253 adopted June 26, 1978, effective January 9, 1979; amended October 22, 1981, effective January 1, 1982; amended August 12, 1993, effective September 1, 1993; renumbered Rule 222 and amended March 1, 2000, effective April 1, 2001; **amended October 17, 2002, effective January 1, 2003.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 17, 2002 amendments concerning the number of alternate grand jurors published with the Court's Order at 32 Pa.B. 5407 (November 2, 2002).

**FINAL REPORT ¹
Amendments to Pa.Rs.Crim.P. 221 and 222**

Number of Alternate Grand Jurors

On October 17, 2002, effective January 1, 2003, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules of Criminal Procedure 221 (Summoning Investigating Grand Jurors) and 222 (Composition and Organization of the Investigating

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

Grand Jury), aligning these rules with the recent changes to 42 Pa.C.S. § 4545(a) concerning the number of alternate jurors.

I. BACKGROUND

In 2000, 42 Pa.C.S. § 4545(a) was amended changing the number of alternate jurors from "seven" to "a minimum of seven and not more than 15." This change created an inconsistency between the statute and Rule 222. To avoid possible confusion that the inconsistency could generate, and because there has been an interplay between the investigating grand jury rules and the statutory provisions for the investigating grand jury since the rules' inception in 1978,² the Committee agreed changes comparable to those made to 42 Pa.C.S. § 4545(a) were necessary for Rule 222.

In view of this statutory and rule interplay, and agreeing there did not appear to be any reason to deviate from the number of alternate grand jurors established in 42 Pa.C.S. § 4545(a), the Committee proposed that Rules 221 and 222 be amended to bring these rules in line with the recent changes to 42 Pa.C.S. § 4545(a) concerning the number of alternate jurors.

II. DISCUSSION OF PROPOSED RULE CHANGES

A. Rule 221

In the text of Rule 221(A) and the Comment, the number "30" has been changed to "38," and in the Comment, the reference to "7" has been changed to "a maximum of 15." These changes acknowledge the practicalities of the investigating grand jury selection process. It is more efficient and promotes judicial economy if the provisions of Rule 221 accommodate the statutory requirements of 23 regular jurors and "not more than 15 alternates," than merely providing for the minimum number of alternates permitted by statute. A cross-reference to 42 Pa.C.S. § 4545(a) has been added to this paragraph of the Rule 221 Comment.

Finally, in a "housekeeping" measure, the current last paragraph of the Rule 221 Comment has been move to be the first paragraph, so the general cross-reference concerning the Judicial Code's provisions on the selection of prospective jurors precedes the paragraph discussing specifics about Rule 221.

B. Rule 222

Rule 222(A) and (B) has been amended by the addition of the statutory language "minimum of 7 but not more than 15." In addition, to alert the supervising judge to the discretion afforded him or her by the statute concerning the number of alternate jurors, paragraph (B) has been amended to conform the numbers with the statute's "minimum" and "maximum" provisions. Similarly, the first paragraph of the Rule 222 Comment has been revised to conform with the statutory changes, and a cross-reference to the statute has been added.

Finally, the third paragraph of the Comment has been revised by the deletion of "of 30" and the addition of "needed to seat permanent and alternate grand jurors,"

² The Committee's Report explaining the first set of Investigating Grand Jury Rules was published at 8 Pa.B. 1517 (6/3/78), and the Court's Order adopting these new rules was published at 8 Pa.B. 2048 (7/22/78). Subsequently, because the Legislature was working on the Investigating Grand Jury Act, the Court vacated the Order's effective date. In November 1978, the Investigating Grand Jury Act became effective, and the Committee reviewed the Act and the rules and proposed some changes to the rules to conform them with the Act. On January 9, 1979, the Court vacated and superseded the November 1978 Order and promulgated the rules as recommended by the Committee. Subsequently, when there have been statutory changes that implicate provisions of the rules, the Committee has recommended rule changes to the Court, explaining the rule changes as being necessary to "maintain[ing] consistency between the Act and the Rules" and "conform the language of the rules to that of the Investigating Grand Jury Act." See, e.g., 11 Pa.B. 1573 (5/9/81).

because under the new statutory scheme, the supervising judge will establish whether the minimum number of prospective grand jurors initially summoned is a minimum of 30 or some other number up to 38.

[Pa.B. Doc. No. 02-1942. Filed for public inspection November 1, 2002, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that William B. Sparks having been suspended from the practice of law in the State of

New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated October 16, 2002 suspending William B. Sparks from the practice of law in this Commonwealth for a period of three months, effective November 15, 2002. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 02-1943. Filed for public inspection November 1, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CHS. 148 AND 148a]

Safeguarding Insurer Securities

The Insurance Department (Department) by this order deletes Chapter 148 (relating to securities held under custodial agreements and participation by insurers in depository trust companies and Federal reserve book entry systems) and adopts Chapter 148a (relating to safeguarding insurer securities) to read as set forth in Annex A. This final-form rulemaking prescribes the ways in which securities owned by insurers (the various types of insurance entities regulated by the Department) may be held, as well as the requirements that must be met when insurers' securities are held under custodial agreements. Insurers must comply with the final-form rulemaking to be permitted to report their securities as assets (admitted assets) in financial statements filed with the Department.

Purpose

This final-form rulemaking replaces the regulations relating to insurers' securities initially adopted June 12, 1981, with updated regulations. Securities owned by insurers are liquid assets held to allow the payment of the insurers' obligations as they come due. In developing the final-form rulemaking, the Department has considered the need for domestic insurers to participate efficiently in the securities marketplace while preserving the value and safety of these liquid assets.

A task force of state insurance regulators has reviewed a highly publicized case, known as the Frankel case, where a number of insurers became insolvent because of the theft of their securities; the National Association of Insurance Commissioners (NAIC) has updated a model regulation relating to insurers' securities as a result of the review.¹ The Department participated in the review of the Frankel case and the final-form rulemaking includes protections consistent with the updated NAIC model regulation.

Therefore, this final-form rulemaking is needed to establish up-to-date, clear requirements for insurers' securities held under custodial arrangements and to better safeguard against the theft or loss of insurers' securities.

Statutory Authority

This final-form rulemaking was proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); The Insurance Department Act of 1921 (40 P. S. §§ 1—324); The Insurance Company Law of 1921 (40 P. S. §§ 341—991); 40 Pa.C.S. §§ 6101—6127 and 6301—6335 (relating to hospital plan corporations and professional health services plan corporations); the Voluntary Nonprofit Health Service Act of 1972 (40 P. S. §§ 1551—1568); the Fraternal Benefit Society Code (40 P. S. §§ 1142-101—1142-701); the Health Maintenance Organization Act (40 P. S. §§ 1551—1567); The Pennsylvania Fair Plan Act (40 P. S. §§ 1600.101—1600.502); and Article VIII of the Health Care Services Malpractice Act (40 P. S. §§ 1301.801—1301.811).

¹ The updated Model Regulation on the Use of Clearing Corporations and Federal Reserve Book-Entry System by Insurance Companies was adopted in October 2001.

Comments

Notice of proposed rulemaking was published at 32 Pa.B. 1873 (April 13, 2002) with a 30-day public comment period.

No comments were received from the House and Senate Committees. Comments were received after the 30-day public comment period from A. G. Edwards Trust Company FSB (A. G. Edwards). The Independent Regulatory Review Commission (IRRC) submitted its comments and suggestions to the Department on June 13, 2002. The Department has responded to all comments in this final-form rulemaking.

The following is a discussion of comments and summary of changes in the final-form rulemaking.

Section 148a.1. Definitions.

Definition of "custodian"

The proposed rulemaking used the phrase "adequately capitalized" in subparagraphs (i)(A) and (ii)(C) in referring to capitalization standards that apply to banks and trust companies. IRRC recommended that the word "adequately" be deleted from both subparagraphs because it is unnecessary. In response to IRRC's comment, the Department has deleted the word "adequately" in both subparagraphs.

A. G. Edwards recommended that the definition of "custodian" be amended to allow a Federal savings bank to qualify as a custodian. IRRC noted the comment by A. G. Edwards and asked why a Federal savings bank was not included. The Department agrees that a Federal savings bank that meets the requirements of this chapter should not be excluded from qualifying as a custodian. Therefore, the Department has amended the definition of "custodian" to include a Federal savings bank.

Definition of "instructions"

Subparagraph (ii)(B) in the proposed rulemaking stated that verbal instructions shall be confirmed "promptly" by written instructions. IRRC recommended that the word "promptly" be replaced with a specific time frame. In consideration of IRRC's comment and the time sensitive nature of security transactions, the Department has replaced the word "promptly" with the phrase "within 24 hours."

Definition of "insurer"

The definition of "insurer" in the proposed rulemaking included a general reference in subparagraph (x) to "other entities" acting as insurers. IRRC commented that this subparagraph was vague and should be deleted. In response to IRRC's comment, the Department has deleted subparagraph (x) because it is not needed to understand the scope of the chapter.

Definition of "state"

IRRC commented that the District of Columbia and Puerto Rico do not need to be separately listed in subparagraphs (ii) and (iii) because territories of the United States are included under subparagraph (i). In response to IRRC's comment, the Department has deleted subparagraphs (ii) and (iii) because the subparagraphs are unnecessary to understand the meaning of the definition.

Section 148a.2. Permissible methods of holding securities.

Section 148a.2 (relating to permissible methods of holding securities) lists the ways in which insurers'

securities may be held. IRRC asked whether custodial agreements are needed when insurers' securities are held in the custody of or as required by a state treasurer or other regulatory authority under subsection (d). The requirements in this chapter relating to custodial agreements are intended to only apply to securities held by a custodian under subsection (b), not to securities held in the custody of or as otherwise required by a state treasurer or other regulatory authority. Therefore, in response to IRRC's comment, the Department has clarified its final-form rulemaking by adding the phrase "as required by" in subsection (d) and by referring to subsection (b) in § 148a.3(a) (relating to requirements for custodial agreements).

Section 148a.3. Requirements for custodial agreements.

Under § 148a.3(b)(3), a custodian is permitted to utilize an agent to gain entry in a clearing corporation or in the Federal Reserve book-entry system or for other services. IRRC was concerned that the conditions relating to a custodian's utilization of an agent did not include a requirement that the insurer be notified. The Department agrees that the insurer should be notified when an agent is used for transactions or other services involving the insurer's securities. Therefore, the Department has added § 148a.3(b)(3)(iii) to require the custodian to provide notice to the insurer within 5 business days of the utilization of an agent and to require the notice to include, at a minimum, the identity of the agent, the date of the custodian's written agreement with the agent and an acknowledgement that the custodian has retained responsibility for the insurer's securities.

IRRC also commented that the word "ultimate" in § 148a.3(b)(3)(ii) was superfluous in reference to the custodian's responsibility for the safekeeping of the insurer's securities and for compliance with the chapter. In response to IRRC's comment, the Department has deleted the word "ultimate" because it is not necessary to understand the nature and extent of a custodian's responsibility.

A. G. Edwards asked whether a custodian would be required to enter into a separate written agreement with its agent for each insurer. Separate agreements would not be necessary; therefore, the Department has clarified the final-form rulemaking by adding the phrase "of one or more insurers" to § 148a.3(b)(3)(i).

Section 148a.3(b)(9)—(11) relates to a custodian's duties to maintain adequate insurance protection as required by banking regulators and to indemnify the insurer for any loss of the securities under the circumstances and conditions described in the final-form rulemaking. The custodian's obligation to indemnify the insurer includes the immediate replacement of the securities or the value of the securities, plus the value of any loss of rights or privileges resulting from the loss of the securities. IRRC commented that § 148a.3(b)(10) should be divided into two sentences for clarity. The Department has divided the paragraph into two sentences as IRRC recommended.

Section 148a.3(12) requires the custodian to notify the Department within 3 business days if the agreement is terminated or if 100% of the assets are withdrawn from one or more of the insurer's custodial accounts. This provision was recently added to the NAIC model regulation as a safeguard against securities fraud or theft as a result of the review of the Frankel case. IRRC recommended that the Department consider setting a trigger rate lower than 100%. The NAIC task force considered a lower trigger rate when developing this notice require-

ment and ultimately concluded that a rate lower than 100% would be overly burdensome. The total value of securities held under a custodial agreement fluctuates daily in terms of both the market value of the securities being held and the volume of trading activities. Therefore, it would be difficult to develop a reliable, cost-efficient reporting system.

The Department participated in the NAIC's deliberations on this issue and agrees that the 100% trigger rate provides a reasonable safeguard against the threat of securities fraud or theft when insurers' securities are held under custodial agreements. This notice requirement was 1 of 35 recommendations developed by the task force. The recommendations cover all aspects of financial solvency regulations and include better communication and cooperation among regulators, enhanced financial reporting requirements for insurers, improved regulatory practices and procedures for analyses of insurers' financial statements and onsite financial examinations. The recommendations are being addressed by the NAIC and the Department. The Department believes that, taken as a whole, the recommendations represent a comprehensive, thoughtful approach to the issues raised in the Frankel case. Therefore, the Department has retained the 100% trigger rate recommended by the NAIC task force. However, IRRC also recommended a shorter time frame, such as within 24 hours, for reporting the withdrawal of assets from custodial accounts. After considering IRRC's concerns about the adequacy of a 3-day time frame, the Department agrees that a shorter time frame is warranted by the potential significance of a termination or 100% withdrawal and has replaced the 3-day time frame with the phrase "within 24 hours" as recommended by IRRC.

Section 148a.3(b)(13)—(17)(ii) establishes recordkeeping and reporting duties under custodial agreements. The purposes of these requirements include assuring that the custodian is aware of its responsibility to provide the Department with timely access to information required in a financial examination conducted under Article IX of The Insurance Department Act of 1921 (40 P. S. §§ 323.1—323.8). IRRC commented that, for clarity, the final-form rulemaking should include a reference to this statute. Therefore, the Department has included the statutory reference in § 148a.3(b)(16)(ii) and also in § 148a.4(2)(ii) (relating to requirements for investment company securities).

Section 148a.3(b)(14) requires the custodian to provide certain reports to the insurer if requested to do so in writing. IRRC commented that the final-form rulemaking should provide a specific time frame for the custodian to submit the required information. In response to IRRC's comment, the Department has amended paragraphs (14) and (17) to require the custodian to provide requested information and affidavits within 30 days of receipt of a written request.

Section 148a.3(b)(14)(ii) of the proposed rulemaking required the custodian to provide, when requested in writing, reports on its system of internal control prepared by an outside auditor. IRRC and A. G. Edwards asked whether an internal audit would be acceptable. The Department has considered this question and believes an internal audit would be acceptable. Therefore, the Department has amended subparagraph (ii) to allow the custodian to provide internal or external reports on the custodian's system of internal control.

Section 148a.4. Requirements for investment company securities.

Section 148a.4 establishes the conditions under which an insurer's investment company (mutual fund) securities may be held by the investment company that issued the securities. The investment company must provide the insurer with electronic or paper reports on at least a monthly basis and must maintain sufficient records for financial reporting and examination or audit purposes. IRRC asked how the insurer or the Department would be certain that an investment company is maintaining the records required under paragraph (2) for purposes of the insurer's financial reports and for financial examinations conducted by the Department. The insurer has a duty to verify that the investment company maintains adequate records prior to investing in the securities. The Department will verify the adequacy of records when conducting onsite financial examinations of the insurer. If the custodian or the insurer fails to maintain adequate records, the insurer may not take credit for the investment company securities as assets in financial statements filed with the Department.

A. G. Edwards commented that most investment companies do not issue monthly statements unless there is activity in the account. The Department believes that at least monthly reporting is necessary to adequately monitor the status of securities reported as assets in insurers' financial statements. Paragraph (1) allows the reports to be transmitted in electronic or paper form. The Department would recognize monthly statements provided by securities brokers that include the status of investment company securities. In addition, the Department believes that many investment companies provide investors with 24-hour 7-day-a-week access to electronic reports on the status of their investment accounts. Therefore, the Department believes a monthly reporting requirement is not overly burdensome for investment company securities.

Section 148a.5. Penalty and existing custodial agreements.

IRRC commented that, for clarity, this section should be divided into two subsections, one for penalty and one for existing custodial agreements. Therefore, the Department has divided the section into subsections (a) and (b) in this final-form rulemaking.

Fiscal Impact

State Government

Department costs in conducting financial examinations associated with the review of custodial arrangements and verification of insurers' securities will not increase as a result of this final-form rulemaking.

General Public

While this final-form rulemaking has no immediate fiscal impact on the general public, the general public will benefit to the extent that adoption of this final-form rulemaking enhances regulatory safeguards against the loss or theft of securities held by insurers to meet obligations under insurance policies.

Political Subdivisions

This final-form rulemaking will not affect costs to political subdivisions.

Private Sector

The safeguards and reporting requirements for custodial arrangements in this final-form rulemaking are not

materially different from existing regulatory requirements and will impose no significant additional costs on insurers or custodians.

Paperwork

This final-form rulemaking reduces paperwork to the extent that it replaces three different affidavit forms required under the current regulations with one consolidated form. This final-form rulemaking also may reduce paperwork by allowing reports and confirmations to be transmitted in electronic form. This final-form rulemaking will require custodial agreements to provide for notice to the Department if the agreement is terminated or if 100% of the assets are withdrawn from one or more of an insurer's custodial accounts. The reporting and recordkeeping requirements in this final-form rulemaking are necessary to safeguard insurer securities from loss or theft and to allow the Department to readily verify insurer assets when conducting financial examinations under the law.

Persons Regulated

This final-form rulemaking applies to all types of domestic insurers regulated by the Department. Custodians and investment companies holding insurer securities also are affected by this final-form rulemaking to the extent it prescribes the terms and conditions of agreements entered into with domestic insurers.

Contact Person

Questions or comments regarding this final-form rulemaking may be sent Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 772-1969, e-mail psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 5, 2002, the Department submitted a copy of the final-form rulemaking, which was proposed at 32 Pa.B. 1873, to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on September 25, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 26, 2002, and approved the final-form rulemaking.

Findings

The Insurance Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Department, 31 Pa. Code Chapters 148 and 148a, are amended by deleting §§ 148.1—148.4 and by adding §§ 148a.1—148a.5 to read as set forth in Annex A.

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

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

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

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5145 (October 12, 2002).)

Fiscal Note: Fiscal Note 11-204 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 31. INSURANCE****PART VIII. MISCELLANEOUS PROVISIONS****CHAPTER 148. (Reserved)****§§ 148.1—148.4. (Reserved).****CHAPTER 148a. SAFEGUARDING INSURER SECURITIES**

Sec.

- 148a.1. Definitions.
- 148a.2. Permissible methods of holding securities.
- 148a.3. Requirements for custodial agreements.
- 148a.4. Requirements for investment company securities.
- 148a.5. Penalty and existing custodial agreements.

§ 148a.1. Definitions.

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

Agent—

(i) A National bank, state bank or trust company that does any of the following:

(A) Maintains an account in its name in a clearing corporation.

(B) Is a member of the Federal Reserve System through which a custodian participates in a clearing corporation or the Federal Reserve book-entry system.

(ii) With respect to securities issued by institutions organized or existing under the laws of a foreign country or securities used to meet the deposit requirements under the laws of a foreign country as a condition of doing business in that country, the term may include a corporation organized or existing under the laws of a foreign country and legally qualified under those laws to accept custody of securities.

*Authorized person—*A person authorized in writing by an insurer's board of directors to issue instructions relating to the insurer's securities held by a custodian.

Clearing corporation—

(i) A clearing corporation as defined in 13 Pa.C.S. § 8102 (relating to definitions) and organized for the purpose of effecting transactions in securities by computerized book-entry.

(ii) With respect to securities issued by institutions organized or existing under the laws of a foreign country or securities used to meet the deposit requirements under the laws of a foreign country as a condition of doing business in that country, the term may include a corporation organized or existing under the laws of a foreign country and legally qualified under those laws to effect transactions in securities by computerized book-entry.

Custodian—

(i) A National bank, Federal savings bank, state bank or trust company that is:

(A) Capitalized as required by the standards adopted by United States banking regulators.

(B) Either regulated by Federal or state banking laws or a member of the Federal Reserve System.

(C) Legally qualified to accept custody of securities as required under § 148a.3 (relating to requirements for custodial agreements).

(ii) With respect to securities issued by institutions organized or existing under the laws of a foreign country or securities used to meet deposit requirements under the laws of a foreign country as a condition of doing business in that country, the term may include a bank that is:

(A) Incorporated or organized under the laws of a foreign country.

(B) Regulated as a bank by that country's government, or an agency thereof.

(C) Capitalized as required by the standards adopted by international banking authorities.

(D) Legally qualified to accept custody of securities as required under § 148a.3.

*Department—*The Insurance Department of the Commonwealth.

*Federal Reserve book-entry system—*The computerized systems sponsored by the United States Department of the Treasury and certain agencies and instrumentalities of the United States for holding and transferring securities of the United States Government and its agencies and instrumentalities in Federal Reserve Banks through banks that are members of the Federal Reserve System or that otherwise have access to the computerized systems.

*Foreign country—*A nation, province or territory other than the United States or a state thereof.

Instructions—

(i) A written statement that:

(A) States the specific purpose of the requested action.

(B) Identifies the specific transaction or type of transaction to which the requested action relates.

(C) Contains the signature of at least one authorized person.

(D) Is received by letter, facsimile or other form of electronic transmission whereby a custodian is able to verify with a reasonable degree of certainty the identity of the sender.

(ii) The verbal instructions of an authorized person if:

(A) The custodian is able to verify with a reasonable degree of certainty the identity of the sender.

(B) The verbal instructions are confirmed within 24 hours by written instructions.

Insurer—The following entities domiciled and licensed to transact business in this Commonwealth:

- (i) An insurance company, association or exchange.
- (ii) A reciprocal or interinsurance exchange.
- (iii) An employers' mutual liability insurance association.
- (iv) A nonprofit health plan corporation, whether operating a hospital plan or a professional health services plan, or both.
- (v) A fraternal benefit society or beneficial association.
- (vi) A health maintenance organization.
- (vii) A preferred provider organization.
- (viii) The Industry Placement Facility under The Pennsylvania Fair Plan Act (40 P. S. §§ 1600.101—1600.502).
- (ix) A joint underwriting association under Article VII of the Health Care Services Malpractice Act (40 P. S. §§ 1301.801—1301.811).

Investment company—An entity registered and regulated as an investment company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

Investment company securities—Stocks or shares issued by an investment company.

Registered form—A form of certificated security as defined in 13 Pa.C.S. § 8102.

Securities—

- (i) Certificated securities and uncertificated securities as defined in 13 Pa.C.S. § 8102.
- (ii) The term includes short-term and long-term investments but does not include investment company securities.

State—A state, territory or possession of the United States.

§ 148a.2. Permissible methods of holding securities.

(a) An insurer may hold its securities in definitive certificates.

(b) An insurer may provide for its securities to be held by a custodian under a custodial agreement as required under § 148a.3 (relating to requirements for custodial agreements). Securities held under a custodial agreement shall be held by:

- (1) The custodian.
- (2) The custodian's agent.
- (3) A clearing corporation.
- (4) The Federal Reserve book-entry system.

(c) An insurer's investment company securities may be held by the investment company that issued the investment company securities as required under § 148a.4 (relating to requirements for investment company securities).

(d) An insurer may provide for its securities to be held as required by a state treasurer or other state regulatory authority to meet deposit requirements as a condition of doing business in that state.

§ 148a.3. Requirements for custodial agreements.

(a) An agreement between an insurer and a custodian providing for the custody of the insurer's securities under § 148a.2(b) (relating to permissible methods of holding securities) shall be:

- (1) In writing.
- (2) Authorized by a resolution of either the insurer's board of directors or an authorized committee of its board of directors.
- (3) Signed by at least one officer of the insurer and one officer of the custodian.

(b) A custodial agreement shall contain at least the following provisions:

(1) The custodian shall hold the securities subject to the insurer's instructions. In the event of a discrepancy or dispute, verbal instructions shall be superseded by written instructions. The securities shall be withdrawable immediately upon receipt of the insurer's written instructions.

(2) The custodian may not have a security interest or lien in any securities held under the agreement.

(3) The custodian may utilize an agent to gain entry in a clearing corporation or in the Federal Reserve book-entry system or for other services if the custodian enters into a written agreement with the agent whereby:

- (i) The securities of one or more insurers will be held as required under this chapter.
- (ii) The custodian retains responsibility for the safekeeping of the insurer's securities and for compliance with the terms and conditions of the custodial agreement as required under this chapter.
- (iii) The custodian provides the insurer with notice within 5 business days of the utilization of an agent. The notice shall include, at a minimum:

- (A) The identity of the agent.
- (B) The date of the custodian's written agreement with the agent.

(C) An acknowledgement that the custodian has retained responsibility for the insurer's securities as required under subparagraph (ii).

(4) Securities in registered form shall be registered in the name of the insurer, the insurer's nominee, the custodian's nominee or, if held by a clearing corporation, in the name of the clearing corporation or its nominee.

(5) Certificated securities shall be held by the custodian in a separate account established to hold only the insurer's securities under the custodial agreement.

(6) Securities held in a clearing corporation or in the Federal Reserve book-entry system shall be separately identified on the custodian's records as being owned by the insurer.

(7) The custodian's records shall identify which securities are held by the custodian or by its agent and which securities are in a clearing corporation or in the Federal Reserve book-entry system.

(8) The custodian's records shall identify the location of securities held in a clearing corporation or in the Federal Reserve book-entry system and, if applicable, the name of the clearing corporation and the name of the agent.

(9) The custodian shall provide a statement that it has secured and will maintain adequate insurance protection

as required by the custodian's banking regulator to cover its duties and activities as custodian of the insurer's assets.

(10) The custodian shall be obligated to indemnify the insurer for any loss of securities occasioned by the negligence or dishonesty of the custodian's officers or employees, or by burglary, robbery, holdup, theft or mysterious disappearance, including loss by damage or destruction. The agreement may provide that the custodian will not be liable for failure to take an action required under the agreement in the event and to the extent that the taking of the action is prevented or delayed by war (whether declared or not and including existing wars), revolution, insurrection, riot, civil commotion, act of God, accident, fire, explosion, stoppage of labor, strikes or other differences with employees, laws, regulations, orders or other acts of any governmental authority, or any other cause whatever beyond its reasonable control.

(11) In the event of a loss of securities for which the custodian is obligated to indemnify the insurer under paragraph (10), the custodian shall immediately replace the following:

- (i) The securities or the value thereof.
- (ii) The value of any loss of rights or privileges resulting from the loss of the securities.

(12) The custodian shall provide the Department with written notice if the agreement is terminated or if 100% of the assets are withdrawn from one or more custodial accounts established under the agreement. The notice shall be directed to the attention of the Deputy Insurance Commissioner for the Office of Regulation of Companies and provided within 24 hours of the custodian's receipt of the insurer's notice terminating the agreement or within 24 hours of the withdrawal of 100% of the assets in one or more custodial accounts established under the agreement. The notice shall include the date of termination or 100% withdrawal and a list of the securities held on that date.

(13) The custodian shall provide the insurer with the following:

(i) Written reports on at least a monthly basis of holdings of the insurer's securities, including written confirmations of all transfers of securities to or from the insurer's account.

(ii) Annual reports of the review of the insurer's trust accounts by the custodian's trust committee.

(14) If requested in writing by an authorized person, the custodian shall provide the following information within 30 days of the custodian's receipt of the written request:

(i) Reports from a clearing corporation or the Federal Reserve book-entry system.

(ii) Internal or external reports on the custodian's system of internal control.

(15) Reports and confirmations provided by the custodian may be transmitted in electronic or paper form.

(16) The custodian shall maintain records and information sufficient to enable the insurer to:

(i) Comply with accounting and reporting requirements for financial statements and supporting schedules filed with the Department, to the extent that information maintained by the custodian is relied upon by the insurer to prepare its financial statements.

(ii) Provide information required in a financial examination of the insurer under Article IX of The Insurance Department Act of 1921 (40 P. S. §§ 323.1—323.8) or an audit, including, the identifying numbers assigned to the securities by the Committee on Uniform Securities Identification Procedures (CUSIP).

(17) Upon receipt of a written request signed by an authorized person, the custodian shall:

(i) Allow officers or employees of the insurer, independent accountants retained by the insurer, and representatives of regulatory agencies to examine the custodian's records relating to the insurer's account on the custodian's premises and during the custodian's normal business hours.

(ii) Provide copies of its records relating to the insurer's account.

(iii) Provide, within 30 days of receipt of the written request, an affidavit sworn to and subscribed by an authorized officer of the custodian and containing language substantially similar to the following:

CUSTODIAN AFFIDAVIT

_____, being duly sworn deposes and says that he/she is _____ of _____, a banking corporation organized under and pursuant to the laws of the _____ with the principal place of business at _____ (hereinafter called the "bank");

That his/her duties involve supervision of activities of the bank as custodian and records relating thereto;

That the bank is custodian for certain securities of _____, having a place of business at _____ (hereinafter called the "insurer") pursuant to an agreement between the bank and the insurer;

That the schedules attached hereto are true and complete statements of securities that, as of the close of business on _____ were:
(check all that apply)

_____(1) In the custody of the bank for the account of the insurer; that, unless otherwise indicated on the schedule, the next maturing and all subsequent coupons were either attached to coupon bonds or in the process of collection; and that, unless otherwise indicated on the schedule, all such securities were in bearer form or in registered form in the name of the insurer, the insurer's nominee, the custodian's nominee or, if held by a clearing corporation, in the name of the clearing corporation or its nominee, or were in the process of being registered in such form.

_____(2) Credited to a book-entry account with a Federal Reserve Bank under the Federal Reserve book-entry system and in a book-entry account maintained in the name of _____ on the books and records of a Federal Reserve bank at such date.

_____(3) Deposited with _____ (a clearing corporation).

That the custodian has the responsibility for the safekeeping of such securities whether in the possession of the bank, credited to a book-entry account with a Federal Reserve Bank under the Federal Reserve book-entry system or deposited with a clearing corporation, as that responsibility is specifically set forth in the agreement between the bank as custodian and the insurer; and

That, to the best of his/her knowledge and belief, unless otherwise shown on the schedule, said securities were the property of said insurer and were free of all liens, claims or encumbrances whatsoever.

§ 148a.4. Requirements for investment company securities.

An insurer's investment company securities may be held by the investment company that issued the investment company securities if the investment company:

(1) Provides the insurer with written reports on at least a monthly basis of the insurer's investment, including written confirmations of all transfers of investments to or from the insurer's account. The reports and confirmations may be transmitted in electronic or paper form.

(2) Maintains records and information sufficient to enable the insurer to:

(i) Comply with accounting and reporting requirements for financial statements and supporting schedules filed with the Department, to the extent that information maintained by the investment company is relied upon by the insurer to prepare its financial statements.

(ii) Provide information required in a financial examination of the insurer under Article IX of The Insurance Department Act of 1921 (40 P. S. §§ 323.1—323.8) or an audit, including the identifying numbers assigned to the securities by the Committee on Uniform Securities Identification Procedures (CUSIP).

§ 148a.5. Penalty and existing custodial agreements.

(a) Failure to comply with this chapter will result in the treatment of an insurer's securities or investment company securities as nonadmitted assets for purposes of financial reports filed with the Department.

(b) With respect to custody agreements entered into prior to November 2, 2002, and in compliance with laws or regulations in existence immediately preceding November 2, 2002, insurers have until November 3, 2003, to achieve compliance with this chapter.

[Pa.B. Doc. No. 02-1944. Filed for public inspection November 1, 2002, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 129]

Correction to 34 Pa. Code § 129.1602

On March 23, 2001, the Department of Labor and Industry delivered the Workers' Compensation Health and Safety final-form regulation to the Independent Regulatory Review Commission, the Senate Committee on Labor and Industry and the House Committee on Labor Relations. This regulation was deemed approved by the Senate Committee on Labor and Industry and the House Committee on Labor Relations on April 13, 2001, and was approved by the Independent Regulatory Review Commis-

sion on April 19, 2001. Thereafter, the regulation, containing an incorrect version of § 129.1602(6), was submitted to the Office of Attorney General and was reviewed and approved by the Office of Attorney General. On June 28, 2001, two copies of the Office of Attorney General-approved version were submitted to the office of the *Pennsylvania Code* and *Bulletin*. The Office of Attorney General-approved text was published in the *Pennsylvania Bulletin* on July 14, 2001.

Under the direction of the Governor's Office of General Counsel, the Department of Labor and Industry has prepared this notice to reflect the version of § 129.1602(6) previously approved by the Independent Regulatory Review Commission and the Senate Committee on Labor and Industry and the House Committee on Labor Relations.

The correct version of 34 Pa. Code § 129.1602 appears in Annex A, with ellipses referring to the existing text of the regulation.

This notice has been reviewed and approved by the Secretary of the Department of Labor and Industry, the Office of General Counsel, the House Committee on Labor Relations, the Senate Committee on Labor and Industry, the Office of Attorney General and the Independent Regulatory Review Commission.

JOHNNY J. BUTLER,
Secretary
Department of Labor and Industry
H. SCOTT ROY,
Governor's Office of General Counsel
DAVID DEVRIES,
Office of Attorney General
ROBERT J. FLICK,
House Committee on Labor Relations
GIBSON E. ARMSTRONG,
Senate Committee on Labor and Industry
ROBERT E. NYCE,
Independent Regulatory Review Commission

Annex A

TITLE 34. LABOR AND INDUSTRY
PART VIII. BUREAU OF WORKERS' COMPENSATION

CHAPTER 129. WORKERS' COMPENSATION
HEALTH AND SAFETY

Subchapter H. ORDER TO SHOW CAUSE/PENALTIES

§ 129.1602. Order to show cause/penalties.

* * * * *

(6) In a proceeding under this section, the Department has the burden to demonstrate, upon a preponderance of the evidence, that the respondent has failed to comply with the act or related regulations.

* * * * *

[Pa.B. Doc. No. 02-1945. Filed for public inspection November 1, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition for Rulemaking

P-00021985. Office of Consumer Advocate. Petition of the Office of Consumer Advocate for a rulemaking to amend 52 Pa. Code Chapter 63 (relating to telephone service) on October 2, 2002.

Due to the fact that there may be numerous entities in this Commonwealth who have an interest in the opening of a docket in this matter, interested parties are invited to submit written comments, suggestions or objections to this petition within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Copies of the filing are available for full inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1946. Filed for public inspection November 1, 2002, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3] Deletion of Examination Fees

The State Board of Barber Examiners (Board) proposes to amend § 3.103 (relating to fees) to read as set forth in Annex A. The proposed rulemaking deletes references to the fees charged by testing organizations from the schedule of fees for the theory and practical examinations for barbers and barber teachers and theory examination for managers.

Effective Date

The proposed rulemaking is effective on final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

The proposed rulemaking is authorized under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 6 and 14 of the Barber License Law (63 P. S. §§ 556 and 564).

Background and Need for Proposed Rulemaking

The proposed rulemaking to § 3.103 deletes references to the fees for the theory and practical examination for barbers and barber teachers and theory examination for managers. These fees are set by the administrators of the examinations, not by the Board. To avoid the necessity of amending the regulations whenever the examination administrator changes the fees, the Board proposes to delete references to the fees.

Description of Proposed Rulemaking

The proposed rulemaking deletes references to the fees for the theory and practical examinations for barbers and barber teachers and theory examination for managers. The fees are set by the professional testing organizations.

Fiscal Impact

The proposed rulemaking will have no fiscal impact on the Board or its licensees. The proposed rulemaking should have no fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed rulemaking will avoid preparation of new regulations each time that an examination fee is changed and should not create additional paperwork for the private sector.

Sunset Date

The Board monitors its regulations on a continuing basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 17, 2002, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Sara Sulpizio, Administrator, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

CHERYL A. MCDERMOTT,
Chairperson

Fiscal Note: 16A-425. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 3. STATE BOARD OF BARBER EXAMINERS
SCHOOLS OF BARBERING

§ 3.103. Fees.

The schedule of fees charged by the Board is as follows:

Table with 2 columns: Description of examination and Fee (\$87). Rows include licensing examinations for barber (complete, practical, theory), barber teacher (complete, practical, theory), and barber shop manager.

* * * * *

[Pa.B. Doc. No. 02-1947. Filed for public inspection November 1, 2002, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

Established Place of Business for Dealers

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend § 19.18 (relating to established place of business for dealers) to read as set forth in Annex A.

The proposed rulemaking would amend § 19.18(3)(ii) to permit a licensed vehicle dealer to display up to five vehicles in a nonconforming area that is not open to the public.

Effective Date

The proposed rulemaking will be effective upon final form publication in the Pennsylvania Bulletin.

Statutory Authority

The rulemaking is proposed under section 4(9) of the Board of Vehicles Act (act) (63 P. S. § 818.4(a)(9)).

Background and Need for the Proposed Rulemaking

Section 19.18(3) governs the dealership location's display area where the public is permitted and invited in the regular course of business to inspect or test drive vehicles offered for sale, purchase or exchange by the dealership. Subparagraphs (ii)–(iv) set forth requirements for outdoor display areas.

As a result of the present outdoor display requirements of § 19.18(3)(ii), vehicle dealers have been unable to lawfully display a vehicle in a "showcase" area, such as on the front lawn of the dealership or upon some structure. In today's competitive marketplace, many dealers have expressed an interest in being permitted to create a special, nonconforming display area for one or a few vehicles as a "showcase" for a particular vehicle or vehicles. The Board found the requests reasonable and proposes to amend § 19.18(3)(ii) to permit a dealer to create a "showcase" area for up to five vehicles. To satisfy public safety concerns associated with the grading and surfacing requirements for display lots, the Board proposes to require that a dealer who creates a nonconforming display exclude the public from the nonconforming display area.

Description of Proposed Rulemaking

The Board proposes to add a new sentence to § 19.18(3)(ii) that would permit dealers to display up to five vehicles in an area that does not conform to the grading and surfacing requirements of that section, so long as the public does not have access to the nonconforming area. The proposed exemption would allow dealers to showcase up to five vehicles in an area designed for commercial impact rather than for safe access by the public. The public safety concerns expressed in the act and in § 19.18(3)(ii) are satisfied because the regulation requires that the public may not have access to the nonconforming showcase area.

Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation"

The Board sent this proposed rulemaking to major dealer organizations as required under the directives of Executive Order 1996-1, including the Pennsylvania Automotive Association, the Pennsylvania Independent Automobile Dealers Association (PIADA), the Pennsylvania Manufactured Housing Association and the Pennsylvania Motorcycle Dealers Association. Comments were received which agreed that the Board should authorize the display of vehicles on lawn fronts at dealerships. The PIADA, through its executive director, suggested a licensed dealer be permitted to display up to ten vehicles in nonconforming areas. The Board determined that the area required to display ten vehicles would be too large for the dealer to adequately monitor public access. In addition, the Board considered the impact the proposed rulemaking would have on the regulated community and on public safety and welfare. The Board finds that the proposed rulemaking addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 17, 2002, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Teresa Woodall, Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

EDWARD J. CERNIC, Jr.,
Chairperson

Fiscal Note: 16A-604. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS
DEALERSHIP LICENSE

§ 19.18. Established place of business for dealers.

A licensed dealer shall maintain an established place of business that meets the following criteria:

* * * * *

(3) *Display area.* The dealership shall have a display area—whether indoors, outdoors or partly indoors and partly outdoors—where the public is permitted and invited in the regular course of business to inspect or test drive the vehicles that are being offered for sale, purchase or exchange by the dealership. The display area may not include areas of the dealership premises on which are placed vehicles that are wrecked or damaged, that are awaiting reconditioning or preparation for sale, purchase or exchange, that are being serviced or repaired, that are

part of general inventory, or that are otherwise not being offered for sale, purchase or exchange to the public. The display area shall meet the following requirements:

* * * * *

(ii) *Grading and surfacing.* An outdoor display area shall be properly graded. The outdoor display area of a dealership that buys, sells or exchanges vehicles shall be surfaced with concrete, asphalt, slag, brick, stone, aggregate, gravel, cinder or similar material. **A dealership that otherwise complies with this paragraph may display up to five vehicles without regard for the grading or surfacing where those vehicles are displayed, so long as customers are not permitted to be present in the nonconforming area.**

* * * * *

[Pa.B. Doc. No. 02-1948. Filed for public inspection November 1, 2002, 9:00 a.m.]

[49 PA. CODE CH. 19]
Vehicle Auction License

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to add §§ 19.19 and 19.20 (relating to standards of licensure for retail or public auction; and standards of licensure for wholesale auction) to read as set forth in Annex A. The proposed rulemaking would establish requirements for retail or public vehicle auctions and wholesale vehicle auctions.

Effective Date

The proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The rulemaking is proposed under section 4(9) of the Board of Vehicles Act (act) (63 P. S. § 818.4(a)(9)).

Background and Need for the Proposed Rulemaking

The proposed rulemaking would establish requirements for retail or public vehicle auctions and wholesale vehicle auctions and would clarify the statutory restrictions on activities that may be engaged in by persons holding an auction license. The proposed rulemaking is necessary to bring the Board's regulations into conformity with changes made to the act by the act of April 19, 1996 (P. L. 104, No. 27) (Act 27).

Brokering activity became prohibited under Act 27. Section 5(a)(3) of the act (63 P. S. § 818.5(a)(3)) was amended to eliminate licensure for activities that had previously been lawful for persons holding a broker license.

Under the definition of "broker" in section 2 of the act (63 P. S. § 818.2), the activities which constituted brokering were very broad and included auctioning vehicles, selling vehicles on consignment (acting as a seller's agent) and acting as a buyer's agent. Prior to Act 27, the Board issued a broker license to a person engaged in these activities.

Under Act 27, the General Assembly substantially amended the act. Act 27 prohibited brokering (section 5(a)(3) of the act) but permitted some of what had previously been defined as brokering activity to be performed by other licensees. This change was accomplished

by redefining broker and dealer and creating two new classes of licensees, public or retail vehicle auctions and wholesale vehicle auctions. See section 2 of the act. Activities that had formerly been considered brokering were divided between dealers (consignment sales) and public or retail vehicle auctions and wholesale vehicle auctions (auctioning). Other broker activity remains prohibited by the general prohibition against brokering in section 5(a)(3) of the act (acting as a buyer's agent).

Under Act 27, the term "broker" was redefined. In addition, Act 27 redefined the term "vehicle dealer" to permit a dealer to engage in consignment sales, which previously was an activity limited to vehicle brokers. See section 2 of the act. Thus, under the act, only a licensed vehicle dealer may act as a seller's agent by engaging in consignment sales.

Act 27 also created a new class of licensure for vehicle auctions. Vehicle auctions were divided into two categories, wholesale auctions and public or retail auctions. Under Act 27, public or retail auction licensees are permitted to engage in auction activities that, under the prior act, could only be performed by brokers. See section 2 of the act.

Act 27 eliminated the class of licensees known as brokers and prohibited brokering activities. Two exceptions to the prohibition were created. First, vehicle dealers' lawful activities were expanded to include consignment sales. Second, new classes of licensees were created to permit auctioning of vehicles.

Additional Statutory Changes Requiring Regulatory Amendments

It is apparent in section 5(e)(1)(i) of act that the General Assembly never intended the same facility requirements to apply to auctions as to dealers. Act 27 did not specify facility requirements for vehicle auctions. However, public safety considerations demand that the Board provide minimum requirements for auction facilities.

In addition, the General Assembly, in Act 27, deviated from the prior act by eliminating licensure for persons acting as a buyer's agent. Under the prior act, a vehicle broker was permitted to act as a buyer's agent. See section 2 of the act. However, under section 5(a)(3) of act, acting as a broker, which would include acting as a buyer's agent, is prohibited. Section 2 of the act creates exceptions to this general rule for certain licensed persons. Some confusion may exist regarding whether a person licensed under one of the enumerated categories in the current definition of broker may perform any type of brokering, such as acting as a buyer's agent. The proposed rulemaking clarifies the Board's interpretation that only those brokering activities authorized by Act 27 are permitted. Act 27 provides that the holder of a public or retail vehicle auction license or wholesale vehicle auction license is not permitted to engage in all the types of activities formerly permitted of a broker, including acting as a buyer's agent; rather, the holder of a public or retail vehicle auction license or wholesale vehicle license may only auction vehicles.

Description of Proposed Rulemaking

The proposed rulemaking conforms the Board's regulations to Act 27. Act 27 created new classes of licensure for auctions. The proposed rulemaking to the Board's regulations set forth facility requirements designed to protect the public, consistent with facility requirements for vehicle dealers. See § 19.18 (relating to established place of business for dealers).

Under § 19.19, retail or public vehicle auctions shall maintain a business identity separate from other businesses owned or operated by the auction, may not conduct auction activities other than from the established place of business and may only broker, other than conducting auctions, if the auction also holds a dealer license. In addition, a retail or public auction shall meet the following requirements at its established place of business: (1) have a permanent enclosed building for use as an auction facility within this Commonwealth; (2) include a private office within the permanent enclosed building, separate from display and auction areas and suitable for storing books and records; (3) have a single business line telephone listed in the auction's licensed name; (4) be in compliance with applicable building codes, zoning ordinances and other land-use restrictions; (5) comply with fire-safety and occupancy requirements relevant to the area in which the auction is located; (6) post a sign indicating the days and hours that the public may attend; (7) exhibit a visible sign that shows the licensed name of the auction; and (8) have a display area where potential buyers may inspect or test drive the vehicles that is adjacent to the auction's established place of business.

Public safety and welfare are promoted by ensuring a private room in which to consummate the sale and by providing for an area in which the public may view vehicles prior to the auction. Consumers are assisted by the provision requiring a sign to identify and locate the auction. Public safety is protected by requiring auctions to comply with local building codes, zoning ordinances and fire safety restrictions.

The provision regarding business identity protects the consumer who should be able to determine with whom the consumer is conducting business. The provision prohibiting the auction from conducting activities other than from its established place of business protects consumers by allowing for the Board's inspection and control over auction facilities. This restriction parallels the restriction on licensed vehicle dealers, who are not permitted to conduct business from a location other than their licensed location without obtaining a branch lot license that meets all the facilities requirements imposed on the primary location. Finally, the provision regarding brokering simply restates the prohibition in the act, but should be repeated in the Board's regulations because auctions may look only to the regulations when determining their scope of conduct.

Under § 19.20, wholesale vehicle auctions must maintain a business identity separate from other businesses owned or operated by the auction, may not conduct auction activities other than from the established place of business and may only broker, other than conducting auctions, if the auction also holds a dealer license. In addition, a retail or public auction shall meet the following requirements at its established place of business: (1) have a permanent enclosed building for use as an auction facility within this Commonwealth; (2) include a private office within the permanent enclosed building, separate from display and auction areas and suitable for storing books and records; (3) have a single business line telephone listed in the auction's licensed name; (4) be in compliance with applicable building codes, zoning ordinances and other land-use restrictions; (5) comply with fire-safety and occupancy requirements relevant to the area in which the auction is located; and (6) post a sign indicating the licensed name and that the auction is not open to the general public.

The provisions related to the facility promotes public safety and welfare by requiring a private room in which

to consummate the sale, a dedicated telephone number so the licensee may be reached by telephone and compliance with local building codes, zoning ordinances and fire safety restrictions. Finally, the wholesale auction shall be clearly identified so that the general public knows that the wholesale auction is not open to the public, but rather, is restricted to dealers.

The provisions relating to auction activities that prohibit the auction from conducting activities other than from its established place of business protects consumers by allowing for the Board's inspection and control over auction facilities. This restriction parallels the restriction on licensed vehicle dealers, who are not permitted to conduct business from a location other than their licensed location without obtaining a branch lot license that meets all the facilities requirements imposed on the primary location. Finally, the provision regarding brokering simply restates the prohibition in the act, but should be repeated in the Board's regulations because auctions may look only to the regulations when determining their scope of conduct.

Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation"

The Board sent this proposed rulemaking to dealer organizations, including the Pennsylvania Automobile Dealers Association and Pennsylvania Independent Automobile Dealers Association, as required under the directives of Executive Order 1996-1. In addition, the Board considered the impact the proposed rulemaking would have on the regulated community and on public safety and welfare. The Board finds that the proposed rulemaking addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 17, 2002, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final

publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

EDWARD J. CERNIC, Jr.,
Chairperson

Fiscal Note 16A-603. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

AUCTION LICENSE

§ 19.19. Standards of licensure for retail or public auction.

(a) *Auction activities.*

(1) Every public or retail auction shall have a business identity separate from other businesses owned or operated by the public or retail auction.

(2) A public or retail auction may not conduct auction activities other than from its established place of business.

(3) An auction license does not permit a public or retail auction to broker, other than the auctioning of vehicles.

(b) *Established place of business.*

(1) The established place of business for a public or retail auction shall include a permanent enclosed building for use as an auction facility within this Commonwealth.

(2) The established place of business shall include a private office, located within the permanent enclosed building, separate from display areas and auctioning areas, that has space for the storage of books and records.

(3) The established place of business shall have a single business line telephone, located within the permanent enclosed building, that is used for the public or retail auction. The telephone number shall be listed under the public or retail auction's licensed name.

(4) The established place of business shall be in full compliance with applicable building codes, zoning ordinances and other land-use ordinances.

(5) A public or retail auction that is located in Pittsburgh, Philadelphia or Scranton shall possess a certificate of compliance with fire-safety requirements issued by the appropriate fire-safety authority of that city. A public or retail auction that is located somewhere other than in Pittsburgh, Philadelphia or Scranton shall possess a Certificate of Occupancy issued by the Department of Labor and Industry under the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

(6) A public or retail auction shall post a sign indicating the days and hours that the public may attend for either inspection or auctioning of vehicles.

(7) A public or retail auction shall exhibit a sign, either permanently affixed to the building or erected outdoors in the display area, that shows the licensed name of the auction and that is visible to the public.

(8) A public or retail auction shall have a display area where potential buyers are permitted and invited in the regular course of business to inspect or test drive the vehicles that are being offered for sale by the auction. The display area shall be at or adjacent to the auction's established place of business. The display area may be indoors, outdoors or partly indoors and partly outdoors.

§ 19.20. Standards of licensure for wholesale auction.

(a) *Auction activities.*

(1) Every wholesale auction shall have a business identity separate from other businesses owned or operated by the wholesale auction.

(2) A wholesale auction may not conduct auction activities other than from its established place of business.

(3) An auction license does not permit a wholesale auction to broker, other than the auctioning of vehicles.

(b) *Established place of business.*

(1) The established place of business for a wholesale auction shall include a permanent enclosed building for use as an auction facility within this Commonwealth.

(2) The established place of business shall include a private office, located within the permanent enclosed building, separate from display areas and auctioning areas, that has space for the storage of books and records.

(3) The established place of business shall have a single business line telephone, located within the permanent enclosed building, that is used for the wholesale auction. The telephone number shall be listed under the wholesale auction's licensed name.

(4) The established place of business shall be in full compliance with applicable building codes, zoning ordinances and other land-use ordinances.

(5) A wholesale auction that is located in Pittsburgh, Philadelphia or Scranton shall possess a certificate of compliance with fire-safety requirements issued by the appropriate fire-safety authority of that city. A wholesale auction that is located somewhere other than in Pittsburgh, Philadelphia or Scranton shall possess a Certificate of Occupancy issued by the Department of Labor and Industry under the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

(6) A wholesale auction shall post a sign indicating the auction's licensed name and that the auction is not open to the general public.

[Pa.B. Doc. No. 02-1949. Filed for public inspection November 1, 2002, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective October 11, 2002.

The organization chart at 32 Pa.B. 5423 (November 2, 2002) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents).

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

[Pa.B. Doc. No. 02-1950. Filed for public inspection November 1, 2002, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of Transportation

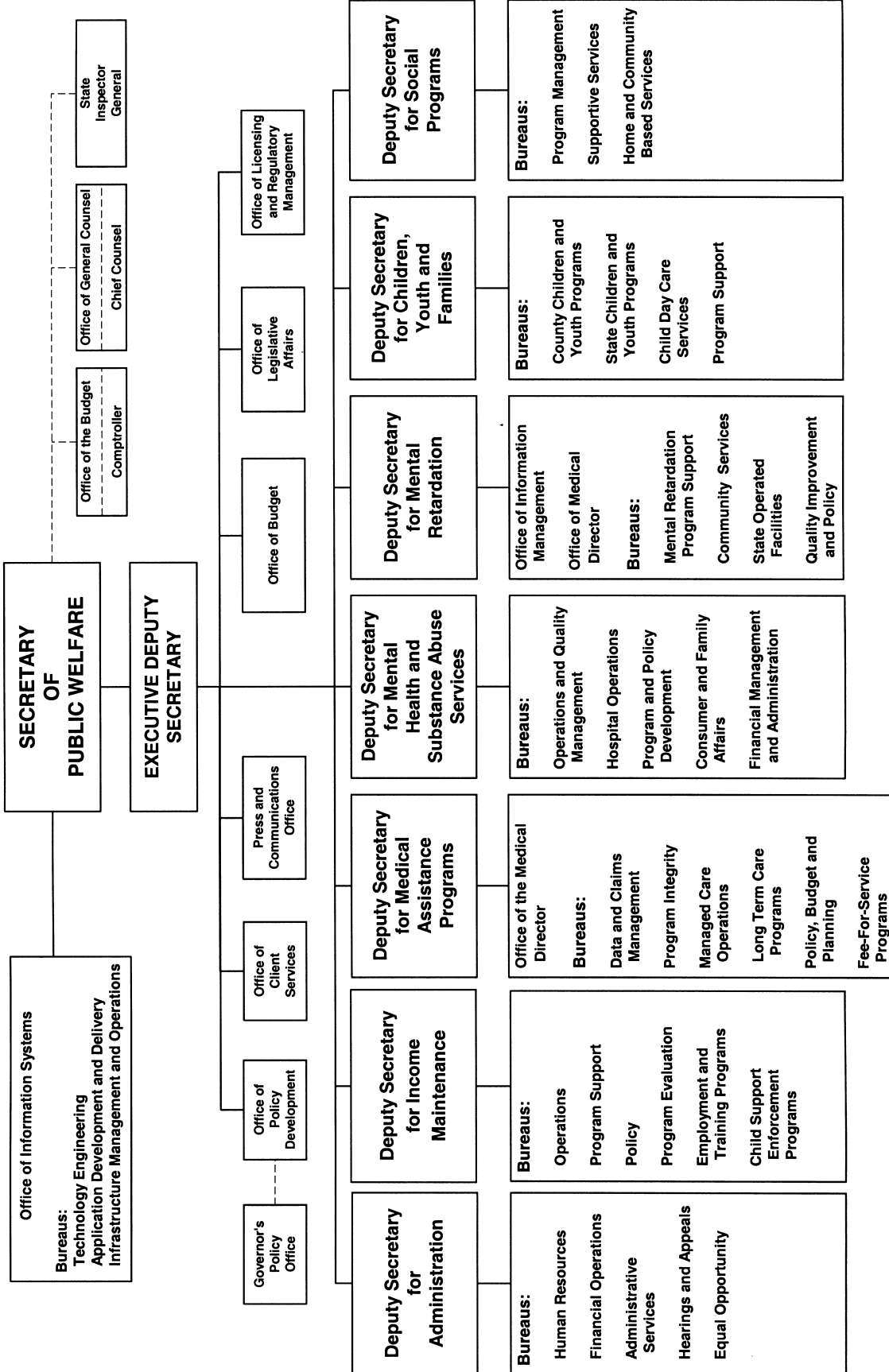
The Executive Board approved a reorganization of the Department of Transportation effective October 16, 2002.

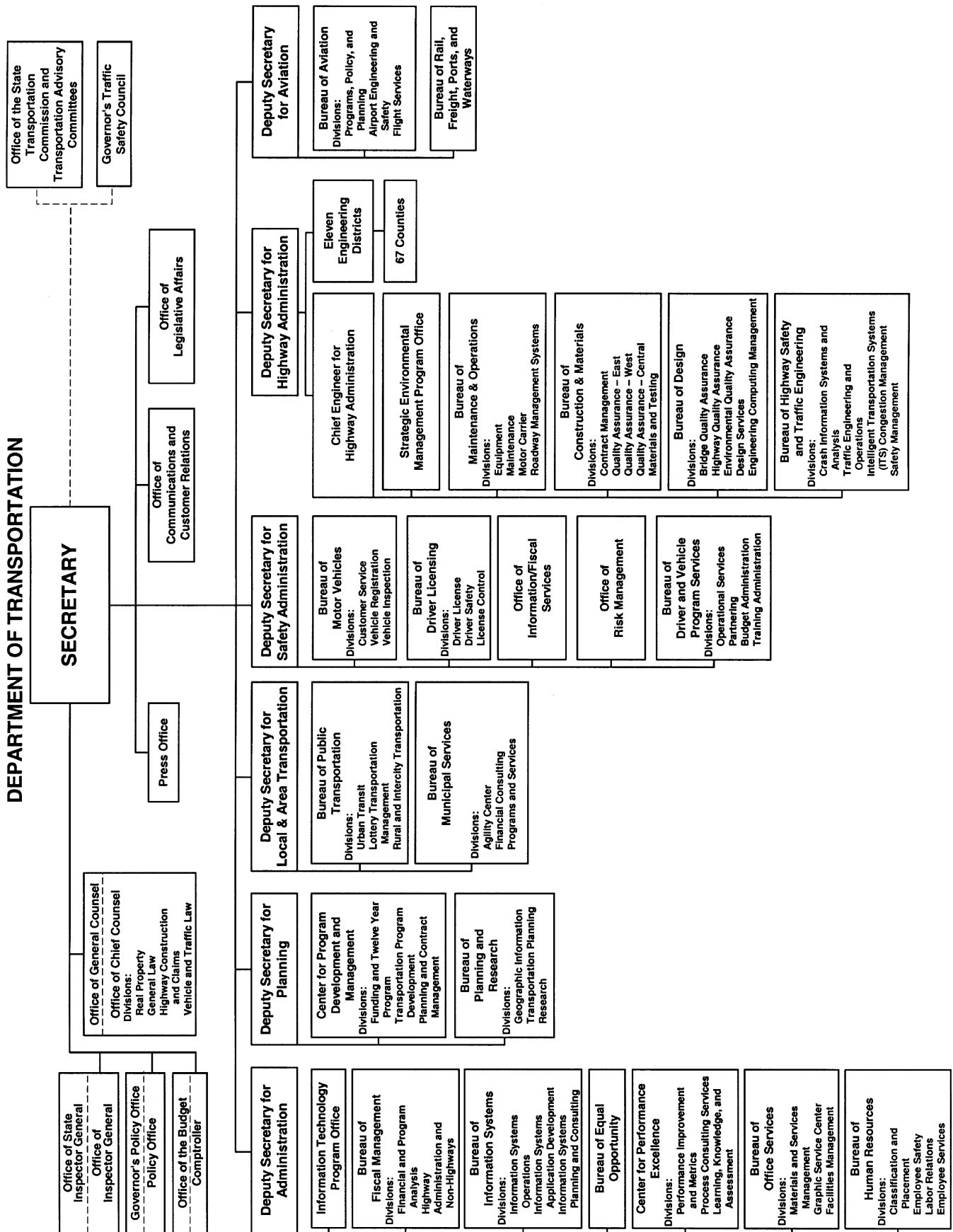
The organization chart at 32 Pa.B. 5424 (November 2, 2002) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents).

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

[Pa.B. Doc. No. 02-1951. Filed for public inspection November 1, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE





NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 22, 2002.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-10-02	Franklin Financial Services Corporation, Chambersburg, to acquire up to 23.5% of American Home Bank, National Association, Lancaster	Chambersburg	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-10-02	Northwest Savings Bank Warren Warren County	1040 Lake Avenue Ashtabula Ashtabula County Ohio	Opened
10-16-02	Citizens Bank of Southern Pennsylvania Greencastle Franklin County	24 North Cedar St. Lititz Lancaster County	Filed
10-18-02	First American Bank of Pennsylvania Everett Bedford County	24 North Cedar St. Lititz Lancaster County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-18-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 128 N. Craig St. Pittsburgh Allegheny County <i>From:</i> 5th Ave. and Craig St. Pittsburgh Allegheny County	Approved
10-18-02	Patriot Bank Pottstown Montgomery County	<i>To:</i> 3650 Nazareth Pike Bethlehem Northampton County <i>From:</i> 3926 Linden Street Bethlehem Northampton County	Approved
10-18-02	Patriot Bank Pottstown Montgomery County	<i>To:</i> 2541 Mickley Avenue Whitehall Lehigh County <i>From:</i> 2641 MacArthur Road Whitehall Lehigh County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-16-02	Pittsburgh Savings Bank Pittsburgh Allegheny County	5001 Library Road Bethel Park Allegheny County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
10-18-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Amendment to Article Second provides for a change in the principal place of business <i>from</i> : 1735 Market Street, Philadelphia; <i>to</i> : 2001 Market Street, Philadelphia. Former main office will remain open as a branch office.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

PAUL H. WENTZEL, Jr.,
Acting Secretary

[Pa.B. Doc. No. 02-1952. Filed for public inspection November 1, 2002, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Availability of Funding through the Temporary Assistance to Needy Families for a Housing Rehabilitation Program

The Temporary Assistance to Needy Families (TANF) Housing Rehabilitation Program is part of the Governor's Housing Collaboration Initiative (Initiative) that has a goal of moving families from welfare to work. The Initiative includes a number of housing related programs developed in cooperation with the Department of Public Welfare and the Housing Finance Agency.

The Department of Community and Economic Development (Department) will administer a \$10 million program with the objective of providing funding for local housing rehabilitation and repair for homeowners and minor alternation/renovation of rental properties.

Purpose

- To provide assistance to needy families so that children under 18 years of age can be cared for in their own home or the home of a relative.
- To promote job preparation, work and marriage and ending dependence on government income payments.
- To encourage the formation and maintenance of two-parent families.

Eligible Applicants

- Units of local governments and redevelopment authorities.

Owner Occupied Properties

- Necessary repairs to the home so that one child or more under 18 years of age can reside there.
- Window and door replacement or upgrading to more energy efficient components.
- Removal, abatement or mitigation of lead-based paint hazards.

Rental Properties

- Minor alteration and renovations such as electrical and plumbing system improvements. Families with one

child or more under 18 years of age must also reside in the assisted rental units.

- Window and door replacement or upgrading to more energy efficient components.
- Removal, abatement or mitigation of lead-based paint hazards.

Housing units assisted with TANF funds must meet the building standards contained in the Department's Rehabilitation Guidelines or, once implemented, the Pennsylvania Construction Code Act. Ineligible uses include additions to units, installation of luxury items, emergency repairs for rental units, treating public housing units or facilities licensed by the Department of Public Welfare or the Department of Health for support services and rent payments for tenants.

Funds used for rental properties must be in the form of a loan to the landlord/rental property owner.

Program Beneficiaries

- Assisted housing units, both owner-occupied and rental, must be occupied by low-income families with at least one dependent child below 18 years of age present in the home.

- Family income must be either below 80% of the median family income for the geographic area where the home is located, same as Section 8 income limits, or below 235% of the Federal Poverty Income Guidelines.

Funding Limits and Priorities

- The minimum application is \$150,000 with a maximum of \$500,000 in any 12 month period.

- Applicants must demonstrate leverage of at least \$3 from other sources for each \$1 of TANF funds requested and priority will be given to those with a \$5 to \$1 leverage ratio. The source of other funds can be from either public or private funds but must be actual cash and not in-kind services.

Application Packages

The application consists of two parts: (1) the Department Single Application, which can be obtained at www.inventpa.com or by contacting the Customer Service Center at (800) 379-7448; and (2) TANF application and forms, available from the Center for Community Building, Office of Community Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA

17120-0225. Both parts of the application can be obtained from the previous address.

TIM MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 02-1953. Filed for public inspection November 1, 2002, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Holy Family College for Approval of University Status

Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Holy Family College for a Certificate of Authority approving the institution's change of status to university.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of the notice

in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623 by 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Paula Fleck at (717) 772-3623 to discuss how the Department may best accommodate their needs.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 02-1954. Filed for public inspection November 1, 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 new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0057193	Michael A. Proger 34 South Ryanford Road Schwenksville, PA 19473	Montgomery County Limerick Township	Tributary to Mine Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0028908	Russell O. Gunton Department of Agriculture P. O. Box C Route 92 South Tunkhannock, PA 18657	Wyoming County Tunkhannock Township	North Branch Susquehanna River 4G	Y
PA0062154	Mountain View School District R. R. 1, Box 339A, Kingsley, PA 18826	Susquehanna County Harford Township	Millard Creek 4E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0087513	Mapleton Area Joint Municipal Authority P. O. Box 415 Mapleton Depot, PA 17052-0415	Huntingdon County Union Township	Hares Valley Creek 12-C	Y
PA0087483	Elizabethtown Borough 600 South Hanover Street Elizabethtown, PA 17022	Lebanon County West Cornwall Township	UNT to Conewago Creek 7-F	Y
PA0085871	Mount Joy Borough Authority 21 East Main Street Mount Joy, PA 17552	Lancaster County Mount Joy Borough East Donegal Township	UNT to Donegal Creek 7-G	Y
PA0081566	York Haven Sewer Authority P. O. Box 394 York Haven, PA 17370	York County York Haven Borough	Conewago Creek 7-F	Y

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

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

No. PA0053473. Sewage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. This application is for renewal of an NPDES permit to discharge treated sewage from Thornbury Township STP in Thornbury Township, **Delaware County**. This is an existing discharge to Chester Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.18 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Total Residual Chlorine	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA waiver is in effect.

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

PA0053813, Industrial, **Farm & Home Oil Company**, 100 Tank Farm Road, Macungie, PA 18062. This proposed facility is located in Lower Macungie Township, **Lehigh County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated stormwater.

The receiving stream, unnamed tributary to Swabia Creek, is in the State Water Plan watershed #2C and is classified for HQ-CWF.

The proposed effluent limits for Outfall 001—003 are as follows:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Total Recoverable Petroleum Hydrocarbon			Monitor and Report	
Diesel Range Organics			Monitor and Report	
Gasoline Range Organics			Monitor and Report	

PA0011762, Industrial, **American Nickeloid Company**, 129 Cherry Street, Walnutport, PA 18088. This proposed facility is located in Walnutport Borough, **Northampton County**.

The receiving stream, Lehigh River, is in the State Water Plan watershed #2A and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Northampton Borough Water Authority is located on the Lehigh River, approximately 8 miles below the point of discharge.

The proposed effluent limits for Outfall 101 is based on design flows of .0432 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	4,000	8,000	10,000
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Copper Total	2.07	3.38	
Lead Total	0.43	0.69	
Zinc Total	1.48	2.61	
Cadmium Total	0.26	0.69	
Chromium Total	1.71	2.77	
Cyanide Total	0.65	1.20	
Nickel Total	2.38	3.98	
Silver Total	0.24	0.43	
Total Toxic Organics		2.13	
pH	Within limits of 6.0 to 9.0 standard units at all times.		

The proposed effluent limit for Outfall 001:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	Within limits of 6.0 to 9.0 standard units at all times.		

The EPA Wavier is in effect.

PA0012742, Industrial, **Copperhead Chemical Company, Inc.**, Two River Road, Tamaqua, PA 18252. This proposed facility is located in Walker Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Little Schuylkill River, is in the State Water Plan watershed #3A and is classified for CWF. The nearest downstream public water supply intake for Pottstown Water Authority is located on the Schuylkill River, over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 011 based on a design flow of 0.01748 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>
BOD ₅	1.23	2.72
TSS	1.09	2.26
COD	7.90	14.92
Oil and Grease	15.0	30.0
Total Residual Chlorine	1.2 mg/l	2.8 mg/l
Fecal Coliform		
(5-1 to 9-30)	200/100 ml	
(10-1 to 4-30)	2,000/100 ml	
pH	6—9 Standard Units	

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

Application No. PA0246671, CAFO, **Tom Bross IV, Huntington Farm**, 2454 Stoney Point Road, East Berlin, PA 17316-9710. Tom Bross IV has submitted an application for an Individual NPDES permit for a proposed CAFO known as Huntington Farm located on Old Harrisburg Road, York Springs, PA, Huntington Township, **Adams County**.

The CAFO would be situated near an unnamed tributary of Bermudian Creek in Watershed 7-F, which is classified for WWF. The CAFO will be designed to maintain an animal population of approximately 652 AEU's consisting of 1,210 gestating sows, 190 sows with litter, 540 finishing swine and 2 boars. The animals will be housed in three barns: a gestation building, a farrowing and nursery building and a grower and finisher building. Manure will be temporarily stored in underground concrete pits beneath the farrowing and nursery building (capacity of 156,000 gallons) and grower and finisher building (capacity of 54,000 gallons). Long-term storage will be in a 9-foot deep underground concrete pit beneath the gestation building (capacity of 1.5 million gallons).

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

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

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

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

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

Application No. PA0246816, Sewage, **Lenker Estates Homeowners Association**, P. O. Box 123, Dauphin, PA 17018. This facility is located in Halifax Township, **Dauphin County**.

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

The receiving stream, an unnamed tributary of the Susquehanna River, is in Watershed 6-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.040 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	10	20
NH ₃ -N		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Total Residual Chlorine	0.18	0.59
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)	2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

PA0003000, Industrial Waste, SIC, 3479, **Centria**, 401 FSC Industrial Park, 14th Street, Ambridge, PA 15003. This application is for renewal of an NPDES permit to discharge treated process water, untreated cooling water and stormwater from Ambridge Plant in Ambridge Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Water Authority, located at Midland, PA, 17.4 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.00762 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids	6.34	12.97	20.0	41	51
Oil and Grease	3.80	6.34	12		25
Chromium	0.018	0.046	0.17	0.42	0.52
Copper	0.113	0.207	1.0	1.90	2.36
Zinc	0.065	0.148	0.56	1.33	1.67
Cyanide	0.013	0.031	0.12	0.29	0.35
Iron	0.071	0.136	0.63	1.23	1.53
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 0.042 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Residual Chlorine			0.5		1.25
Temperature (°F)					110
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0003816, Industrial Waste, SIC, **BP Products North America, Inc.**, 510 Narrows Run Road, Coraopolis, PA 15108. This application is for renewal of an NPDES permit to discharge treated stormwater from a petroleum marketing terminal in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Arco Chemical Company, located at Monaca, 18.3 miles below the discharge point.

Outfall 001: existing discharge (interim limits).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Oil and Grease				Monitor and Report	
Benzene				Monitor and Report	
Ethyl benzene				Monitor and Report	
Toluene				Monitor and Report	
Xylenes				Monitor and Report	
Total Recoverable Petroleum Hydrocarbons				Monitor and Report	

Outfall 001: existing discharge (final limits).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Oil and Grease			15		30
Benzene					0.010
Ethyl benzene					0.010
Toluene					0.010
Xylenes					0.010
Total Recoverable Petroleum Hydrocarbons				Monitor and Report	

The EPA waiver is in effect.

PA0094722, Industrial Waste, SIC, 2077, **Valley Proteins, Inc.**, 151 Val-Pro Drive, Winchester, VA 22603. This application is for renewal of an NPDES permit to discharge noncontact cooling water and stormwater from Neville Island Plant in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, back channel of the Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of

evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply is the Robinson Township Municipal Authority, located at Mile Point 8.6, 2.4 miles below the discharge point.

Outfall 001: discharge, design flow of 0.744 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Temperature (°F)					110
pH	between 6 and 9 at all times				

Outfalls 002—006: stormwater discharges

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD ₅			30*		75
COD			120*		300
Nitrate and Nitrate Nitrogen			0.68*		1.7
TSS			100*		250
Oil and Grease					30

*Yearly average limits.

Outfall 007: stormwater discharges

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This outfall consists of uncontaminated stormwater runoff only. No specific limitations are imposed.					

Other Conditions: All process wastewaters at the facility are pretreated and discharged to ALCOSAN; BMPs relating to stormwater discharges.

The EPA waiver is in effect.

PA0095176, Industrial Waste, SIC 3511, **Elliott Turbomachinery Company, Inc.**, 901 North Fourth Street, Jeannette, PA 15644-0800. This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from the Jeannette Machine Plant in Jeannette, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Brush Creek, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Pennsylvania American Water Company located at 410 Cooke Lane, Pittsburgh, PA 15234, 29.6 miles below the discharge point.

Outfalls 001, 004, 007, 021 and 027—029: existing stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
These outfalls are permitted to discharge uncontaminated stormwater runoff from areas in and around the facility.					

Outfall 002: existing discharge, average flow of 0.0073 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)					110
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, average flow of 0.0973 MGD (interim limits).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			31	60	78
Oil and Grease			15		30
Cadmium			0.0056	0.0112	0.014
Chromium			1.71	2.77	4.28
Copper			0.033	0.066	0.083
Lead			0.019	0.038	0.048
Nickel			0.099	0.198	0.248
Silver			0.0073	0.0146	0.0183
Zinc			0.262	0.524	0.655
Cyanide			0.65	1.2	1.63
TTO				2.13	
Iron, dissolved				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, average flow of 0.0973 MGD (final limits).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			31	60	78
Oil and Grease			15		30
Cadmium			0.0056	0.0112	0.014
Chromium			1.71	2.77	4.28
Copper			0.033	0.066	0.083
Lead			0.019	0.038	0.048
Nickel			0.099	0.198	0.248
Silver			0.0073	0.0146	0.0183
Zinc			0.262	0.524	0.655
Cyanide			0.65	1.2	1.63
TTO				2.13	
Iron, Dissolved			0.392	0.784	0.98
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge, average flow of 0.0059 MGD.

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

Outfall 008: existing discharge, average flow of 0.017 MGD (interim limits).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Manganese				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 008: existing discharge, average flow of 0.017 MGD (final limits).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Manganese			2.64		6.60
pH	not less than 6.0 nor greater than 9.0				

Outfall 015: existing discharge, average flow of 0.07 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 018: existing discharge, average flow of 0.055 MGD (interim limits).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)				110	
Copper	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 018: existing discharge, average flow of 0.055 MGD (final limits).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)				110	
Copper			0.02		0.05
pH	not less than 6.0 nor greater than 9.0				

Outfalls 013 and 014, 030—032: existing stormwater discharges.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron				Monitor and Report	
Zinc				Monitor and Report	

Outfalls 007, 009, 011, 012, 019, 036, 020, 022, 023, 033, 037—039, 040 and 041: existing stormwater discharges.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Zinc				Monitor and Report	

The EPA waiver is in effect.

PA0024171, Amendment No. 1, Sewage, Cambria Township Sewer Authority, P. O. Box 247, Revloc, PA 15948. This application is for amendment of an NPDES permit to discharge treated sewage from Colver Wastewater Treatment Plant in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Elk Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.15 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	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply when the treatment plant is expanded to a flow of 0.275 mgd.

Outfall 001: existing discharge, proposed design flow of 0.275 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	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.0	6.0		8.0
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*	0.04			0.13
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

* This parameter shall only be applicable if chlorination is used for disinfection.

The EPA waiver is in effect.

PA0026841-A1, Sewage, **Borough of Oakmont**, Fifth Street and Virginia Avenue, P. O. Box 206, Oakmont, PA 15139-0206. This application is for amendment of an NPDES permit to discharge treated sewage from Oakmont Wastewater Treatment Plant in Oakmont Borough, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 1.2 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	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st Month to 36th Month)	1			3.3
(37th Month to Expiration)	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 1.63 mgd.

Outfall 001: existing discharge, design flow of 1.2 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	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect. Plant expansion is only for purpose of accommodating additional wet weather flow.

PA0093076, Sewage, **S-2 Properties**, P. O. Box 24509, Pittsburgh, PA 15234. This application is for renewal of an NPDES permit to discharge treated sewage from Brookhaven Estates Mobile Home Park Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Chartiers Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Western Pennsylvania Water Company.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
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	0.15			0.35
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0094455, Sewage, **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. This application is for renewal of an NPDES permit to discharge treated sewage from Dogwood Acres MHP STP in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as McGee Run, which are classified as a TSF 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 Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.035 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)	11.0			22.0
(11-1 to 4-30)		Monitor and Report		
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 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.

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

The Department reserves the right to hold a public hearing if the responsible office considers the public

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

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

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

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

WQM Permit No. 0902408, Sewerage, **Bedminster Municipal Authority**, P. O. Box 92, Bedminster, PA

18910. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a new STP to replace the existing Stonebridge treatment plant.

WQM Permit No. 1594408 Amendment No. 5, Sewerage, **Oxford Area Sewer Authority**, P. O. Box 380, 401 Market Street, Oxford, PA 19363-0380. This proposed facility is located in Oxford Borough, **Chester County**.

Description of Proposed Action/Activity: Amendment to increase the aeration in lagoon no. 1 to provide for an increase in the permitted organic loading to 3,600 lbs/day.

WQM Permit No. 0902409, Sewerage, **Peter's Garden & Company Inc.**, 1320 North West End Boulevard, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater treatment facility.

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

Application No. 9939-S-A3, Sewerage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237. Application for the replacement and upgrade of the Wittmer-Rochester Road sewer system to serve Rochester Road area to the Presidential Plan located in McCandless Township, **Allegheny County**.

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

WQM Permit No. 2002422, Sewerage, **Dave Buchanan**, 19460 Knowlton Parkway, Strongsville, Apartment 305, Strongsville, OH 44149. This proposed facility is located in West Shenango Township, **Crawford County**.

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

WQM Permit No. 6202410, Sewerage, **Dawn E. and Todd E. Venman**, 65 Swede Hill Road, Russell, PA 16345. This proposed facility is located in Pinegrove Township, **Warren County**.

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

WQM Permit No. 6202409, Sewerage, **Rickey E. Browning**, 836 East 33rd Street, Erie, PA 16504. This proposed facility is located in Pittsfield Township, **Warren County**.

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

WQM Permit No. 2002423, Sewerage, **Robert F. Deinert**, 604 Elmwood Avenue, Grove City, PA 16127. This proposed facility is located in Wayne Township, **Crawford County**.

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

WQM Permit No. 2002424, Sewerage, **Norbert F. Dietrich**, 30002 Lake Creek Road, Cochranon, PA 16314. This proposed facility is located in Wayne Township, **Crawford County**.

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

WQM Permit No. 2002425, Sewerage, **Scott E. and Theresa J. Anthony**, 22922 Hobbs Road, Meadville, PA

16335. This proposed facility is located in East Mead Township, **Crawford County**.

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

WQM Permit No. 3702408, Sewerage, **Linda Rough**, 3530 Ellwood Road, New Castle, PA 16101. This proposed facility is located in Shenango Township, **Lawrence County**.

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

WQM Permit No. 2502422, Sewerage, **Brian Sherman**, 265 Hidden Lane, 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.

WQM Permit No. 2002426, Sewerage, Nos. 1 and 2, **Joseph T. Murphy**, 19358 Inlet Road, Conneautville, PA 16406. This proposed facility is located in Summerhill Township, **Crawford County**.

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

WQM Permit No. 2502423, Sewerage, **Pamela J. Rapoza**, 9363 Holden Road, Union City, PA 16438. This proposed facility is located in Union 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 who 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.

Luzerne County Conservation District: R485 Smith Pond Road, Lehman, PA 18627, (570) 674-7991.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10R037-2	Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Luzerne County Lehman Township	Tributary to Harvey's Creek HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10U184	Nic Zawarski & Sons, Developers, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton County Forks Township	Bushkill Creek HQ-CWF
PAS10U185	Joseph Posh, Jr. Easton Center, LLC 2216 Willow Park Rd. Bethlehem, PA 18020	Northampton County Palmer Township	Bushkill Creek HQ-CWF Lehigh River WWF
PAS10U186	Brian Arthofer P. O. Box 4361 Bethlehem, PA 18018	Northampton County Moore Township	Monocacy Creek HQ-CWF

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10V044	Pennsylvania Department of Transportation Division 4 Robert Doble P. O. Box 111 Scranton, PA 18501	Pike County Greene, Palmyra, Blooming Grove, Dingman, Westfall and Milford Townships Matamoras Borough	Lackawaxen River HQ-TSF-MF Wallenpaupack Creek HQ-CWF and HQ-WWF Shohola Creek HQ-CWF Delaware River WWF, MF
PAS10V043	Lake Adventure Scott Matthews 5000 Lake Adventure Milford, PA 18337	Pike County Dingman Township	Birchy Creek HQ-CWF

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>
PAS10Q001-1-R2	Hornstein Enterprises 1150 S. Cedar Crest Blvd. Allentown, PA 18103	Lehigh County Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823 (814) 355-6817.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10F108	Madison Court Subdivision Gary Wilt 1044 Zion Back Rd. Bellefonte, PA 16823	Centre County Walker Township	UNT to Little Fishing Creek HQ-CWF

Clearfield County Conservation District, 650 Leonard Street, Clearfield, PA 16830, (570) 726-2629.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS101714R1	Department of Environmental Protection Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Clearfield County Huston Township	Bark Camp Run CWF

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

NPDES Permit PAS102708, Stormwater, **Pennsylvania General Energy Corporation**, 208 Liberty Street, Warren, PA 16365 has applied to discharge stormwater associated with a construction activity located on Lots 51, 53 and 54 in Jenks Township, **Forest County** to Little Salmon Creek (HQ-CWF).

NPDES Permit PAS102709, Stormwater, **Pennsylvania General Energy Corporation**, 208 Liberty Street, Warren, PA 16365 has applied to discharge stormwater associated with a construction activity located on the Scofield Tract in Jenks Township, **Forest County** to Little Salmon Creek (HQ-CWF).

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of 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 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 who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

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

Permit No. 6402502, Public Water Supply.

Applicant	Lakeland Colony Corporation
Township or Borough	Paupack Township, Wayne County
Responsible Official	John H. Timken, President Lakeland Colony Corporation 1 Lakeland Colony Lake Ariel, PA 18436 (570) 689-9127
Type of Facility	Community Water System
Consulting Engineer	John P. Scheuer, P. E. William G. Karam Associates, Inc. 1001 Lackawanna Trail Clarks Summit, PA 18411 (570) 587-3339
Application Received Date	October 4, 2002
Description of Action	The application is for permitting of the public water supply system serving 110 residential connections at Lakeland Colony. The application proposes modifying the current three well system to incorporate a new booster pump station with associated 4,000 gallon storage tank and a 1,160 gallon hydropneumatic tank, along with new chemical feed systems for disinfection and sequestration of manganese.

Permit No. 5402502, Public Water Supply.

Applicant **Tower City Borough Authority**
219 East Colliery Avenue
Tower City, PA 17981

Township or Borough Porter Township, **Schuylkill County**

Responsible Official Kyle Mahoney, Manager

Type of Facility PWS

Consulting Engineer Todd Duerr

Application Received Date August 5, 2002

Description of Action The addition of a new well source No. 7 and treatment for iron.

Permit No. 4002502, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**

Township or Borough Union Township, **Luzerne County**

Responsible Official Richard T. Subasic, Executive V. P.
Pennsylvania Suburban Water Company
204 East Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Mary Jo Brown
CET Engineering Services
1240 N. Mountain Rd.
Harrisburg, PA 17112

Application Received Date August 18, 2002

Description of Action To permit a public water supply well (Cherokee No. 2) that is currently operating under an emergency PWS permit.

Permit No. 4002503, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**

Township or Borough Union Township, **Luzerne County**

Responsible Official Richard T. Subasic, Executive V. P.
Pennsylvania Suburban Water Company
204 East Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Mary Jo Brown
CET Engineering Services
1240 N. Mountain Rd.
Harrisburg, PA 17112

Application Received Date August 18, 2002

Description of Action To permit a public water supply well (Apache No. 2) that is currently operating under an emergency PWS permit.

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

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

Application No. Minor Amendment.

Applicant **Pennsylvania Suburban Water Co.**

Township or Borough Union Township
Luzerne County

Responsible Official Richard T. Subasic, Executive V. P.
Pennsylvania Suburban Water Co.
204 East Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Mary Jo Brown
CET Engineering Services
1240 N. Mountain Rd.
Harrisburg, PA

Application Received Date September 10, 2002

Description of Action To permit distribution system improvements including finished water storage and system interconnect.

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 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, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Haas Packaging & Design, Inc., Upper Nazareth Township, **Northampton County**. Mark Ellis, Senior Geologist, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Notice of Intent to Remediate (on behalf of Daniel Haas, Haas Packaging & Design, Inc., 300 Industrial Park Drive, Nazareth, PA) concerning the remediation of site groundwater found to have been contaminated with a suspected petroleum-distillate compound. The applicant proposes to meet the residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was reportedly published in the *Express-Times* on September 23, 2002.

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

Rite Aid Store No. 246, Derry Township, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Rite Aid Corporation, 451 South St. John's Church Road, Camp Hill, PA 17011, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with BTEX, PHCs and BTEX. The applicant proposes to remediate the site to meet the requirements for a combination of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Hershey Chronicle* on October 3, 2002.

Linden Hall School for Girls, Borough of Lititz, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Linden Hall School for Girls, 212 East Main Street, Lititz, PA 17543, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was

reported to have been published in the Lancaster *Intelligencer Journal/New Era* on October 3, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PAD067098822. Cycle Chem Inc., 550 Industrial Drive, Lewisberry, PA 17339, Fairview Township, **York County**. Application determined to be administratively incomplete by the Southcentral Regional Office on October 17, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit Application No. 101549, Bucks County Resource Recovery, Inc., 701 Penn Ave., Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. The application is a permit reissuance from Safety Disposal Systems of Pennsylvania, Inc. to Bucks County Resource Recovery, Inc. The application was received by Southeast Regional office on October 11, 2002.

Permit Application No. 101549, Bucks County Resource Recovery, Inc., 701 Penn Ave, Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. The application is a permit modification for a radiation monitoring plan for the Safety Disposal Systems of Pennsylvania, Inc. facility. The application was received by Southeast Regional office on October 16, 2002.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No. 101509, New Morgan Landfill Co. Inc., P. O. Box 128, Morgantown, PA 19543-0128, New Morgan Borough, **Berks County**. The application is for the Radiation Protection Action and Background Meteorological Monitoring Plan for the Conestoga Landfill. The application was determined to be administratively complete by the Southcentral Regional Office on October 15, 2002.

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

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

Permit Application, Erie Sewer Authority c/o Knox McLaughlin Gornall & Sennett PC, 120 West 10th Street, Erie, PA 16501-1461, City of Erie, **Erie County**. Permit renewal application for Municipal Waste Processing Facility named the City of Erie Wastewater Treatment Plant Incinerator Facility. The application was received by the Northwest Regional Office on October 15, 2002.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the permit renewal application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable

requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

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

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

54-308-020: Alcoa Engineered Products (53 Pottsville Street, P. O. Box 187, Cressona, PA 17929) for modification of melting furnaces 8 and 9 by installing ultra low NOx burners in Cressona Borough, **Schuylkill County**.

39-309-059: Lafarge North America (5160 Main Street, Whitehall, PA 18052) for installation of air cleaning devices to control emissions from the cement/slag blending project in Whitehall Township, **Lehigh County**.

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

06-03113A: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) for modification of the existing nonmetallic mineral crushing plant controlled with wet suppression and a fabric collector in Robeson Township, **Berks County**. The facility is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for New Stationary Sources.

06-05188A: Cummins Power Systems, Inc. (2727 Ford Road, Bristol, PA 19007-6895) for modification of an electric generating peaking station in Muhlenberg Township, **Berks County**. The application will also include the change of ownership of the facility from Metropolitan Edison Company.

29-05003A: Allegheny Energy Solutions, Inc. (100 Brush Run Road, Greensburg, PA 15601) for construction of six simple cycle combustion turbines at its McConnellsburg/Gilford Generating Station in Ayr Township, **Fulton County**. This electric generation station is a Title V facility and subject to 40 CFR Part 60, Subpart GG Standards of Performance for Stationary Gas Turbines. This was published on September 28, 2002, with the wrong municipality.

36-05126A: McMinn's Asphalt Co., Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) for construction of a hot mix batch asphalt plant controlled by a fabric filter baghouse in West Donegal Township, **Lancaster County**. The facility is subject to Standards of Performance for New Stationary Sources; 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities; and section 116b(b) of Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels.

67-05004G: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-0500) for installation of a new chip bin on the pine/softwood fiber line in Spring Grove Borough, **York County**. HVLC gases will be collected and routed to the no. 3 recovery boiler via the existing Pine HVLC Collection System. This installation is subject to 40 CFR Part 60, Subpart BB and 40 CFR Part 63, Subpart S.

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

55-00005A: Wood-Mode, Inc. (1 Second Street, Kreamer, PA 17833) for modification of the main line automated spray booths and associated flash-off areas by increasing the allowable VOC emission rate from 61.9 tons in any 12 consecutive month period to 6.9 tons in any 12 consecutive month period in Middlecreek Township, **Snyder County**. This modification will necessitate emission reduction credits due to the accumulation of de minimis VOC emission increases which have occurred at this facility.

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

GP-26-00549: Phillips Production Co. (502 Keystone Drive, Warrendale, PA) on October 17, 2002, GP5 for installation of a 425 BHP, model G 3408C LE, Caterpillar engine to operate a gas production well booster compressor unit (BAQ-GPA/GP-5) at the Company's Adams Compressor Station in **Fayette County**. The Lean Burn fuel mixture control settings on the engine limit its combustion products emissions to the atmosphere.

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

43-040B: Wheatland Tube Co.—Sharon Plant (200 Clark Street, Sharon, PA 16146-2473) for installation of a pipe coating operation at their facility in the City of Sharon, **Mercer County**. The facility is a Title V facility.

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

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

46-0005U: Merck & Co., Inc. (770 Sumneytown Pike, P. O. Box 4, West Point, PA 19486-0004) for issuance under 25 Pa. Code §§ 127.44(a) and 127.424(b) of a Plan Approval for their plant in West Point, Upper Gwynedd Township, **Montgomery County**. This plan approval will authorize the applicant to modify the No. 7 boiler, as described in the applicant's application of June 21, 2002. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 46-0005U is for the modification of the emission limits for VOCs from the No. 7 boiler. Based on the information provided by the applicant and the Department's own analysis, the No. 7 boiler will emit 0.19 pound of VOCs per hour when combusting natural gas, 7.94 pounds of VOCs per hour when combusting no. 2 fuel oil and 3.7 tons of VOCs per year.

To assure compliance with the applicable standards, the Department has placed the following conditions in the proposed Plan Approval:

1. The company shall limit the emissions of VOCs to a maximum of 0.19 pound per hour when combusting natural gas and 7.94 pounds per hour when combusting no. 2 fuel oil.

2. The company shall limit the emissions of VOCs to a maximum of 3.7 tons per year, calculated as a 12 month rolling sum.

3. The company shall monitor the emissions of VOCs on a monthly basis.

4. Sufficient data shall be recorded so that compliance with the conditions in this Plan Approval can be determined. Records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

5. The company shall record the emissions of VOCs on a monthly basis to demonstrate compliance with Condition 3.B. of this plan approval.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at (610) 832-6268.

Persons wishing to provide the Department with additional information they believe should be considered may submit the information to the following address. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.

2. Identification of the proposed Plan Approval; No. 46-0005U.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines notification is sufficient. Written comments or requests for a public hearing should be directed to Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428, (610) 832-6242.

09-0143: Naceville Materials—Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA, 19474) for installation of a primary crushing circuit at a nonmetallic mineral processing plant in West Rock Hill Township, **Bucks County**. This installation allows the plant to replace an existing primary crushing circuit and an increase in hours of operation of the secondary crushing circuit. The plant will use a wet suppression system to reduce fugitive emissions of particulate matter. 40 CFR Part 60 Subpart OOO—Standard of Performance for Nonmetallic Processing Plants applies to this Plan Approval. The Plan Approval will require the company to perform stack tests for opacity.

AQ-SE-0001: Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038) for reissuance of a Plan Approval and Operating Permit under 25 Pa. Code § 127.632(a) for a portable crusher with diesel engine and diesel generator. This Plan Approval and Operating Permit will authorize the applicant to continue operating the aforementioned source, as described in the applicant's application of June 5, 2002, at one of the five following non-Title V facility locations:

Catanach Asphalt Plant & Quarry, 660 Morehall Road, Frazer, PA 19335, East Whiteland Township, **Chester County**.

Freeborn Asphalt Plant, Eagle Road and Darby Creek, Springfield, PA 19064, Springfield Township, **Delaware County**.

Ivy Rock Asphalt Plant & Quarry, Conshohocken Road, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**.

Spring House Asphalt Plant, Route 309 and Horsham, Spring House, PA 19477, Montgomery Township, **Montgomery County**.

McCoy Quarry, Flint Hill and Church Roads, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**.

At a fee of \$1,400, the Plan Approval and Operating Permit will be valid for a period of 5 years. Per the publication of this notice, a 45-day comment period has begun for the public to comment on the aforementioned Plan Approval and Operating Permit application.

Plan Approval and Operating Permit No. AQ-SE-0001 is for a portable crusher consisting of a primary feeder, a primary crusher, one screen, three conveyors, one stacker, one diesel engine (to operate the crusher) and a 125 kW diesel generator (to operate the conveyors). The portable crusher, diesel engine and diesel generator will have a potential of 6.59 tons per year for NO_x, 2.78 tons per year for particulate matter and 1.43 tons per year for carbon monoxide. Emissions of VOCs and sulfur oxides will each be less than 1 ton per year. Although the portable crusher will have the potential to increase emissions at a particular facility, each facility will be required to stay below facility wide limits as already established in the applicable facility Operating Permit. No facility may emit above Title V facility threshold limits without approval from the Department. The portable crusher will be limited to 689 hours of operation per year to ensure that the portable crusher does not exceed the previous emission rates. The facility will be required to track hours of operation, fuel consumption and monthly emissions at each facility to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Copies of the applications, the Department's analysis, inspection reports and other documents used in the evaluation of these applications are available for public review during normal business hours at the Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the previous address. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Permit No. AQ-SE-0001 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines notification is sufficient. Written

comments or requests for a public hearing should be directed to Francine Carlini, Regional Manager, Air Quality, Department of Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-0036G: Visteon Systems, LLC (2750 Morris Road, Lansdale, PA 19446) for installation and construction of a Selective Soldering Machine No. 10 at their facility in Worcester Township, **Montgomery County**. This source will result in a facility wide emission increase of 0.0035 ton of lead and 1.72 tons of VOCs per 12-month rolling sum. Although the facility is classified as a major facility for VOCs, actual emissions of VOCs are below 25 tons per year. Selective Soldering Machine No. 10 shall only be used for soldering electronic circuit boards. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

23-0068: Cremation Specialists, Inc. (43 East Baltimore Ave., Media, PA 19063), for installation of the human crematorium. The installation of the human crematorium will result in the emissions of 1.06 tons per year of NO_x, 0.08 ton per year of carbon monoxide, 0.25 ton per year of particulate matter. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0005T: Merck and Co., Inc. (770 Sumneytown Pike, P. O. Box 4, West Point, PA 19486-0004) for installation of two 1,300 kW natural gas fired emergency generators, as described in the applicant's application of May 20, 2002, under 25 Pa. Code §§ 127.44(a) and 127.424(b), in their plant in West Point, Upper Gwynedd Township, **Montgomery County**. The Plan Approval will subsequently be incorporated into the Company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, the two emergency generators will emit 1.0 ton per year of NO_x, 2.6 tons per year of carbon monoxide and 0.65 ton per year of VOCs.

To assure compliance with the applicable standards, the Department has placed the following conditions in the proposed Plan Approval:

A. The company shall limit the hours of operation of each emergency generator to 500 hours per year, calculated as a 12 month rolling sum.

B. The company shall install, operate and maintain the emergency generator in accordance with the manufacturer's specifications as well as good air pollution control practices.

C. The emergency generator shall only be used during electrical failures or to perform preventative maintenance. The emergency generator shall not be used to supplement the primary power supply to the facility.

D. The company shall only combust natural gas in each generator.

E. The following air contaminant emission limits are approved for the 1,300 kW emergency generator.

i. NO_x: 1.0 ton per year calculated as a 12 month rolling sum.

ii. CO: 2.6 tons per year calculated as a 12 month rolling sum.

iii. VOCs: 0.65 ton per year calculated as a 12 month rolling sum.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at (610) 832-6268.

Persons wishing to provide the Department with additional information they believe should be considered may submit the information to the following address. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the name, address and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 46-0005T and a concise statement regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines notification is sufficient. Written comments or requests for a public hearing should be directed to Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428, (610) 832-6242.

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

22-05026A: Eldorado Properties Corp. (P. O. Box 2621, Harrisburg, PA 17105) for certification of 12.1 tons per year of VOC emission reduction credits from the shut down of the Lucknow Bulk Gasoline Terminal in the City of Harrisburg, **Dauphin County**.

36-05002B: Armstrong World Industries, Inc. (P. O. Box 3001, Lancaster, PA 17604) for consolidation of two flooring lines at their flooring plant in the City of Lancaster, **Lancaster County**. The consolidated line will be subject to the same requirements as the previous units and will not impact emissions from this Title V facility. The plan approval will include monitoring, recordkeeping, work practices and reporting provisions to ensure the facility complies with the applicable air quality requirements.

67-05092C: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) for installation of a cyclone, high efficiency air filter and a mist eliminator to control the existing pair of hot chaff collection systems at the York Roasting Plant in East Manchester Township, **York County**. This coffee roasting plant is a non-Title V (State only) facility. This installation will result in a decrease of about 1.4 tons per year of PM10 emissions. The plan approval will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

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

60-303-003: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) for construction of a drum mix asphalt plant including a virgin no. 2 fuel oil and reprocessed oil-fired mixing drum, three asphalt cement storage tanks and associated no. 2 fuel oil-fired heater,

product loading operations, dust silo and associated slurry mixer at their facility in Buffalo Township, **Union County**.

The particulate matter emitted from the plant's mixing drum will be controlled by a knock-out box followed by a fabric collector. The mixing drum, asphalt cement storage tanks, asphalt cement heater and product loading operations are expected to result in combined actual emissions of 9.4 tons of particulate matter, 34.2 tons of NO_x, 80.0 tons of carbon monoxide, 77.9 tons of sulfur oxides and 29.9 tons of VOCs per year; 5.2 tons per year of the VOCs will also be hazardous air pollutants.

The Department has determined that the proposed asphalt plant will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue a plan approval for the construction of the respective asphalt plant.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the equipment. These conditions are intended to assure proper operation of the equipment as well as compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The fabric collector shall be equipped with an air dryer and an oil trap, instrumentation to continuously monitor differential pressure across the collector as well as the collector inlet temperature and an interlock to shut down all flow to the fabric collector if a temperature sensor located within the fabric collector detects a temperature greater than 390°F.

2. The permittee shall keep spare fabric collector bags on hand.

3. The emission of particulate matter from the exhaust of the fabric collector shall not exceed 0.02 grain per dry standard cubic foot.

4. Material collected in the dust silo shall only be removed from the silo via a rotary screw conveyor and reintroduced into the mixing drum or via rotary airlock to the slurry mixer.

5. Recycled asphalt pavement shall be limited to no more than 25% of the total weight of all materials introduced into the mixing drum at any time.

6. The plant shall produce no more than 1 million tons of asphalt concrete in any 12 consecutive month period, nor shall more than 1.82 million gallons of no. 2 fuel oil and reprocessed oil (combined) be fired in the mixing drum.

7. The sulfur content of reprocessed oil shall not exceed 1.0% by weight at any time or 0.5% by weight on an annual average basis. The sulfur content of virgin no. 2 fuel oil shall not exceed 0.3% by weight.

8. The NO_x, carbon monoxide and VOC (as methane) emissions from the mixing drum shall not exceed 0.065, 0.159 and 0.051 pound per ton aggregate, respectively, when firing reprocessed oil or 0.046, 0.129 and 0.040 pound per ton aggregate, respectively, when firing no. 2 fuel oil.

9. The sulfur oxides, NO_x, carbon monoxide, VOC (as methane), formaldehyde and total hazardous air pollutant emissions from the mixing drum shall not exceed 74.1, 32.5, 79.5, 25.5, 1.55 and 5.0 tons in any 12 consecutive

month period, respectively, and the total facility-wide sulfur oxides, NO_x, carbon monoxide, VOC (as methane) and hazardous air pollutant emissions shall not exceed 77.9, 34.2, 80.0, 29.9 and 5.2 tons in any 12 consecutive month period, respectively.

10. The reprocessed oil used at the plant shall not equal or exceed the following contaminant limits:

<i>Contaminant</i>	<i>Parts per million</i>
Arsenic	5
Cadmium	2
Chromium	10
Lead	100
Total halides	1,000
Polychlorinated biphenyls	Nondetect (detection limit no higher than 2 ppm)

11. The permittee shall not accept for use in the plant any shipment of reprocessed oil for which the arsenic, cadmium, chromium, lead, total halides and polychlorinated biphenyls contents and/or the flash point are unknown, or which fails to meet any established limitation for these contaminants, or for which the sulfur content is unknown or which fails to meet any limitation established for sulfur content.

12. A sample of each load of reprocessed oil delivered to the plant shall be taken at the time of delivery to the plant using a sampling technique capable of achieving a representative composite sample of the entire load and shall be retained onsite for at least 2 years for random selection and analysis by the Department. The samples are to be sealed and identified as to the date of delivery, delivery invoice number and the like.

13. The permittee shall perform stack testing to determine the NO_x, carbon monoxide and VOC emission rates while firing reprocessed oil and while firing no. 2 fuel oil. Stack testing shall also be performed to determine the particulate matter emission rate (while firing either one of these two fuels) and to determine the VOC emission rate while processing 25% recycled asphalt pavement. Opacity observations shall also be performed.

14. The plant shall not be used to dry stone other than when the plant is simultaneously producing asphalt concrete, nor shall it be used to produce asbestos-containing asphalt, nor shall it be used to decontaminate or otherwise treat soil or any other material which has been contaminated with gasoline, fuel oil or any other substance.

08-399-036E: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) for installation of a Torit, MDV 18000, Modular Media Filtration System and canopy hood on a plastic mold-curing oven in North Towanda Township, **Bradford County**.

The filtration system and canopy hood will replace an existing electrostatic precipitator. The resultant particulate matter emissions will be less than 0.005 grain per dry standard cubic feet.

The Department's review of the filter system and canopy hood will comply with all air quality regulatory requirements. Based on this finding, the Department intends to issue a plan approval for the installation of the proposed filter system and canopy hood.

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

1. The particulate matter concentration in the exhaust of the filter system shall not be in excess of 0.005 grain per dry standard cubic foot at any time.

2. The mold-curing oven shall not operate if the filter system is inoperable.

3. The maximum amount of hard and soft plastisol used in the mold-curing oven in any 12 consecutive month period shall not be greater than 38,000 lbs.

4. The maximum amount of Koroseal (hot pour vinyl) used in the mold-curing oven in any 12 consecutive month period shall not be greater than 18,000 lbs.

5. At least one full spare set of filters shall be kept on hand at all times for the filter system.

59-00003A: OSRAM SYLVANIA Products, Inc. (One Jackson Street, Wellsboro, PA 16901-1717) for construction of a light bulb frosting operation, construction of a frosting solution reclaim system, modification of an existing light bulb frosting operation and construction of a filter press and two lime mixers associated with the facility's wastewater treatment plant at their facility in Wellsboro Borough, **Tioga County**. The OSRAM facility is a major facility which has been issued a Title V operating permit (no. 59-00003).

The hydrogen fluoride emitted from the frosting operations and reclaim system will be controlled by a packed bed scrubber. The frosting operations and reclaim system are expected to result in combined emissions of 3.27 tons of hydrogen fluoride per year after control by the scrubber. Hydrogen fluoride is a hazardous air pollutant. The filter press and two lime mixers are expected to result in combined emissions of 3.01 tons of ammonia per year.

The Department has determined that the frosting operations, reclaim system, filter press and lime mixers will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue a plan approval for the respective frosting operations, reclaim system, filter press and lime mixers.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the equipment. These conditions are intended to assure proper operation of the equipment as well as compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The emissions of hydrogen fluoride from the frosting operations and hydrogen fluoride reclaim system shall be captured at an efficiency of no less than 100% and ducted to the scrubber.

2. The recirculating solution of the scrubber shall utilize a caustic (NaOH) solution as the scrubbing medium. The pH of the scrubbing medium shall be maintained at a minimum pH of 7.0 at all times of operation.

3. The scrubber shall be operated at a minimum scrubbing solution recirculating rate of 300 gallons per minute at all times of operation.

4. The scrubber shall be equipped with an alarm system that shall trigger an alarm at any time that the scrubbing solution recirculation rate drops below 300 gallons per minute.

5. The scrubber shall utilize a packed bed having a minimum packing height of 8.0 feet.

6. The scrubber shall achieve a minimum hydrogen fluoride removal efficiency of 99.0%.

7. The scrubber shall incorporate turning vanes or an extended inlet duct with elbow to aid in the distribution of gases within the scrubber.

8. The scrubber shall be equipped with instrumentation capable of monitoring recirculating solution flow rate and recirculating solution pH on a continuous basis.

9. The sump associated with the scrubber shall be equipped with instrumentation capable of monitoring sump liquid level.

10. The scrubber shall be equipped with instrumentation capable of monitoring differential pressure across each of the following: (1) the scrubber packed bed; (2) an associated chevron blade eliminator; and (3) an associated mesh pad mist eliminator.

11. The scrubber shall be equipped with instrumentation capable of monitoring differential pressure across the entire packed bed scrubber.

12. The scrubber shall be equipped with instrumentation capable of monitoring the pressure within each nozzle header.

13. The emissions of hydrogen fluoride from the exhaust of the scrubber shall not exceed 0.75 pound per hour and 3.27 tons in any 12 consecutive month period.

14. The ventilation system venting all emissions from the equipment previously identified to the inlet of the packed bed scrubber shall be equipped with a standby fan capable of achieving a capture efficiency of hydrogen fluoride from the respective equipment of no less than 100%.

15. The scrubber solution recirculating system shall be equipped with a standby pump capable of taking over immediate service should a pump associated with the scrubber recirculating system malfunction.

16. The company shall conduct stack testing on the exhaust of the scrubber to determine compliance with the minimum hydrogen fluoride removal efficiency and the hourly HF emission rate limit.

17. The emissions of ammonia from the two lime mixers and filter press shall not exceed 3.01 tons in any 12 consecutive month period. This plan approval is also issued for modifications to the wastewater treatment plant which, when combined with the emissions of ammonia from the respective lime mixers and filter press, will result in a total increase in ammonia emissions of 3.06 tons per year. After all proposed modifications, the emissions of ammonia from the wastewater treatment plant shall not exceed 6.10 tons in any 12 consecutive month period.

OPERATING PERMITS

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

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

21-05009: PPL Martins Creek, LLC (Two North Ninth Street, Allentown, PA 18101-1179) for a Title V Operating Permit renewal to operate a combustion turbine site in Lower Allen Township, **Cumberland County**. The facility's major source of emissions is attributed to the operation of two combustion turbines firing

no. 2 fuel oil, which primarily emit NOx. The Title V Operating Permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

22-05011: PPL Martins Creek, LLC (Two North Ninth Street, Allentown, PA 18101-1179) for a Title V Operating Permit renewal to operate a combustion turbine site in the City of Harrisburg, **Dauphin County**. The facility's major source of emissions is attributed to the operation of four combustion turbines firing no. 2 fuel oil, which primarily emits NOx. The Title V Operating Permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Program Manager, (570) 327-0512.

60-303-003: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) for construction of a drum mix asphalt plant including a virgin no. 2 fuel oil and reprocessed oil-fired mixing drum, three asphalt cement storage tanks and associated no. 2 fuel oil-fired heater, product loading operations, dust silo and associated slurry mixer at their facility in Buffalo Township, **Union County**.

The particulate matter emitted from the plant's mixing drum will be controlled by a knock-out box followed by a fabric collector. The mixing drum, asphalt cement storage tanks, asphalt cement heater and product loading operations are expected to result in combined actual emissions of 9.4 tons of particulate matter, 34.2 tons of nitrogen oxides, 80.0 tons of carbon monoxide, 77.9 tons of sulfur oxides and 29.9 tons of VOCs per year. 5.2 tons per year of the VOCs will also be hazardous air pollutants.

The Department has determined that the proposed asphalt plant will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue a plan approval for the construction of the respective asphalt plant.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the equipment. These conditions are intended to assure proper operation of the equipment as well as compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The fabric collector shall be equipped with an air dryer and an oil trap, instrumentation to continuously monitor differential pressure across the collector as well as the collector inlet temperature and an interlock to shut down all flow to the fabric collector if a temperature sensor located within the fabric collector detects a temperature greater than 390°F.

2. The permittee shall keep spare fabric collector bags on hand.

3. The emission of particulate matter from the exhaust of the fabric collector shall not exceed 0.02 grain per dry standard cubic foot.

4. Material collected in the dust silo shall only be removed from the silo via a rotary screw conveyor and reintroduced into the mixing drum or via rotary airlock to the slurry mixer.

5. Recycled asphalt pavement shall be limited to no more than 25% of the total weight of all materials introduced into the mixing drum at any time.

6. The plant shall produce no more than 1 million tons of asphalt concrete in any 12 consecutive month period, nor shall more than 1.82 million gallons of no. 2 fuel oil and reprocessed oil (combined) be fired in the mixing drum.

7. The sulfur content of reprocessed oil shall not exceed 1.0% by weight at any time or 0.5% by weight on an annual average basis. The sulfur content of virgin no. 2 fuel oil shall not exceed 0.3% by weight.

8. The nitrogen oxides, carbon monoxide and VOC (as methane) emissions from the mixing drum shall not exceed 0.065, 0.159 and 0.051 pound per ton aggregate, respectively, when firing reprocessed oil or 0.046, 0.129 and 0.040 pound per ton aggregate, respectively, when firing no. 2 fuel oil.

9. The sulfur oxides, NO_x, carbon monoxide, VOC (as methane), formaldehyde and total hazardous air pollutant emissions from the mixing drum shall not exceed 74.1, 32.5, 79.5, 25.5, 1.55 and 5.0 tons in any 12 consecutive month period, respectively, and the total facility-wide sulfur oxides, NO_x, carbon monoxide, VOC (as methane) and hazardous air pollutant emissions shall not exceed 77.9, 34.2, 80.0, 29.9 and 5.2 tons in any 12 consecutive month period, respectively.

10. The reprocessed oil used at the plant shall not equal or exceed the following contaminant limits:

<i>Contaminant</i>	<i>Parts per million</i>
Arsenic	5
Cadmium	2
Chromium	10
Lead	100
Total halides	1,000
Polychlorinated biphenyls	Nondetect (detection limit no higher than 2 ppm)

11. The permittee shall not accept for use in the plant any shipment of reprocessed oil for which the arsenic, cadmium, chromium, lead, total halides and polychlorinated biphenyls contents and/or the flash point are unknown, or which fails to meet any established limitation for these contaminants, or for which the sulfur content is unknown or which fails to meet any limitation established for sulfur content.

12. A sample of each load of reprocessed oil delivered to the plant shall be taken at the time of delivery to the plant using a sampling technique capable of achieving a representative composite sample of the entire load and shall be retained onsite for at least 2 years for random selection and analysis by the Department. The samples are to be sealed and identified as to the date of delivery, delivery invoice number and the like.

13. The permittee shall perform stack testing to determine the NO_x, carbon monoxide and VOC emission rates while firing reprocessed oil and while firing no. 2 fuel oil. Stack testing shall also be performed to determine the particulate matter emission rate (while firing either one of these two fuels) and to determine the VOC emission rate while processing 25% recycled asphalt pavement. Opacity observations shall also be performed.

14. The plant shall not be used to dry stone other than when the plant is simultaneously producing asphalt concrete, nor shall it be used to produce asbestos-containing asphalt, nor shall it be used to decontaminate

or otherwise treat soil or any other material which has been contaminated with gasoline, fuel oil or any other substance.

08-399-036E: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) for installation of a Torit, MDV 18000, Modular Media Filtration System and canopy hood on a plastic mold-curing oven in North Towanda Township, **Bradford County**.

The filtration system and canopy hood will replace an existing electrostatic precipitator. The resultant particulate matter emissions will be less than 0.005 grain per dry standard cubic feet.

The Department's review of the filter system and canopy hood will comply with all air quality regulatory requirements. Based on this finding, the Department intends to issue a plan approval for the installation of the proposed filter system and canopy hood.

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

1. The particulate matter concentration in the exhaust of the filter system shall not be in excess of 0.005 grain per dry standard cubic foot at any time.

2. The mold-curing oven shall not operate if the filter system is inoperable.

3. The maximum amount of hard and soft plastisol used in the mold-curing oven in any 12 consecutive month period shall not be greater than 38,000 lbs.

4. The maximum amount of Koroseal (hot pour vinyl) used in the mold-curing oven in any 12 consecutive month period shall not be greater than 18,000 lbs.

5. At least one full spare set of filters shall be kept on hand at all times for the filter system.

59-00003A: OSRAM SYLVANIA Products, Inc. (One Jackson Street, Wellsboro, PA 16901-1717) for construction of a light bulb frosting operation, construction of a frosting solution reclaim system, modification of an existing light bulb frosting operation and construction of a filter press and two lime mixers associated with the facility's wastewater treatment plant at their facility in Wellsboro Borough, **Tioga County**. The OSRAM facility is a major facility which has been issued a Title V operating permit (no. 59-00003).

The hydrogen fluoride emitted from the frosting operations and reclaim system will be controlled by a packed bed scrubber. The frosting operations and reclaim system are expected to result in combined emissions of 3.27 tons of hydrogen fluoride per year after control by the scrubber. Hydrogen fluoride is a hazardous air pollutant. The filter press and two lime mixers are expected to result in combined emissions of 3.01 tons of ammonia per year.

The Department has determined that the frosting operations, reclaim system, filter press and lime mixers will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue a plan approval for the respective frosting operations, reclaim system, filter press and lime mixers.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the equipment. These conditions are intended to assure proper operation of the equipment as

well as compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The emissions of hydrogen fluoride from the frosting operations and hydrogen fluoride reclaim system shall be captured at an efficiency of no less than 100% and ducted to the scrubber.

2. The recirculating solution of the scrubber shall utilize a caustic (NaOH) solution as the scrubbing medium. The pH of the scrubbing medium shall be maintained at a minimum pH of 7.0 at all times of operation.

3. The scrubber shall be operated at a minimum scrubbing solution recirculating rate of 300 gallons per minute at all times of operation.

4. The scrubber shall be equipped with an alarm system that shall trigger an alarm at any time that the scrubbing solution recirculation rate drops below 300 gallons per minute.

5. The scrubber shall utilize a packed bed having a minimum packing height of 8.0 feet.

6. The scrubber shall achieve a minimum hydrogen fluoride removal efficiency of 99.0%.

7. The scrubber shall incorporate turning vanes or an extended inlet duct with elbow to aid in the distribution of gases within the scrubber.

8. The scrubber shall be equipped with instrumentation capable of monitoring recirculating solution flow rate and recirculating solution pH on a continuous basis.

9. The sump associated with the scrubber shall be equipped with instrumentation capable of monitoring sump liquid level.

10. The scrubber shall be equipped with instrumentation capable of monitoring differential pressure across each of the following: (1) the scrubber packed bed; (2) an associated chevron blade eliminator; and (3) an associated mesh pad mist eliminator.

11. The scrubber shall be equipped with instrumentation capable of monitoring differential pressure across the entire packed bed scrubber.

12. The scrubber shall be equipped with instrumentation capable of monitoring the pressure within each nozzle header.

13. The emissions of hydrogen fluoride from the exhaust of the scrubber shall not exceed 0.75 pound per hour and 3.27 tons in any 12 consecutive month period.

14. The ventilation system venting all emissions from the equipment previously identified to the inlet of the packed bed scrubber shall be equipped with a standby fan capable of achieving a capture efficiency of hydrogen fluoride from the respective equipment of no less than 100%.

15. The scrubber solution recirculating system shall be equipped with a standby pump capable of taking over immediate service should a pump associated with the scrubber recirculating system malfunction.

16. The company shall conduct stack testing on the exhaust of the scrubber to determine compliance with the minimum hydrogen fluoride removal efficiency and the hourly HF emission rate limit.

17. The emissions of ammonia from the two lime mixers and filter press shall not exceed 3.01 tons in any 12 consecutive month period. This plan approval is also issued for modifications to the wastewater treatment

plant which, when combined with the emissions of ammonia from the respective lime mixers and filter press, will result in a total increase in ammonia emissions of 3.06 tons per year. After all proposed modifications, the emissions of ammonia from the wastewater treatment plant shall not exceed 6.10 tons in any 12 consecutive month period.

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

43-00314: Vec Technology, Inc. (639 Keystone Road, Greenville, PA 16125) for operation of a boat manufacturing facility in Greenville Borough, **Mercer County**. The facility's major emission sources include closed and open gel-coat operations associated with the production of the fiberglass reinforced boats and accessories. The facility is a major facility due to its potential to emit styrene.

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

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

09-00059: St. Mary Medical Center (Langhorne-Newtown Rd., Langhorne, PA 19047-1295) for operation of a hospital in Middletown Township, **Bucks County**. The permit is for a non-Title V (State only) facility. Major sources of air emissions include boilers and generators. The hospital has the potential to emit 24.9 TPY of NO_x. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the hospital operating within all applicable air quality requirements.

09-00142: Qwest Communications Corp. (35 Runway Rd, Levittown, PA 19057) for operation of their voice and data communications switch site in Bristol Township, **Bucks County**. The permit is for a non-Title V (State only) facility. Major sources of air emissions include four emergency generators. The facility has the potential to emit 24.9 TPY of NO_x. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

48-309-116: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) for operation of a clinker/gypsum unloading hopper and associated air cleaning device at their Nazareth II Plant, Nazareth Borough, **Northampton County**.

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

67-003116: Surtech Industries, Inc. (915 Borom Road, York, PA 17404) for operation of its industrial manufacturing facility in the City of York, **York County**. Emissions are estimated at 2.15 tpy of VOCs, 1.34 tpy of HAPs, less than 1 tpy each of NO_x, CO and PM; 25 Pa. Code § 129.52 becomes applicable if Surtech Industries, Inc. exceeds 2.7 tpy of VOCs from the surface coating operations. Standard monitoring, recordkeeping and operating restrictions are also included to keep the facility operating within applicable requirements.

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

62-00149: Interlectric Corp., Inc. (1401 Lexington Avenue, Warren, PA 16365) for a Synthetic Minor Permit for operation of an electric lamp bulbs and tube manufacturing company in the City of Warren, **Warren County**. The facility has accepted a limitation on the facilities potential to emit VOCs.

PUBLIC HEARINGS

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

Notice of proposed revision to the State Implementation Plan (SIP) for NO_x and VOCs, notice of public hearing and notice of intent to issue revised air quality Title V Operating Permit 55-00005.

Under 25 Pa. Code §§ 127.521 and 127.541, the Department intends to issue a revised Title V operating permit to **Wood-Mode, Inc.** located in Middlecreek Township, **Snyder County**. The Wood-Mode representative to contact regarding this application is Michael E. Ludecker, Manager of Safety and Environmental Services, One Second Street, Route 522, Kreamer, PA 17833.

In accordance with 25 Pa. Code § 127.541, this Title V operating permit revision is to include Reasonably Available Control Technology (RACT) determinations made by the Department for three boilers at the Wood-Mode facility. In addition, this Title V operating permit revision will include the terms and conditions of plan approvals 55-302-005B and 55-302-005C for two boilers. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve an amendment of a RACT plan and an amendment to the SIP for a wood cabinet manufacturing facility owned and operated by Wood-Mode, Inc.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amendment of the RACT approval for the facility, which are intended to comply with current regulations.

The preliminary RACT determination, if approved, will result in the revision of Title V operating permit 55-00005 issued on January 7, 2002, and will be submitted to the EPA as a revision to the Commonwealth's SIP.

The following is a summary of the preliminary RACT determination which the Department proposes to incorporate into Title V operating permit 55-00005, as a revision to that permit, for a 10.2 million Btu per hour woodwaste fired boiler (Boiler No. 1), a 32 million Btu per hour woodwaste and natural gas fired boiler (Boiler No. 3) and a 16.5 million Btu per hour natural gas fired boiler (Boiler No. 2):

1. All three boilers shall be operated in accordance with manufacturer's specifications and good air pollution control practices. Additionally, the permittee shall perform an annual inspection and tune-up on the two boilers which fire woodwaste (Boilers Nos. 1 and 3).

2. The VOC emissions from Boiler No. 1 shall not exceed 2.45 tons in any 12 consecutive month period, the VOC emissions from Boiler No. 2 shall not exceed .36 ton in any 12 consecutive month period and the VOC emis-

sions from Boiler No. 3 shall not exceed .264 ton in any 12 consecutive month period.

3. Records shall be maintained of the amount of woodwaste burned each month in each of the two boilers which burn woodwaste (Boilers Nos. 1 and 3), the dates and results of the annual inspections and tune-ups performed on each of the respective two boilers, the amount of natural gas burned each month in Boiler No. 3, if any.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held on December 3, 2002, at 1 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wishing to comment should provide written comments to David W. Aldenderfer, Air Quality Environmental Program Manager, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by December 13, 2002.

Pertinent documents are available for review from 8 a.m. to 4 p.m. in the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. Appointments for scheduling a review must be made by calling (570) 327-3693.

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); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

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

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

17020115. Hepburnia Coal Company, P. O. Box I, Grampian, PA 16838. Commencement, operation and restoration of a bituminous surface mine-auger permit in Ferguson Township, **Clearfield County** affecting 69 acres. Receiving streams: Watts Creek and Little Clearfield Creek classified for CWF. Application received October 9, 2002.

17990118 and NPDES Permit No. PA0242730. Swisher Contracting, Inc., P. O. Box 1223, Clearfield, PA 16830. Revision to an existing bituminous surface mine-auger permit for a change in permit acreage from 120.0 to 121.4 acres. The permit is located in Lawrence Township, **Clearfield County**. Receiving streams: three unnamed tributaries to Moose Creek, Moose Creek and Orr's Run. Application received October 3, 2002.

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

32970110 and NPDES Permit No. PA0234559. Mears Enterprises, Inc., P. O. Box 157, Clymer, PA 15728, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Rayne Township, **Indiana County**, affecting

143.0 acres. Receiving streams: Rayne Run to Crooked Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 10, 2002.

56020108 and NPDES Permit No. PA024930. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563-8164, commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in Southampton Township, **Somerset County**, affecting 55.8 acres. Receiving streams: unnamed tributaries to North Branch; unnamed tributary to Rush Run classified for CWF; HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 7, 2002.

56880101 and NPDES Permit No. PA0599361. Cooney Brothers Coal Company, P. O. Box 246, Creson, PA 16630, permit renewal for continued operation of a bituminous surface and auger mine and for discharge of treated mine drainage in Paint Township, **Somerset County**, affecting 191.8 acres. Receiving streams: Shade Creek and unnamed tributaries to Shade Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek—Border Dam. Application received October 16, 2002.

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

10020105 and NPDES Permit No. PA0242225. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Slippery Rock Township, **Butler County** affecting 43.8 acres. Receiving streams: two unnamed tributaries to Long Run and one unnamed tributary to Slippery Rock Creek, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received October 10, 2002.

33020107 and NPDES Permit No. PA0242233. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous surface strip and auger operation in Oliver Township, **Jefferson County** affecting 138.7 acres. Receiving streams: Hadden Run. There are no potable surface water supply intakes within 10 miles downstream. Application received October 10, 2002.

37020105 and NPDES Permit No. PA0242241. Kerry Coal Company (R. R. 2, Box 2139, Wampum, PA 16157). Commencement, operation and restoration of a bituminous surface strip and coal refuse disposal operation in Wayne Township, **Lawrence County** affecting 50.8 acres. Receiving streams: unnamed tributary to Beaver River and Conoquenessing Creek, classified for WWF. The first downstream potable water supply intake from the point of discharge is Beaver Falls Municipal Authority. Application received October 15, 2002.

Noncoal Applications Received

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

08020812. John T. Strope, R. R. 1, Box 179-C, Rome, PA 18837. Commencement, operation and restoration of a small noncoal (flagstone) permit in Orwell Township, **Bradford County** affecting 2 acres. Receiving streams: unnamed tributary. Application received October 2, 2002.

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

37920306. Neshannock Sand & Gravel, Inc., R. D. 6, Box 344, New Castle, PA 16101). Renewal of NPDES Permit No. PA0211320, Neshannock Township, **Lawrence County**. Receiving streams: unnamed tributary to Shenango River, classified for WWF. The first downstream potable water supply intake from the point of discharge is the City of New Castle. No public water supplies dependent on groundwater are located within 1/2 mile. NPDES Renewal application received October 16, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit 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 who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E64-237. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Dyberry Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Big Brook (HQ-CWF, MF), consisting of an 8.5-foot by 4.5-foot precast reinforced concrete box culvert, with its invert depressed 1.0 foot below stream bed elevation. The project will impact a de minimis area of wetlands less than or equal to 0.05 acre. The project is located along SR 4019, segment 0010, offset 0390 (Aldenville, PA Quadrangle N: 4.0 inches; W: 2.2 inches).

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

E14-432. Jesse W. Burkholder, 165 Burkholder Lane, Spring Mills, PA 16875-8001. Culvert Construction, in Penn Township, **Centre County**, ACOE Baltimore District (Spring Mills, PA Quadrangle N: 20.00 inches; W: 0.30 inch).

To construct and maintain two side-by-side 30-inch diameter culvert pipes depressed in the streambed of an unnamed tributary to Penns Creek off Paradise Road about 1.5 miles from the intersection of Paradise Road with Route 45. The project will impact wetlands while impacting approximately 70 feet of waterway. The unnamed tributary to Penns Creek is a CWF.

E14-435. Snow Shoe Township Supervisors, P. O. Box 65, Clarence, PA 16829-0065. Bridge Replacement, in Snow Shoe Township, **Centre County**, ACOE Baltimore District (Snow Shoe, PA Quadrangle N: 9.5 inches; W: 6.0 inches).

To: 1) remove an existing bridge; 2) construct and maintain a 36-foot 1-inch clear normal span prestressed concrete box beam bridge with a minimum underclearance of 4 feet 2 inches across the North Fork of Beech Creek; and 3) construct and maintain a temporary diversion barrier, located 1,520 feet north on Pancake Road from Walnut Road. The project proposes to temporarily impact 180 feet and permanently impact 75 feet of North Fork of Beech Creek that is classified as a 303(d) Acid Mine Drainage Impaired—Cold Water Fishery.

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

E02-1401. Allegheny County Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. Borough of Pitcairn, **Allegheny County**, ACOE Pittsburgh District.

To remove existing structures, to relocate and maintain approximately 516 feet of Dirty Camp Run (WWF) away from Pitcairn Road to construct and maintain two stormwater outfall extensions to the stream and to construct and maintain a new outfall to the stream; to construct and maintain a 20 foot x 7 foot replacement concrete box culvert in Dirty Camp Run approximately 26 feet long which provides access to Sugar Camp Park. The project will improve stream flow and provide roadway support to Pitcairn Road. The project is located on the west side of Pitcairn Road approximately 2,500 feet north of its intersection with Wall Avenue (Braddock, PA Quadrangle N: 7.8 inches; W: 3.8 inches).

E02-1402. McKnight Development Corporation, 249 North Craig Street, Pittsburgh, PA 15213. Ross Township, **Allegheny County**, ACOE Pittsburgh District.

To abandon the existing 72-inch diameter culvert and to construct and maintain a new 72-inch diameter culvert 380 feet in length in the channel of McKnight Run (WWF) for the purpose of replacing an existing deteriorated culvert under the Bed, Bath and Beyond retail store

and parking lot. The project is located on the west side of McKnight Road at the intersection of McKnight Road and McKnight Circle (Emsworth, PA Quadrangle N: 7.0 inches; W: 2.0 inches).

E02-1403. M. D. Pushinsky, Inc. d/b/a A1 Automotive Electric, Inc., 491 Brown Avenue, Wilkins, PA 15145. Wilkins Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain an existing trapezoidal box culvert having a bottom width of 8' and top width of 9' and underclearance of 6' for a distance of approximately 184' in Sawmill Run (WWF) and to construct and maintain a new reinforced concrete bottom within the structure. The project is located on the west side of SR 130 approximately 200' north of its intersection with Washington Avenue. The culvert was originally permitted under E20069, which will be voided by this permit (Braddock, PA Quadrangle N: 7.1 inches; W: 11.5 inches).

E02-1404. Erik F. Lawson, Jr., East Boroughs Company, 501 Brown Avenue, Wilkins, PA 15145. Wilkins Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain an existing trapezoidal box culvert having a bottom width of 8' and top width of 9' and underclearance of 6' for a distance of approximately 64' in Sawmill Run (WWF) and to construct and maintain a new reinforced concrete bottom within the structure. The project is located on the west side of SR 130 approximately 300' north of its intersection with Washington Avenue. The culvert was originally permitted under E20069, which will be voided by this permit (Braddock, PA Quadrangle N: 7.1 inches; W: 11.5 inches).

E04-289. City of Aliquippa, 581 Franklin Avenue, Aliquippa, PA 15001-3727. City of Aliquippa, **Beaver County**, ACOE Pittsburgh District.

To operate and maintain an existing 60 inch culvert approximately 50 feet long and to construct and maintain endwalls to the culvert in a tributary to Logtown Run (WWF). The culvert is located along Spring Street approximately 1,000 feet south of its intersection with Franklin Avenue. To remove an existing structure, to construct and maintain a 60 inch culvert approximately 42 feet long and to place and maintain bank stabilization for a distance of approximately 75 feet on both banks downstream of the culvert in and along a tributary to Logtown Run. The culvert is located along Spring Street approximately 2,400 feet south of its intersection with Franklin Avenue. To remove an existing culvert and restore the stream channel in a tributary to Logtown Run. The culvert is located next to Spring Street approximately 2,900 feet south of its intersection with Franklin Avenue. To reconstruct and maintain approximately 2,600 feet of stream channel in a tributary to Logtown Run (Aliquippa, PA Quadrangle N: 19.2 inches; W: 0.5 inch).

E26-183-A2. Texas Eastern Transmission, LP, 5400 Westheimer Court, Houston, TX 77056. German Township, **Fayette County**, ACOE Pittsburgh District.

To amend Water Obstruction and Encroachment Permit E26-183 to construct and maintain 30 pairs of 10-inch diameter pipe pilings, spaced at 20 feet intervals within wetlands that are adjacent to Dunlap Creek (WWF). The paired pilings will be connected by a clamp assembly that will be used to support an existing 24-inch natural gas pipeline, to prevent damage to the pipeline from soil subsidence, reportedly resulting from previous underground mining activities. The project will reportedly

affect 0.85 acre of wetlands and is located off of New Salem Road, approximately 1,400 feet southeast of its intersection with T-480, near Dunlap Creek (WWF) (New Salem, PA Quadrangle N: 8.1 inches; W: 10.5 inches).

E32-420-A6. Reliant Energy Mid-Atlantic Power Holdings, LLC, 1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050. East Wheatfield Township, **Indiana County**, ACOE Pittsburgh District.

To amend Permit No. E32-420 to include the placement and maintenance of fill in the 100 year floodplain of the Conemaugh River (CWF) associated with the Seward Repowering Project. The project is located off of Power Plant Road (New Florence, PA Quadrangle N: 5.0 inches; W: 4.8 inches).

E32-446. Teawood, Inc., 500 Ben Franklin Road, Indiana, PA 15701. Center Township, **Indiana County**, ACOE Pittsburgh District.

To construct and maintain a 30-foot long low flow crossing having two 48-inch diameter pipe culverts in Cherry Run (CWF) on a proposed residential driveway, located along SR 3056, approximately 0.4 mile west of SR 286. The project impacts 0.2 acre of wetland (Indiana, PA Quadrangle N: 15.5 inches; W: 14.3 inches).

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

E62-386. Pennsylvania Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3010, Section BOO, Segment 0120, Offset 1390 Across Brokenstraw Creek, in Spring Creek Township, **Warren County**, ACOE Pittsburgh District (Columbus, PA Quadrangle N: 0.1 inch; W: 3.7 inches).

To remove the existing structure and to construct and maintain a P/S spread concrete box beam bridge having a clear span of 102.5 feet and an underclearance of 12.2 feet on a 90 degree skew across Brokenstraw Creek (CWF) in Spring Creek Township, Warren County on SR 3010, Section BOO, Segment 0120, Offset 1390 approximately 600 feet SW of the intersection of SR 3010 and SR 426.

ENVIRONMENTAL ASSESSMENTS

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

D55-044A. Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Sunbury Borough, **Northumberland County**, ACOE Baltimore District.

Project proposes to construct, operate and maintain a fish passage facility at the Adam T. Bower Memorial Dam (Shikellamy State Park Inflatable Dam) for the purpose of restoring anadromous fish species to the river. The fish passage facility will consist of a 200-foot long vertical slot fish ladder located along and adjacent to the left bank (east abutment) of the Susquehanna River, an excavated channel located immediately downstream of the fishway to facilitate fish movement to the fishway entrance, a new 32-foot wide control section in the dam adjacent to the fishway, a new control building, paved parking area, access walkway and an upstream and downstream portage facility. The project will temporarily impact approximately 3.4 acres and permanently impact approximately 0.7 acre of riverine and open water habitat (Sunbury, PA Quadrangle, N: 18.2 inches, W: 7.4 inches).

ACTIONS

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

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

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

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

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

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

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

NPDES Permit No. PA0013463 Amendment No. 1, Industrial Waste, United States Steel Corporation, U. S. Steel Group, Pennsylvania Avenue, Fairless Hills, PA 19030. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Amend existing permit to include process wastewater and noncontact cooling water from the proposed SWEC (Dominion) Power Plant, discharging into Delaware River Zone 2.

WQM Permit No. 4602405, Sewerage, Skippack Township Authority, 3581 Skippack Pike, Harleysville, PA 19438. This proposed facility is located in Skippack Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation to extend the gravity sewer line by 9,100 feet, the additional line will serve a proposed residential development.

WQM Permit No. 0902405, Sewerage, Bucks County Water and Sewer Authority, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the construction and operation of sewage pump station and force main to serve the proposed Doylestown Commerce Center.

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

NPDES Permit No. PA0011517, Industrial Waste, Keystone Cement Company, P. O. Box A, Route 329, Bath, PA 18014-0058. This proposed facility is located in East Allen Township, **Northampton County**.

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

NPDES Permit No. PA0062626, Industrial Waste, Federal-Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034. This proposed facility is located in Weatherly Borough, **Carbon County** and discharges to Hazle Creek.

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

NPDES Permit No. PA0061328, Sewage, Lake Wynonah Municipal Authority, 100 East Main Street, Schuylkill Haven, PA 17972-1606. This proposed facility is located in South Manheim Township, **Schuylkill County** and discharges to Plum Creek.

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

WQM Permit No. 3902402, Industrial Waste, Agere Systems, Inc., Mailstop TRB-196BG, 555 Union Boulevard, Allentown, PA 18109-3286. This proposed facility is located in Allentown City, **Lehigh County**.

Description of Proposed Action/Activity: Applicant proposes to build efficiencies and additional/redundant capacity for several areas of the existing treatment plant.

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

WQM Permit No. 3602203, Sewerage, Armstrong World Industries, Inc., 2500 Columbia Avenue, P. O. Box 3001, Lancaster, PA 17604. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of additional treatment units for better quality effluent, no increase in flow to outfall.

NPDES Permit No. PA0081850, Industrial Waste, Gettysburg Municipal Authority, 601 East Middle Street, Gettysburg, PA 17325-3307. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Marsh Creek in Watershed 13-D.

WQM Permit No. PA0080187, Industrial Waste, Dauphin Meadows, Inc., Route 209, Millersburg, PA 17061. This proposed facility is located in Washington Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Wiconisco Creek in Watershed 6-C.

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

NPDES Permit No. PA0228605, Sewage 4952, **Lee R. Kaltenbach**, R. R. 6, Box 106A, Wellsboro, PA 16901. This proposed facility is located in Delmar Township, **Tioga County**.

Description of Proposed Action/Activity: This is an application for a SFTF serving a bed and breakfast.

WQM Permit No. 5902408, Sewerage 4952, **Lee R. Kaltenbach**, R. R. 6, Box 106A, Wellsboro, PA 16901. This proposed facility is located in Delmar Township, **Tioga County**.

Description of Proposed Action/Activity: This is an application for a SFTF serving a bed and breakfast.

NPDES Permit No. PA0101150, Sewage 4952, **Seven Seas Financial Association**, R. R. 8, Box 7, DuBois, PA 15801. This facility is located in Sandy Township, **Clearfield County**.

Description of Action/Activity: Renewal of NPDES permit to discharge treated sewage wastewater to Gravel Lick Run.

NPDES Permit No. PA0113166, Sewage 4952, **Lois Bausinger**, 67 Academy Road, Cogan Station, PA 17728. This facility is located in Hepbrun Township, **Lycoming County**.

Description of Action/Activity: Renewal of NPDES permit for an existing discharge of treated sewage wastewater to Mill Creek.

NPDES Permit No. PA0111368, Sewage 4952, **Jersey Shore Area School District**, 175 A & P Drive, Jersey Shore, PA 17740. This facility is located in Mifflin Township, **Lycoming County**.

Description of Action/Activity: Renewal of NPDES permit to discharge treated sewage wastewater from the Salladasburg Elementary School to Larry's Creek.

NPDES Permit No. PA0112810, Sewage 4952, **Robert Shank, Ronald Butler, Joseph Zisman, LLP**, 500 North Third Street, P. O. Box 1004, Harrisburg, PA 17108-1004. This facility is located in Riverside Borough, **Northumberland County**.

Description of Action/Activity: Renewal of NPDES permit to discharge treated sewage wastewater from the Kipp's Run Mobile Home Park to Kipp's Run.

NPDES Permit No. PA0100161, Industrial Waste 3493, **Triangle Suspension Systems, Inc.**, P. O. Box 425, DuBois, PA 15801. This facility is located in Lime-stone Township, **Montour County**.

Description of Proposed Action/Activity: Issue amended NPDES permit for existing discharge of treated industrial wastewater.

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

NPDES Permit No. PA0040312, Industrial, **Molycorp, Inc.**, 300 Caldwell Avenue, Washington, PA 15301 is authorized to discharge from a facility located at its Washington Plant, Canton Township, **Washington County** to receiving waters named Chartiers Creek.

NPDES Permit No. PA0041114, Sewage, **The Kiski School**, 1888 Brett Lane, Saltsburg, PA 15684 is authorized to discharge from a facility located at The Kiski School STP, Loyalhanna Township, **Westmoreland County** to receiving waters named Kiskiminetas River.

NPDES Permit No. PA0093475, Sewage, **Findlay Township**, P. O. Box Drawer W, Clinton, PA 15026 is authorized to discharge from a facility located at Maronda

Farm STP, Findlay Township, **Allegheny County** to receiving waters named Potato Garden Run.

NPDES Permit No. PA0219185, Sewage, **Borough of Glen Campbell**, P. O. Box 43, Glen Campbell, PA 15706 is authorized to discharge from a facility located at Glen Campbell STP, Glen Campbell Borough, **Indiana County** to receiving waters named Brady Run.

NPDES Permit No. PA0219266, Sewage, **Colonial Joint Sewage Authority**, 225 Twin Hills Road, Grindstone, PA 15442 is authorized to discharge from a facility located at Grindstone Sewage Treatment Plant, Jefferson Township, **Fayette County** to receiving waters named Redstone Creek.

Permit No. 3281205-A8, Industrial Waste, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748. Construction of Coal Pile Desilting Basin located in Center Township, **Indiana County** to serve Homer City Generating Station.

Permit No. 0202409, Sewerage, **Mr. and Mrs. Joe Stanger**, 3823 Anderson Road, Gibsonia, PA 15044. Construction of a single residence small flow sewage treatment plant located in Richland Township, **Allegheny County** to serve the Stanger residence.

Permit No. 6502407, Sewerage, **Mark and Carrie Hult**, P. O. Box 170, Main Street, Slickville, PA 15684. Construction of single residence sewage treatment facility located in Salem Township, **Westmoreland County** to serve Hult STP.

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

NPDES Permit No. PA0102555, Sewage, **Eric G. Elmquist**, Box 103A Silver Creek Road, Johnsonburg, PA 15845. This proposed facility is located in Jones Township, **Elk County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to Silver Creek.

NPDES Permit No. PA0238830, Sewage, **Louis Bartok (Louis Bartok I SRSTP)**, 7458 Sugar Lake Road, Cochranon, PA 16314. This proposed facility is located in Wayne Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to Sugar Lake.

NPDES Permit No. PA0238848, Sewage, **Louis Bartok (Louis Bartok II SRSTP)**, 7458 Sugar Lake Road, Cochranon, PA 16314. This proposed facility is located in Wayne Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to Sugar Lake.

NPDES Permit No. PA0238902, Sewage, **Henry T. and Charlotte G. Bayer**, R. R. 1, Box 86, New Castle, PA 16101. This proposed facility is located in Hickory Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to unnamed tributary to Neshannock Creek (Hottenbaugh Run).

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

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

WQM Permit No. 2002412, Sewerage, **Louis Bartok (Louis Bartok II SRSTP)**, 7458 Sugar Lake Road,

Cochranton, PA 16314. This proposed facility is located in Wayne Township, **Crawford County**.

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

WQM Permit No. 2502416, Sewerage, **Dean K. and Patricia B. Eichen**, 12640 Hamilton Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

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

WQM Permit No. 6202407, Sewerage, **Frank J. Malena, Jr.**, 1811 West 8th Street, Erie, PA 16505. This proposed facility is located in Spring Creek Township, **Warren County**.

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

WQM Permit No. 1002409, Sewerage, **Lawrence A. Wolf**, 221 Spring Valley Road, Saxonburg, PA 16056. This proposed facility is located in Clinton Township, **Butler 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.

WQM Permit No. 2402402, Sewerage, **A. James Maletto**, Box 104 Silver Creek Road, Johnsonburg, PA 15845. This proposed facility is located in Jones Township, **Elk County**.

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

WQM Permit No. 2002416, Sewerage, **David W. and Melissa A. Bartholomew**, 20031 Parkwood Drive, Saegertown, PA 16433. This proposed facility is located in Hayfield Township, **Crawford County**.

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

WQM Permit No. 3702404, Sewerage, **Henry T. and Charlotte G. Bayer**, R. R. 1, Box 86, New Castle, PA 16101. This proposed facility is located in Hickory Township, **Lawrence County**.

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

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

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

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

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

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101028	Greater Johnstown Water Authority P. O. Box 1287 Johnstown, PA 15907	Cambria County East Taylor Township	Saltlick 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 this Commonwealth; (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 Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG 2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Butler County Penn Township	PAR10E193	Mark M. Morrow 421 North Main Street Butler, PA 16001	UNT to Thorn Creek CWF	Butler County Conservation District (724) 284-5270
Butler County Butler Township	PAR10E197	Butler Township 6 Chesapeake Street Lyndora, PA 16045	Sawmill Run WWF	Butler County Conservation District (724) 284-5270
Butler County Venango Township Venango County Clinton Township	PAR10E198	Department of Environmental Protection Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931	Little Scrubgrass CWF	Butler County Conservation District (724) 284-5270
Elk County City of St. Marys	PAR102529	City of St. Marys 808 S. Michael St. St. Marys, PA 15857	Elk Creek CWF	Elk County Conservation District (814) 776-5353
Jefferson County Young and McCalmont Townships	PAR103347	P & N Coal Co., Inc. P. O. Box 332 Punxsutawney, PA 15767	UNT to Little Elk and Elk Run CWF	Jefferson County Conservation District (814) 849-7463
Lawrence County Neshannock Township	PAR103754	Leo Golba Construction Co. 149 Enclave Drive New Castle, PA 16101	UNT to Shenango River WWF	Lawrence County Conservation District (724) 652-4512
Venango County Oakland and Plum Townships	PAR107019	Great Lakes Energy Partners, LLC 1369 Cochran Road Carlton, PA 16311	Little Sugar Creek CWF	Venango County Conservation District (814) 676-2832
Carbon County Jim Thorpe and Summit Hill Boroughs	PAR101337	Carbon County Courthouse Annex 2 Hazard Sq. Jim Thorpe, PA 18229-1238	Mauch Chunk Creek CWF	Carbon County Conservation District (610) 377-4894
Luzerne County Wilkes-Barre Township	PAR10R261	R. B. Wilkes-Barre, LLC Wilkes-Barre Township Commons 810 Seventh Avenue, 28th Fl. New York, NY 10019	Coal Brook CWF	Luzerne County Conservation District (570) 674-7991

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Schuylkill County Butler Township	PAR105749-RR	Burn's Subdivision Phase II Michael R. Burns 430 West Main St. Girardville, PA 17935	Little Mahanoy Creek CWF	Schuylkill County Conservation District (570) 622-3742
Conestoga Township Lancaster County	PAR100016RR	Stephen Fisher and Michale Connelly 421 Bridge Valley Road Pequea, PA 17565	UNT Conestoga River CWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Conestoga Township Lancaster County	PAR100040-RR	Richard Abbiati 175 Grandview Lane Mahwah, NJ 07430	UNT to Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Pequea Township Lancaster County	PAR100086-RR	E. Marvin Herr 133 Sprecher Road Willow Street, PA 17584	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Little Britain Township Lancaster County	PAR100151-RR	Warren K. Samples P. O. Box 159 Nottingham, PA 19362	Octoraro Creek WWF; MF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAR100187-RR	Lester H. Guyton, Sr. 20 Red Oak Dr. Lititz, PA 17543	UNT Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Lancaster County	PAR100251-RR	Desmond Construction Inc. 1085 Manheim Pike Lancaster, PA 17601	UNT Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR100274-R	Lancaster Airport Authority 500 G Airport Rd. Lititz, PA 17543	UNT to Landis Run WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Cocalico Township Lancaster County	PAR100566	East Cocalico Township Authority 102 Hill Rd. Denver, PA 17517	Little Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR100574	Vision Property Mgmt. Legacy Home 245 Centerville Rd. Lancaster, PA 17603	Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Earl Township Lancaster County	PAR10O578	Luke Zimmerman 2456 Division Hwy. Ephrata, PA 17522	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Fulton Township Lancaster County	PAR10O588	Spencer Construction Co. Inc. P. O. Box 123 3805 Norrisville Rd. Jarrettsville, MD 21084	UNT to Conowingo Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Bern Township Berks County	PAR10C442	Harry O'Neill W Ridge Bern LP 1420 Clarion St. Reading, PA 19601	Unnamed tributary/ Tulpehocken Creek WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533- 0520 (610) 372-4657
Tilden Township Berks County	PAR10C444	David A. Roehr Cabela's One Cabela Dr. Sidney, NE 69160	Unnamed tributary/ Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533- 0520 (610) 372-4657
Exeter Township Berks County	PAR10C030RR	Robert A. Pingitore Nat'l. Properties Inc. The Commons at Great Valley 31 General Warren Blvd. Malvern, PA 19355	Antietam Creek CWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533- 0520 (610) 372-4657
Susquehanna Township	PAR10I309	Progress Avenue LTD Partnership 101 S US 15 Dillsburg, PA 17019	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Swatara Township	PAR10I311	WITF Tech Center 1982 Locust Lane Harrisburg, PA 17105	Laurel Run WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Carroll Township York County	PAR10Y608	Vernon Anderson Anderson-Stern Partnership 19 N. Baltimore Street Dillsburg, PA 17019	Yellow Breeches CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAR10Y618	Robert Brasler York Butterfly, LLC Caterpillar Complex Bldg. D 600 Memory Lane York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bradford County Athens Borough	PAR100830	Athens Borough 2 South River St. Athens, PA 18810	Susquehanna River WWF Chemung River WWF	Bradford County Conservation District R. R. 5, Box 5030-C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5530 Ext. 5
Centre County Walker Township	PAR10F017R	Stony Pointe SR 64 Nittany Valley Dr. Bellefonte, PA 16823	UNT to Nittany Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Montour County Liberty Township	PAR104725	Hazel Schmidt Estate Cora Sanders, Executrix c/o Terry Baldwin 42 South Front St. Milton, PA 17847	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Fayette County South Union Township	PAR10L084	Thomas M. Balling P. O. Box 535 Fairchance, PA 15436	Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Washington County	PAR10W212	Equitrans, L. P. 100 Allegheny Center Mall Pittsburgh, PA 15212	Tributaries to Calamity Run (WWF), Houston Run (WWF), Mingo Creek (TSF), Froman Run (TSF), Dry Run (WWF), Pigeon Creek (WWF) and Sawmill Run (WWF)	Washington County Conservation District (724) 228-6774
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
York County Conewago Township (Name Change)	PAR803652	FedEx Freight East, Inc. FedEx Freight East—YRK P. O. Box 840 Harrison, AR 72601-0840	UNT Little Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Shamokin Township Northumberland County	PAR604836	Joe's Auto Parts R. R. 4, Box 127 Sunbury, PA 17801	Unnamed tributary of Shamokin Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
East Huntingdon Township Westmoreland County	PAR806214	FedEx Freight East Inc. P. O. Box 840 Harrison, AR 72601	UNT to Buffalo Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Millcreek Township Erie County	PAR238322	Carlisle Engineered Products, Inc. Bundy Park 1901 Wager Road Erie, PA 16509	Unnamed tributaries to Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wetmore Township McKean County	PAR228335	Highland Forest Resources, Inc. P. O. Box 808 Kane, PA 16735	Unnamed tributary to Hubert Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oil City Venango County	PAR208326	Webco Industries, Inc. Oil City Tube Division 363 Seneca Street Oil City, PA 16301	Oil Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAR128302	Joy Cone Company 3435 Lamor Road Hermitage, PA 16148	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North East Borough Erie County	PAR118325	The Electric Materials Company 50 South Washington Street North East, PA 16428	Unnamed tributary to Sixteen Mile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Winslow Township Jefferson County	PAR608312	Wells Auto Wreckers R. R. 2, Box 180 Reynoldsville, PA 15851-9765	Soldier Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Mercer County	PAR808307	A. C. Coach Operations, Inc. One Anderson Plaza Greenville, PA 16125	Little Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Cumberland County Middlesex Township	PAG043575	Edward and Cynthia Noyes 150 Pin Oak Drive Carlisle, PA 17013	Conodoquinet Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Perry County Rye Township	PAG043695	Catherine Campbell 1961 New Valley Rd. Marysville, PA 17053	UNT to Fishing Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Clearfield Township Cambria County	PAG046148	William F. Frederick 333 Nagle Road Patton, PA 16668	Burgoon Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana Township Allegheny County	PAG046149	Louis F. Beatty 135 Dennis Drive Glenshaw, PA 15116-3003	UNT of Pine Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Salem Township Westmoreland County	PAG046259	Mark and Carrie Hult P. O. Box 170 Main Street Slickville, PA 15684	Getty Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township Erie County	PAG048828	Dean K. and Patricia B. Eichen 12640 Hamilton Road Edinboro, PA 16412	Unnamed tributary of Little Conneauttee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Spring Creek Township Warren County	PAG048822	Frank J. Malena, Jr. 1811 West 8th Street Erie, PA 16505	Tributary to Hosmer Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clinton Township Butler County	PAG048848	Lawrence A. Wolf 221 Spring Valley Road Saxonburg, PA 16056	Davis Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North East Township Erie County	PAG048829	Charles R. Kennedy 12580 Kerr Road North East, PA 16428	Unnamed tributary of Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Adams Township Butler County	PAG048474	Tim J. Hall 105 Sturbridge Lane Evans City, PA 16033	Tributary to Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAG048473	Mark E. Wyant 796 East Lake Road Transfer, PA 16154-2309	Tributary to Shenango Reservoir	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Penn Township Butler County	PAG048475	Samuel A. Baker P. O. Box 111 Renfrew, PA 16053	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
Hayfield Township Crawford County	PAG048831	David W. and Melissa A. Bartholomew 20031 Parkwood Drive Saegertown, PA 16433	Unnamed tributary to Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
Glade Township Warren County	PAG048435	Lawrence E. and Doris P. Kraft 599 Quaker Hill Road Warren, PA 16365	Hackney Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Cumberland County Silver Spring Township	PAG053570	CRL Holdings, LP Former Carlos R. Leffler New Kingstown Terminal c/o Applehill Business Advisors Inc. 33 N. 2nd St. Harrisburg, PA 17101	Hogestown Run Watershed (via storm sewer and tributary/drainage) CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Silver Spring Township	PAG053571	CRL Holdings, LP Holtry Property c/o Applehill Business Advisors, Inc. 33 N. 2nd St. Harrisburg, PA 17101	Hogestown Run Watershed (via ephemeral drainage) CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Brighton Township Beaver County	PAG056116	Brighton Township Supervisors 1300 Brighton Road Beaver, PA 15009	UNT to Two Mile Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-8 (SSN)</i>				
<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>
West Providence Township Bedford County	PAG083562	Borough of Everett Area Municipal Authority 100 Mechanic Street Everett, PA 15537	Manor Meadows Farm West Providence Township Bedford County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Middlesex Township Cumberland County	PAG083555	Carlisle Suburban Authority 240 Clearwater Drive Carlisle, PA 17013	Francis Gross Farm Middlesex Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
East St. Clair Township Bedford County	PAG093516	Smith's Septic Tank Service 989 Adams Run Road Bedford, PA 15522	Daryl Clark Farm East St. Clair Township Bedford County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-10

<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 Spring Township	PAG103515	Sunoco Pipeline, LP Old Fritztown Rd. Pipeline Rd. Relocation Project 525 Fritztown Road Sinking Spring, PA 19608	Cacoosing Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

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

Permit No. 4602501, Public Water Supply.

Applicant **Martech Medical**
1500 Delp Drive
Harleysville, PA 19438

Township	Towamencin
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Frank X. Brown 1101 South Broad Street Lansdale, PA 19446
Permit to Construct Issued	September 27, 2002
Permit No. 0901506, Public Water Supply.	
Applicant	Northampton Bucks County Municipal Authority 111 Township Road Richboro, PA 18954
Township	Northampton
County	Bucks
Type of Facility	PWS
Consulting Engineer	Pennoni Associates, Inc. One Drexel Plaza 3001 Market Street Philadelphia, PA 19104
Permit to Construct Issued	October 16, 2002

Operations Permit issued to **JRP Development, Ltd.**, 210 Bassett Court, Limerick, PA 19468 Upper Frederick Township, **Montgomery County** on October 16, 2002, for the operation of facilities approved under Construction Permit No. 4601507.

Operations Permit issued to **New Hope Senior Housing Corporation, L. P.**, 7321 New Falls Road, Levittown, PA 19055, PWS ID 1090311, New Hope Borough, **Montgomery County** on October 17, 2002, for the operation of facilities approved under Construction Permit No. 0901512.

Operations Permit issued to **Schwenksville Borough Authority**, P. O. Box 458, Schwenksville, PA 19473, PWS ID 1460042, Schwenksville Borough, **Montgomery County** on October 21, 2002, for the operation of facilities approved under Construction Permit No. 4601508.

Permit No. 1502507, Minor Amendment. Public Water Supply.

Applicant **Superior Water Company**
2960 Skippack Pike
Worcester, PA 19490

Township North Coventry

County **Chester**

Type of Facility PWS

Consulting Engineer David J. Milan, P. E.
Superior Environmental
Management Corporation
P. O. Box 127
Worcester, PA 19490

Permit to Construct Issued October 16, 2002

Permit No. 4602503, Minor Amendment. Public Water Supply.

Applicant **Schwenksville Borough Authority**
P. O. Box 467
Schwenksville, PA 19473

Borough Schwenksville

County **Montgomery**

Type of Facility PWS

Consulting Engineer ARRO Consultant, Inc.
649 N. Lewis Road, Suite 100
Limerick, PA 19468

Permit to Operate Issued October 16, 2002

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

Permit No. 5600501, Public Water Supply.

Applicant **Municipal Authority of the Borough of Somerset**
340 West Union Street
Somerset, PA 15501

Borough or Township Jefferson Township

County **Somerset**

Type of Facility Walker Farm Wells 4 and 5

Consulting Engineer

Permit to Construct Issued October 21, 2002

Operations Permit issued to **East Taylor Municipal Authority**, 403 Donruth Lane, Johnstown, PA 15909, PWS ID 4110043, East Taylor Township, **Cambria County** on October 18, 2002, for the operation of facilities approved under Construction Permit No. 1102502.

STORMWATER MANAGEMENT

Action on plans submitted under the Stormwater Management Act (32 P. S. §§ 680.1—680.17).

Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.

Plan No. SWMP 051:11, Chest Creek Stormwater Management Plan, as submitted by **Cambria County**, was approved on October 7, 2002.

Plan No. SWMP 037:60, Bull Run Stormwater Management Plan Update, as submitted by **Union County**, was approved on October 7, 2002.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Sewickley Township	233 Miller Road Rochester, PA 15074	Beaver County

Plan Description: The approved plan provides for construction of a 400 gallon per day single residence sewage treatment plant to serve the George Goodwald existing single family home. The home is located at 137 Brown Road, New Sewickley Township, Beaver County. The proposed discharge point is an unnamed tributary of Brush Creek classified as a WWF. Required NPDES permits or WQM permits must be obtained in the name of the applicant as appropriate. The Department's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Freedom Township	P. O. Box 156 East Freedom, PA 16637	Blair County

Plan Description: The plan provides for an approval granted October 21, 2002, as a revision to the Official Plan of Freedom Township, Blair County for the Michael Mahr, Jr. single family residence. Project involves construction of a small flow treatment facility to serve a single-family dwelling located on the south side of SR 164. The small-flow treatment facility will discharge directly to South Dry Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the owner as appropriate.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

**Proposed Interim Response
Rittenhouse Road Site, Lower Providence
Township, Montgomery County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at Rittenhouse Road Site (Site), Lower Providence Township, Montgomery County.

The Department, under the authority of the HSCA, has conducted further investigation at the Site. These investigations have included extensive monitoring of several private drinking water supply wells. Four private wells were known to be contaminated and the Department has identified two additional residential wells that have elevated concentrations of trichloroethene and its associ-

ated breakdown products. The Department has not identified a source for this groundwater contamination.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes an interim response action at the Site under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The Department is proposing the installation of lateral connections to the public water supply. This proposed alternative complies with ARARs and is feasible and cost-effective. Other possible alternatives include no action or continued monitoring and maintenance of the carbon filtration units that are already in place.

An Administrative Record which contains more detailed information concerning this proposed interim response action is available for public inspection from 8 a.m. until 4 p.m. at the Department's Southeast Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Those interested in examining the Administrative Record should contact Sharon Mills at (610) 832-6199 to arrange for an appointment. An additional copy of the Administrative Record is available for review at the Lower Providence Township Municipal Building, 100 Parklane Drive, Eagleville, PA 19403.

A public hearing is scheduled under section 506(d) of the HSCA for Tuesday, December 3, 2002, at 7 p.m. in the Lower Providence Township Municipal Building. Persons wishing to present formal oral comments regarding this interim response may do so by registering with the Department before the meeting. Individuals may register by contacting Lynda Rebarchak, Community Relations Coordinator, (610) 832-6219.

Persons with a disability who wish to attend the public hearing who will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the previous telephone number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed interim response action during the period of public comment. In accordance with section 506(c) of the HSCA, the Department has established a period for public comment that is now open and will close January 31, 2003. Written comments should be addressed to Sharon Mills, Project Officer, Department of Environmental Protection, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6199.

**Proposed Consent Order and Agreement
Allister Company Site, West Whiteland Township,
Chester County**

The Department, under the authority of the HSCA, proposes to enter into a De Minimis Consent Order and Agreement (COA) with three corporate entities relating to the Allister Company HSCA Site (Site), West Whiteland Township, Chester County.

The Site, currently leased by Matrix Productions, Inc., was used from approximately 1955 to 1993 as a garage door manufacturing operation. As part of these operations, hazardous wastes, including trichloroethylene, were disposed on the Site resulting in limited soils contamination.

Three corporate entities, Matrix Productions, Inc., PBJK, LP and AJD, LLC, intend to purchase property

making up the Site from the current owner, Scotell Corporation, and use the property for the production of graphic designs and displays. The COA requires a payment from the three entities towards the Department's response costs at the Site in exchange for a Covenant Not to Sue and Contribution Protection from the Department.

Under section 1113 of the HSCA (35 P. S. § 6020.1113), the Department is publishing notice of this proposed COA and will provide a 60-day period for public comment on the COA commencing with the date of this publication. Copies of the COA may be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting Anderson Hartzell at (610) 832-6300 or George Danyliw at (610) 832-6000.

The Department has reserved the right to withdraw its consent to the COA if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the COA is inappropriate or not in the public interest.

**Prompt Interim Response
Lewis Run Municipal Well Site, Lewis Run
Borough, McKean County**

The Department, under the authority of the HSCA, is conducting a prompt interim response at the Lewis Run Municipal Well Site (Site), Lewis Run Borough, McKean County, roughly the area between the East Branch of Tunungwant Creek and Big Shanty Road. The Site contains several light industrial-manufacturing facilities, separated by lightly wooded areas. The site also contains a well used as a supplemental public water supply (Well No. 3) by the Borough of Lewis Run, McKean County, impacted by Site-related constituents. The Borough owns two other supplemental water supply wells (Wells No. 1 and No. 2) not located within the Site, which are subject to high iron and manganese concentrations.

VOCs, primarily tetrachloroethene, trichloroethene and 1,2-dichloroethene, have been detected in groundwater at the Site, including in samples from Well No. 3. The exact sources and extent of the VOC contamination is not yet known.

The Department's objective for this response is to replace the supplemental public water supply, contaminated by Site-related hazardous substances. For this prompt interim response, the Department considered five alternatives for the Site: Alternative 1, no action and ongoing monitoring; Alternative 2, treatment of the VOC contamination of Well No. 3; Alternative 3, treatment of iron and manganese of Wells No. 1 and No. 2; Alternative 4, interconnection with the Bradford City Water Authority System; and Alternative 5, installation of a new municipal supply well.

Each alternative was evaluated with respect to four comparison criteria of: (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses applicable or relevant and appropriate requirements; (3) the extent to which each alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative.

Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department chose to implement Alternative 5 as the prompt interim response for the Site. This alternative was selected because it would, in the most cost-effective manner, protect the public from possible human health risks associated with ingestion of Site-related hazardous substances, while meeting the response objective of replacement of the contaminated municipal water supply well with a reliable, potable back-up public water supply source.

This notice is being provided under section 506(b) of the HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 and is available for review Monday through Friday from 8 a.m. to 4 p.m. Contact the Northwest Regional Office for an appointment at (814) 332-6648. A duplicate administrative record will be maintained at the Lewis Run Borough Building, 60 Main Street, Lewis Run, PA 16738.

The administrative record will be open for comment from November 2, 2002, until January 31, 2003. Persons may submit written comments into the record during this time only, by sending them or delivering them to Kammy Halterman, Project Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing to be held at the Lewis Run Borough Building at 7 p.m. on December 10, 2002. Persons wishing to present formal oral comments at the hearing must register with Kammy Halterman before December 2, 2002.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Kammy Halterman at (814) 332-6648 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Settlement under the Comprehensive
Environmental Response, Compensation and
Liability Act and the Hazardous Sites Cleanup Act**

**Adams Sanitation Company, Inc. Landfill Site,
Tyrone Township, Adams County**

The Department, under the authority of the HSCA and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with certain de minimis responsible parties (Settling Defendants).

The proposed settlement resolves claims of the Department with the Settling Defendants under the HSCA, CERCLA and other applicable law for response costs that have been expended and will be incurred by the Department at the Adams Sanitation Company, Inc. Landfill Site (ADSCO Site), Tyrone Township, Adams County. The ADSCO Site is an inactive privately owned landfill.

The proposed settlement obligates each of the Settling Defendants to remit \$1 to the Department. The Department believes that the proposed settlement is fair, reasonable, practicable, in the public interest and in furtherance of the statutory goals of the HSCA and CERCLA.

For a period of 60 days beginning with the November 2, 2002, publication date of this notice, the public is invited to review the Consent Order and Agreement (COA)

memorializing the settlement, Monday through Friday, from 8 a.m. to 4 p.m. at the Department's Southcentral Region Office, 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Jeff Silar at (717) 705-4842. The COA can also be reviewed at the Adams County Public Library, 140 Baltimore Street, Gettysburg, PA during normal operating hours by contacting the Adams County Public Library at (717) 334-5716.

After review, the public may submit written comments on the COA before January 2, 2003, by sending them to Jeff Silar at the previous address. A person adversely affected by the settlement may also file an appeal from the COA to the Environmental Hearing Board.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following final reports:

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

Koch Hydrocarbon, Inc., Schaefferstown Facility, Heidelberg Township, **Lebanon County.** ARCADIS, 26451 Curtiss Wright Parkway, Suite 100, Cleveland, OH 44143, on behalf of Reiss Remediation, 4111 East 37th Street North, Wichita, KS 67220, submitted a combined remedial investigation and final report concerning the remediation of site soils and groundwater contaminated with lead, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to a combination of Statewide Health and Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following final reports:

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

Baldwin/Rubino Property, 3432 W. 38th St. and Sterrettania Rd. Property, Millcreek Township, Erie County. Environmental & Geological Consultants, Inc. (on behalf of Baldwin Brothers Inc., Gregory Baldwin, Jr., Esq.) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX. The Report was approved. Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 11, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 100172. Arden Landfill, Inc., West Pointe Corporate Center One, Suite 200, 1550 Coraopolis Heights Road, Moon Township, PA 15108. A permit renewal until November 9, 2004, for the operation of the Arden Landfill located in Chartiers Township, **Washington County** was issued in the Regional Office on October 18, 2002.

Persons interested in reviewing the permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000; TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGR081. In accordance with 25 Pa. Code, § 287.625, the **Department of Environmental Protection (Department), Bureau of Land Recycling and Waste Management**, is issuing a Department initiated general permit for the recycling of electronics equipment. The permit is for the sorting, disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only), of various uncontaminated and source-separated electronic equipment and components. This is a Statewide general permit. This permit was issued by Central Office on October 21, 2002.

Under the terms and conditions of the general permit, persons who are permitted to recycle electronics equipment will be required to meet, at a minimum, compliance with The Clean Streams Law and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The Department is authorized under the Solid Waste Management Act and 25 Pa. Code § 287.611 to issue general permits for any category of beneficial use or processing that results in the beneficial use of residual waste on a regional or Statewide basis when the Department determines that the use will not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard permit conditions.

Persons requesting permit issuance to operate under the terms and conditions of the general permit will be required to apply for a Determination of Applicability

from the Department. No activities shall commence unless specifically authorized by the Department in writing. Existing facilities shall submit a request for a Determination of Applicability within 45 days of the effective date of this general permit. The following minimum information will be required to obtain a determination of applicability:

1. Name, street address and telephone number of applicant, facility location and contact person (General Information Form).
2. A topographic map of the facility area and a site map, which includes the facility layout including all storage/staging/processing areas and compliance with all isolation distances as specified in this permit.
3. A waste acceptance plan for screening, managing and testing for acceptability all wastes authorized for acceptance under this permit (Form 20R).
4. Description of method of processing and/or beneficial use (Form 20R).
5. Number and title of general permit (Form 20R).
6. Proof the waste and waste management activities are consistent with the general permit (Form 20R).
7. Signed and notarized statement by the person who seeks authorization to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit (Form 27R).
8. An application fee in the amount as specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania" (Form 20R).
9. Proof that copies of the application have been submitted to each municipality, county, county planning agency and county health department, if one exists, in which beneficial use activities are or will be located.
10. Proof that the applicant has legal right to enter the land and perform the activities approved under this permit (Form E-GP).
11. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities (Form E-GP).
12. Information that identifies the applicant (that is, individual, corporation, partnership, government agency, association and the like), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company (Form HW-C).
13. A list of all previous permits or licenses issued by the Department or Federal government under the environmental protection acts; the dates issued, status and compliance history concerning environmental protection acts (Form HW-C).
14. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required in Condition 9 (Form HW-C).
15. Proof of bonding and insurance on the facility of sufficient amounts as determined by calculation worksheets supplied by the Department and provided by the applicant.
16. A Preparedness, Prevention and Contingency (PPC) Plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the

Development and Implementation of Environmental Emergency Response Plans" (Form L). A copy of this PPC Plan shall also be submitted to the local fire department, county emergency response coordinator and local municipality including a request for comments.

Persons interested in obtaining further information or a copy of this general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

46-302-221GP: Wyeth Pharmaceuticals (500 Arcola Road, Collegeville, PA 19101) on October 17, 2002, for operation of two boilers in Upper Providence Township, **Montgomery County**.

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

48-310-045GP: National Earth Services, Inc. (245 Butler Avenue, Lancaster, PA 17601) for construction and operation of a portable stone crushing operation and associated air cleaning device at the IESI Bethlehem Landfill in Lower Saucon Township, **Northampton County**.

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

GP3-1-31-03003: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on October 18, 2002, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Cromwell Township, **Huntingdon County**.

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

GP-26-00549: Phillips Production Co. (502 Keystone Drive, Warrendale, PA) on October 17, 2002, GP5 for installation of a 425 BHP, model G 3408C LE, Caterpillar engine to operate a gas production well booster compressor unit (BAQ-GPA/GP-5) at the Company's Adams Compressor Station in **Fayette County**. The Lean Burn fuel mixture control settings on the engine limit its combustion products emissions to the atmosphere.

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

20-253: Great Lakes Energy Partners, LLC—Miller Station (Buell's Corners Road, Centerville, PA 16404) on October 30, 2002, for operation of a natural gas production facility in Rome Township, **Crawford 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.

23-0021B: Congoleum Corp. (4401 Ridge Road, Trainer, PA 19061) on October 7, 2002, for operation of a plant wide air emission limit in Trainer Borough, **Delaware County**.

46-0132: Lansdale Crematory, Inc. (Derstine and Cannon Avenues, Lansdale, PA 19446) on October 9, 2002, for operation of a crematory in Lansdale Borough, **Montgomery County**.

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

ER-38-05012: North American Refractories Co. (ANH Refractories, Fairway Drive, Moon Township, PA 15108) on October 16, 2002, for emission reduction credits for No. 1 Tunnel Kiln and others at the Womelsdorf Plant in Millcreek Township, **Lebanon County**.

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

10-340A: Eagle Printing Co., Inc. (514 West Wayne Street, Butler, PA 16001) on October 10, 2002, for construction of a printing plant in Butler, **Butler County**.

16-136B: Glenn O. Hawbaker, Inc.—Myers Asphalt Plant (394 Ritts Station Road, Clarion, PA 16373) on October 9, 2002, for modifications to the existing drum type asphalt plant in Beaver Township, **Clarion County**.

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

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

09-0087A: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on October 15, 2002, for operation of an ammonia scrubber in Falls Township, **Bucks County**.

15-0099: Heckett MultiServ (South First Avenue, Coatesville, PA 19320) on October 16, 2002, for operation of a scrap cutting torch with baghouses in South Coatesville Borough, **Chester County**.

09-0015C: Rohm and Haas Co. (Route 413 and State Road, Bristol, PA 19007) on October 16, 2002, for operation of a thermal oxidizer in Bristol Township, **Bucks County**.

09-0048A: H and K Materials (300 Skunk Hollow Road, Chalfont, PA 18914) on October 16, 2002, for operation of a batch asphalt plant in Newtown Borough, **Bucks County**.

09-0110A: Riverside Construction Materials (7900 Radcliffe Street, Bristol, PA 19007) on October 16, 2002, for operation of cement handling in Bristol Township, **Bucks County**.

09-0110: Riverside Construction Materials, Inc. (7900 Radcliffe Street, Bristol, PA 19007) on October 16, 2002, for operation of cement handling in Bristol Township, **Bucks County**.

09-0007A: Waste Management Disposal Serv. of PA (1513 Bordentown Road, Morrisville, PA 19067) on October 16, 2002, for operation of a solid waste landfill expansion in Falls Township, **Bucks County**.

23-0012: Epsilon Product Co., LLC (Post Road and Blueball Avenue, Marcus Hook, PA 19061) on October 17, 2002, for operation of Plant 2 and thermal oxidizer in Marcus Hook Borough, **Delaware County**.

23-0001H: Sunoco, Inc.—R and M (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on October 17, 2002, for operation of storage tanks in Marcus Hook Borough, **Delaware County**.

15-0095B: Longwood Gardens, Inc. (401 East Street Road, Kennett Square, PA 19348) on October 17, 2002, for operation of two 800 kW emergency generators in East Marlborough Township, **Chester County**.

23-0001J: Sunoco, Inc.—R and M (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on October 17, 2002, for operation of 21 storage tanks in Marcus Hook Borough, **Delaware County**.

46-0185: Fairhill Fabricators, Inc. (831 West Fifth Street, Lansdale, PA 19446) on October 18, 2002, for operation of a paint spray booth in Lansdale Borough, **Montgomery County**.

46-0024: McNeil Consumer and Specialty Pharm (7050 Camp Hill Road, Fort Washington, PA 19034) on October 18, 2002, for operation of a dust collection system in Whitemarsh Township, **Montgomery County**.

15-0060B: SECCRA Landfill (219 West Street Road, Kennett Square, PA 19348) on October 22, 2002, for operation of a landfill gas open flare in London Grove Township, **Chester County**.

09-0063A: New Hope Crushed Stone Co. (6970 Phillips Mill Road, New Hope, PA 18938) on October 22, 2002, for operation of a stone crushing plant in Solebury Township, **Bucks County**.

09-0105A: Naceville Materials (Springfield Street and Route 309, Coopersburg, PA 19474) on October 22, 2002, for operation of an asphalt batch plant in Springfield Township, **Bucks County**.

09-0090: Messer Griesheim Industries, Inc. (One Steel Road East, Morrisville, PA 19067) on October 22, 2002, for operation of a residual cylinder gases in Bristol Township, **Bucks County**.

23-0024A: Hanson Aggregates PA, Inc. (523 West Forge Road, Glen Mills, PA 19342) on October 22, 2002, for operation of an aeropulse baghouse in Middletown Township, **Delaware County**.

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

22-05023A: ExxonMobil Oil Corp. (600 Billingsport Road, Paulsboro, NJ 08066) on September 16, 2002, for installation of a vapor combustion unit to control a

loading rack at the Harrisburg Terminal in Swatara Township, **Dauphin County**. This plan approval has been extended.

67-05030A: C-P Converters, Inc. (15 Grumbacher Road, York, PA 17402) on September 12, 2002, for construction of a Flexographic Press No. 11 enclosed in a permanent total enclosure controlled by a catalytic incinerator in Manchester Township, **York County**. 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.

53-0009D: National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) on October 11, 2002, for operation of a 4,445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a temporary basis until February 8, 2003, at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The plan approval was extended.

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

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

67-05009: STI Capital Co. (P. O. Box 85376, San Diego, CA 92186-5376) on October 18, 2002, for operation of its York Cogeneration Plant in Springettsbury Township, **York County**.

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

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

60-00007: United States Penitentiary, Lewisburg (P. O. Box 1000, Lewisburg, PA 17837) for renewal of the Title V operating permit for their Federal correctional facility located in Kelly Township, **Union County**. The facility is currently operating under TVOP 60-00007, which was issued October 30, 1997. The facility's sources include 4 natural gas/no. 2 oil fired boilers, 42 natural gas fired heaters, 2 natural gas fired bake ovens, 2 natural gas fired drying ovens and two natural gas fired burnoff ovens, which have the potential to emit major quantities of SO_x. The facility has the potential to emit NO_x, CO, PM₁₀, VOCs and HAPs below the major emission thresholds. The facility is subject to all applicable regulatory requirements of the Federal Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc). The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00005: Wood-Mode, Inc. (One Second Street, Route 522, Kreamer, PA 17833). Under 25 Pa. Code §§ 127.521 and 127.541, the Department intends to issue a revised Title V operating permit to Wood-Mode, Inc. for their wood cabinet manufacturing facility located in Middlecreek Township, **Snyder County**. The Title V operating permit revision is to incorporate conditions from the amended Reasonably Available Control Technology plan for one woodwaste fired boiler, one natural gas fired boiler and one woodwaste/natural gas fired boiler at the

facility. In addition, this Title V operating permit revision will include the terms and conditions of plan approvals 55-302-005B and 55-302-005C for the two woodwaste fired boilers. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

15-00086: Bakery Feeds (97 Westbrook Drive, Honey Brook, PA 19344) on October 4, 2002, for operation of a Synthetic Minor Operating Permit in Honeybrook Township, **Chester County**.

46-00147: Chemalloy Co., Inc. (1301 Conshohocken Road, Conshohocken, PA 19428) on October 18, 2002, for operation of a Natural Minor Operating Permit in Conshohocken Borough, **Montgomery County**.

46-00199: Alcom Printing Group, Inc. (140 Christopher Lane, Harleysville, PA 18107) on October 21, 2002, for operation of a Natural Minor Operating Permit in Lower Salford Township, **Montgomery County**.

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

21-03022: Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011) on October 11, 2002, for operation of a limestone crushing facility in Lower Allen Township, **Cumberland County**.

36-05067: C and D Technologies, Inc. (82 East Main Street, Leola, PA 17540) on October 15, 2002, for operation of a lead-acid storage battery manufacturing plant in Upper Leacock Township, **Lancaster 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.

46-318-037: United States Can Co. (431 Privet Road, Horsham, PA 19044) on October 17, 2002, for side seam welding and coating lines in Horsham Township, **Montgomery County**.

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

36-05008: Tyson Foods, Inc. (403 South Custer Avenue, P. O. Box 1156, New Holland, PA 17557-0901) on October 11, 2002, for operation of two poultry fryers in Earl Township, **Lancaster County**. This is revision No. 1 of the operating permit.

36-05011: ExxonMobil Oil Corp. (5140 Paxton Street, Harrisburg, PA 17111) on October 16, 2002, for operation of a liquid petroleum product terminal in Manheim Township, **Lancaster County**. This is revision No. 1 of the operating permit.

67-05084: GTY, Inc. (2075 Loucks Road, York, PA 17404) on October 9, 2002, for operation of a wallpaper printing facility in West Manchester Township, **York County**. This is revision No. 1 of the operating permit.

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

25-00197: Erie Bronze and Aluminum Co. (6300 West Ridge Road, Erie, PA 16505) for an administrative amendment to the previously issued Natural Minor Operating Permit incorporating changes authorized by Plan Approvals 25-197B and 25-197C in Fairview Township, **Erie County**.

61-00147: Department of Public Welfare, Polk Center (Route 62, P. O. Box 94, Polk, PA 16342) administratively amended on October 2, 2002, to correct typographical errors for its psychiatric hospital in Polk Borough, **Venango County**. The Title V Operating Permit was reissued on August 21, 2002.

10-00028: Armstrong Cement and Supply Corp.—Winfield Plant (100 Clearfield Road, Cabot, PA 16923) administratively amended to incorporate changes brought about through Plan Approval Number PA10-0028H for their facility in Winfield Township, **Butler County**. The EPA and public comment periods were addressed during the plan approval process.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

17840126 and NPDES Permit No. PA0609781. TDK Coal Sales, Inc., P. O. Box 259, Brockway, PA 15824. Transfer of an existing bituminous surface mine permit from E. P. Bender Coal Co., Inc. The permit is located in Jordan Township, **Clearfield County** and affects 341.7 acres. Receiving streams: tributary to Comfort Run and Comfort Run to North Witmer Run to Clearfield Creek to West Branch of the Susquehanna River. Application received November 7, 2001. Permit issued October 11, 2002.

17960119 and NPDES Permit No. PA0220469. TDK Coal Sales, Inc., P. O. Box 259, Brockway, PA 15824. Transfer of an existing bituminous surface mine permit from E. P. Bender Coal Co., Inc. The permit is located in Jordan Township, **Clearfield County** and affects 154.0

acres. Receiving streams: tributary to Comfort Run and Comfort Run to North Witmer Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received November 7, 2001. Permit issued October 11, 2002.

17930120 and NPDES Permit No. PA0219614. Energy Resources, Inc., P. O. Box 259, Brockway, PA 15824. Transfer of an existing bituminous surface mine permit from Al Hamilton Contracting Company. The permit is located in Lawrence Township, **Clearfield County** and affects 88.8 acres. Receiving streams: unnamed tributaries of Wallace Run to Wallace Run, Wallace Run to Little Clearfield Creek and Laurel Run to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek, Clearfield Creek to the West Branch of the Susquehanna River. Application received February 22, 2002. Permit issued October 11, 2002.

17020102 and NPDES Permit No. PA0243191. Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661. Commencement, operation and restoration of a bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 34.6 acres. Receiving streams: unnamed tributary to Bell Run to the West Branch of the Susquehanna River. Application received February 6, 2002. Permit issued October 10, 2002.

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

11900201 and NPDES Permit No. PA0599051. Maple Coal Company, 2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143-8610, permit renewal for continued operation and restoration of a bituminous coal reprocessing surface mine and for discharge of treated mine drainage in Barr and Blacklick Townships, **Cambria County**, affecting 134.2 acres. Receiving streams: Elk Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 23, 2002. Permit issued October 15, 2002.

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 and an unnamed tributary to; unnamed tributary to Stony Creek all classified for CWF. 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. Permit issued October 16, 2002.

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

33961302. NPDES Permit PA0214868, Laurel Energy, L. P. (One Energy Place, Suite 7500, Latrobe, PA 15650-9628), to revise the permit for the Sandy Lands Mine in McCalmont Township, **Jefferson County** to revise the permit to add a mine rock storage area within the existing permit area, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed NA, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued October 7, 2002.

11941301. NPDES Permit PA0215007, L & J Energy Co., Inc. (P. O. Box J, Grampian, PA 16838), to renew the permit for the Garmantown Mine in Susquehanna Town-

ship, **Cambria County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued October 10, 2002.

56743704. NPDES Permit PA0214931, Penn Pocahontas Coal Co. (P. O. Box 68, Boswell, PA 15531), to revise the permit for the Penn Pocahontas CRDA in Brothersvalley Township, **Somerset County** to add reclaimed prep plant permit to CRDA permit for treatment of underdrain, Surface Acres Proposed 42.0, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed 42.0, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued October 10, 2002.

Noncoal Permits Actions

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

58020835. William H. Wallace, III (R. R. 7 Box 7292, Montrose, PA 18801), commencement, operation and restoration of a Small Bluestone Quarry in Dimock Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: Meshoppen Creek. Application received July 5, 2002. Permit issued October 15, 2002.

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

29920301, H. B. Mellott Estate, Inc., Route 1, Box 25, Warfordsburg, PA 17267. Renewal of NPDES Permit No. PA0599549, Ayr Township, **Fulton County**, receiving streams: Esther Run and unnamed tributary to Esther Run. NPDES Renewal application received August 26, 2002. Permit issued October 15, 2002.

ABANDONED MINE RECLAMATION

Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.

Bond Forfeiture	BF 443-101.1
Contract Awarded	
Location	Bell and Banks Township Clearfield and Indiana Counties
Description	Abandoned Mine Land Reclamation
Contractor	Johnson Brothers Coal Co.
Amount	\$54,919.00
Date of Award	October 10, 2002
Bond Forfeiture	BF 473-101.1
Contract Awarded	
Location	Sewickley Township Westmoreland County
Description	Abandoned Mine Land Reclamation
Contractor	J & J Snyder, Inc.
Amount	\$141,607.75
Date of Award	October 15, 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.

22024013. Conewago Enterprises, Inc. (660 Edgegrove Road, Hanover, PA 17331), construction blasting in Lower Swatara Township, **Dauphin County** with an expiration date of December 19, 2002. Permit issued October 15, 2002.

54024003. Biros Utilities (P. O. Box 94, Sheppton, PA 18248) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in East Union Township, **Schuylkill County** with an expiration date of December 31, 2002. Permit issued October 15, 2002.

35024026. Ed Zmuda (R. R. 2 Box 133, Falls, PA 18615) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Newton Township, **Lackawanna County** with an expiration date of June 30, 2003. Permit issued October 15, 2002.

45024072. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of September 8, 2003. Permit issued October 15, 2002.

40024025. Latona Trucking (620 South Main Street, Pittston, PA 18640) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Hughestown Borough, **Luzerne County** with an expiration date of March 31, 2003. Permit issued October 15, 2002.

360240112. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Warwick Township, **Lancaster County** with an expiration date of October 16, 2003. Permit issued October 15, 2002.

46024057. Brubacher Excavating, Inc. (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Upper Providence Township, **Montgomery County** with an expiration date of October 17, 2003. Permit issued October 15, 2002.

54024002. Marks Contracting, Ltd. (1718 Grace Avenue, Lebanon, PA 17046), construction blasting in McAdoo Borough, **Schuylkill County** with an expiration date of July 31, 2003. Permit issued October 15, 2002.

48024027. National Earth Services (245 Butler Avenue, Lancaster, PA 17601) and **D. C. Guelich Explosive Company** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting in Lower Saucon Township, **Northampton County** with an expiration date of February 18, 2003. Permit issued October 17, 2002.

64024009. Leeward Construction, Inc. (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting in Texas Township, **Wayne County** with an expiration date of November 9, 2002. Permit issued October 17, 2002.

09024031. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting

in Solebury Township, **Bucks County** with an expiration date of February 22, 2003. Permit issued October 17, 2002.

45024071. Reinhart & Rusk, Inc. (R. R. 9 Box 9251, Stroudsburg, PA 18360) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Hamilton Township, **Monroe County** with an expiration date of December 31, 2002. Permit issued October 17, 2002.

67024035. ABEL Construction Company, Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Shrewsbury Borough, **York County** with an expiration date of October 16, 2003. Permit issued October 17, 2002.

45024073. Elmer Possinger & Sons (257 Rimrock Road, Stroudsburg, PA 18360) and **Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting in Hamilton Township, **Monroe County** with an expiration date of December 24, 2002. Permit issued October 17, 2002.

67024036. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Carroll Township, **York County** with an expiration date of April 19, 2003. Permit issued October 17, 2002.

23024012. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting in Thornbury Township, **Delaware County** with an expiration date of December 31, 2002. Permit issued October 17, 2002.

22024016. Handwerk Contractors (Old Farm Road, P. O. Box 326, Hummelstown, PA 17036) and **Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting in Derry Township, **Dauphin County** with an expiration date of November 16, 2002. Permit issued October 17, 2002.

46024058. Schlouch Incorporated (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Upper Pottsgrove Township, **Montgomery County** with an expiration date October 24, 2003. Permit issued October 17, 2002.

46024059. American Rock Mechanics (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Lower Moreland Township, **Montgomery County** with an expiration date of October 25, 2003. Permit issued October 17, 2002.

360240113. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Elizabethtown Borough, **Lancaster County** with an expiration date of April 30, 2003. Permit issued October 17, 2002.

360240115. ABEL Construction Company, Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Mountville Borough, **Lancaster County** with an expiration date of April 30, 2003. Permit issued October 17, 2002.

260240114. Brubacher Excavating, Inc. (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of October 31, 2003. Permit issued October 17, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel

Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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

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

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

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

Permits Issued and Actions on 401 Certifications

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-835. Jefferson at Middletown, LLC, 8230 Boone Boulevard, Suite 340, Vienna, VA 22182. Middletown Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed construction of an access road to the Jefferson at Middletown Subdivision, located to the west of the northwest interchange ramps for Route 1 and Interstate 95 (Langhorne, PA Quadrangle N: 12.5 inches; W: 1 inch).

1. To remove an existing 55 linear foot long, 5-foot by 5-foot concrete box culvert and to construct and maintain an 8-foot by 4-foot concrete box culvert in and along 75 linear feet of an unnamed tributary to Mill Creek (WWF).

2. To remove an existing 61 linear foot long, 3-foot by 5-foot concrete box culvert and to construct and maintain a 10-foot by 4-foot concrete box culvert in and along 77 linear feet of an unnamed tributary to Mill Creek.

3. To remove an existing 24-inch corrugated metal pipe culvert and to construct and maintain an 8-foot by 4-foot concrete box culvert in and along 75 linear feet of an unnamed tributary to Mill Creek.

4. To remove an existing 24-inch corrugated metal pipe culvert and a 15-inch corrugated metal pipe culvert and to construct and maintain an 8-foot by 4-foot concrete box culvert in and along 100 linear feet of an unnamed tributary to Mill Creek.

5. To place and maintain sewer and water utilities across two unnamed tributaries to Mill Creek.

6. To construct and maintain a stormwater outfall structure in adjacent wetlands (PFO) to an unnamed tributary to Mill Creek.

The proposed access road and stormwater outfall structure located along and across unnamed tributaries to Mill Creek (WWF) will impact 1.12 acres of adjacent wetlands (PFO). The permittee proposes to construct 1.45 acres of replacement wetlands.

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

E64-222. Waymart Area Authority, P. O. Box 3300, Waymart, PA 18472-0224. Waymart Borough and Canaan Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain five utility line crossings of watercourses and wetlands and a 15-inch effluent pipe outfall along Van Auken Creek, for the purpose of con-

structing a 15-inch PVC interceptor and a 12-inch PVC force main associated with Phase 2 of a wastewater sewerage facilities upgrade project. The project is located to the east of SR 0296 and to the north of Lake Ladore (Waymart, PA Quadrangle N: 14.1 inches; W: 4.1 inches).

E39-414. Theodore and Gail Phillips, 3501 Main Road East, Emmaus, PA 18049. Upper Milford Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 12-foot x 12-foot residential house expansion in the floodway of Leibert Creek. The project is located approximately 0.4 mile northeast of the intersection of SR 2027 and SR 2023 (Allentown East, PA Quadrangle N: 1.8 inches; W: 16.0 inches).

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

E06-562. Pennsylvania Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103 in Spring and South Heidelberg Townships, **Berks County**, ACOE Philadelphia District.

To remove the existing structure and to construct and maintain a 53-foot single span concrete bridge with an average underclearance of 4.5 feet over Cacoosing Creek (WWF) on Mountain Home Road (SR 3012, Segment 0052, Offset 0000) and to fill in 0.05 acre of de minimis wetland to realign the road located 1,500 feet north of Montello Village (Sinking Spring, PA Quadrangle N: 12.1 inches; W: 5.95 inches) in Spring and South Heidelberg Townships, Berks County. The amount of wetland impact is considered a de minimis impact of 0.05 acre and wetland mitigation is not required.

E06-569. Job VanLeusdan and Jeffrey S. Press, 325 Miller Road, Sinking Spring, PA 19608 in Cumru Township, **Berks County**, ACOE Philadelphia District.

To remove the existing 72-inch diameter steel pipe culvert and to construct and maintain a 72-inch diameter replacement culvert and to stabilize the driveway and embankment for a distance of approximately 70 feet, with reinforced turf matting at a point approximately 2,200 feet northeast of the intersection of Yorkshire Road and Gouglersville Road, along the south side of Yorkshire Road (Sinking Spring, PA Quadrangle N: 3.5 inches; W: 0.4 inch) in Cumru Township, Berks County.

E06-572. Historical and Museum Commission, 400 Daniel Boone Road, Birdsboro, PA 19508 in Exeter Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a single span premanufactured steel pedestrian bridge (with cast in place concrete abutments) approximately 47 feet in length across an unnamed tributary to Owatin Creek (WWF), at a point within the Daniel Boone Homestead (Birdsboro, PA Quadrangle N: 8.1 inches; W: 6.3 inches) in Exeter Township, Berks County.

E28-301. Nicholas Kalathas, 2004 Philadelphia Avenue, Chambersburg, PA 17201 in Greene Township, **Franklin County**.

To reconstruct and maintain 700-feet of riprap bank stabilization along the Conococheague Creek (CWF) just upstream of Route 11 Bridge (Chambersburg, PA Quadrangle N: 15.5 inches; W: 2.0 inches) in Greene Township, Franklin County.

E28-302. Bender Land Associates, Ltd., 8614 Rice Road, Shippensburg, PA 17257 in Letterkenny Township, **Franklin County**, ACOE Baltimore District.

To: (1) remove previously constructed steel beams with concrete footings; (2) maintain a previously constructed single span covered bridge having a span of 16.0 feet and an underclearance of 7.5 feet, with approximately 67 feet of R-4 rock riprap revetment on the stream banks above, through and below the bridge; (3) a previously constructed concrete wall and greenhouse structure in the floodway; and (4) construct the restoration of approximately 2,000 linear feet of previously dredged stream channel all in the channel and floodway of an unnamed tributary to Conodoquinet Creek (WWF) (Roxbury, PA Quadrangle N: 11.3 inches; W: 2.85 inches) in Letterkenny Township, Franklin County.

E36-733. Drumore Township, P. O. Box 68, Quarryville, PA 17566 in Drumore Township, **Lancaster County**, ACOE Baltimore District.

To maintain a 5-foot by 12-foot (rise to span) concrete box culvert within Fishing Creek (HQ-CWF, wild trout) at a point along Deaver Road (Wakefield, PA Quadrangle N: 20.5 inches; W: 16.75 inches) in Drumore Township, Lancaster County. The contractor will be required to restore 0.17 acre of wetlands as a part of this project.

E36-742. Glenn Good, 321 Walnut Run Road, Willow Street, PA 17584 in Strasburg Township, **Lancaster County**, ACOE Baltimore District.

To maintain a constructed heifer barn and the resulting fill placed within the floodway of Walnut Run (WWF) at a point approximately 300 feet south of the intersection of Lime Valley and Bachman Roads on the Glenn W. Good property (Quarryville, PA Quadrangle N: 16.1 inches; W: 12.6 inches) in Strasburg Township, Lancaster County.

E50-211. Wheatfield Township, R. R. 2 Box 248B, Newport, PA 17074 in Wheatfield Township, **Perry County**, ACOE Baltimore District.

To remove an existing culvert pipe and to construct and maintain an 87-inch by 63-inch, 35-foot long corrugated metal pipe arch culvert depressed 12 inches in the streambed of Dark Run (CWF) and to place fill in 0.03 de minimis acre of associated wetlands for the purpose of Township Road maintenance located on Roseglen Road (T-345) about 200 feet west of its intersection with Dark Hollow Road (T-452) (Duncannon, PA Quadrangle N: 2.50 inches; W: 15.55 inches) in Wheatfield Township, Perry County.

E67-706. Jason Shanbarger, 14445 Laurel Road, Felton, PA 17322 in Chanceford Township, **York County**, ACOE Baltimore District.

To construct and maintain a stone masonry bridge with a span of 8 feet, 6 inches across the Bear Branch (CWF) (Stewartstown, PA Quadrangle N: 5.5 inches; W: 1.75 inches) in Chanceford Township, York County.

E38-131. Myerstown Borough, 101 East Washington Avenue, Myerstown, PA 17067 in Myerstown Borough, **Lebanon County**, ACOE Baltimore District.

To construct and maintain a stream restoration (approximately 800 feet) within Tulpehocken Creek (CWF) for the purposes of stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream channel design approach consisting of the following construction activities: channel relocation, stream and floodway excavation and filling, installation of rock

vanes, cross vanes and J-hooks, riprap, root wad and log spur placement, to be located at a point or points within the Myerstown Borough Community Park (Richland, PA Quadrangle N: 21.5 inches; W: 7.4 inches) in Myerstown Borough, Lebanon County.

E67-714. Kreutz Creek Preservation Society, 5345 Lincoln Highway, Hellam, PA 17406 in Hellam Township, **York County**, ACOE Baltimore District.

To construct and maintain several stream enhancement structures such as rock vanes and boulder bank stabilization in and along 280 feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 19.85 inches; W: 14.3 inches) in Hellam Township, York County.

E67-724. Ervin Eckert, 1282 Haines Road, York, PA 17402 in Spring Garden Township, **York County**, ACOE Baltimore District.

To maintain a single span bridge across Mill Creek (WWF), located 2,000 feet south of the intersection of Mount Roase Avenue and Camp Betty Washington Road (York, PA Quadrangle N: 14.0 inches; W: 8.1 inches) in Spring Garden Township, York County.

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

E18-346. Harold M. and Patricia Adams, 230 Danis Street, Mill Hall, PA 17751. New Garage, in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 18.55 inches; W: 15.20 inches).

To construct and maintain a 24-foot by 28-foot garage with three 24-inch wide by 28-inch high meshed-covered louvered vents at floor level and an attached 21-foot by 28-foot concrete driveway in the right 100-year floodway of Fishing Creek located on the corner of South Street and Center Alley. This permit was issued under section 105.13(e) "Small Projects."

E53-378. Borough of Galeton, P. O. Box 222, Galeton, PA 16922. Flood control project, in Galeton Borough, **Potter County**, ACOE Baltimore District (Galeton, PA Quadrangle N: 19.72 inches; W: 2.27 inches).

To operate and maintain a flood control project consisting of 1,172 feet of earthen levee from Bridge Street west to SR 0006, 2,254 feet of earthen levee from Bridge Street east to SR 0006, each located along the southern right-of-way of SR 0006, all of which are located along Pine Creek, as well as 1,015 feet of earthen levee along the northern right-of-way of Hermania Avenue along the West Branch of Pine Creek in Galeton Borough, Potter County.

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

E02-1374. South Park School District, 2178 Ridge Road, South Park, PA 15219. South Park Township, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in 0.55 acre of wetlands adjacent to Catfish Run (WWF) for the purpose of constructing a new high school. The project is located on the east side of Brownsville Road, approximately 1,400 feet northeast from the intersection of Brownsville Road and Wallace Road. The applicant proposes to construct 0.55 acre of replacement wetlands (Glassport, PA Quadrangle N: 9.0 inches; W: 16.3 inches).

E65-792. Duke Energy Yukon, LLC, 5400 Westheimer Court 8H-41, Houston, TX 77056. Sewickley Township, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a retaining wall in the 100-year floodplain of Sewickley Creek (WWF) having a length of approximately 650 feet and to place and maintain fill in 0.55 acre of wetlands for the purpose of constructing the Yukon Generating Station. To compensate for wetland impacts, the permittee will provide a \$22,000 contribution to the Buhl Farm Trust associated with a 1.5-acre Pennsylvania Wetland Replacement Project. The project is located approximately 3 miles east of West Newton and 2 miles west of Yukon (Smithton, PA Quadrangle N: 16.22 inches; W: 12.93 inches).

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

E20-520, Crawford County Commissioners, Crawford County Courthouse, 1st Floor, 903 Diamond Park, Meadville, PA 16335-3481, Crawford County Bridge No. 33 Replacement Project, in Summerhill Township, **Crawford County**, ACOE Pittsburgh District (Harmonsburg, PA Quadrangle N: 18.9 inches; W: 14.4 inches).

To remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 63.33 feet and a minimum underclearance of 11.22 feet on a 77° skew across Conneaut Creek on Fish Road (Township Road T-693) Crawford County approximately 0.1 mile west of the intersection of Fish Road and Canal Rd. Roadway work will include minor vertical realignment and reconstruction of both approach roadways for approximately 305 foot at the west approach and 167 foot at the east approach.

E24-219, Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Natural Gas Pipeline LN-280, in Benazette Township, **Elk County**, ACOE Baltimore District.

To operate and maintain natural gas pipeline LN-280 across various streams and wetland areas in the Red Run, Beaver Run, Pebble Run, Mosquito Creek watersheds in Elk County beginning at the Cameron-Elk County Line at SR 2004 (41d, 15m, 24s North Latitude; 78d, 22m, 14s West Longitude) and extending southwest to the Clearfield-Elk County Line approximately 0.9 mile west of Dents Branch Road (41d, 14m, 16s North Latitude; 78d, 22m, 14s West Longitude).

E25-649, Pennsylvania Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. SR 3017, Segment 0090, Offset 0188 across a tributary to Temple Creek, in Elk Creek Township, **Erie County**, ACOE Pittsburgh District (Albion, PA Quadrangle N: 2.9 inches; W: 11.9 inches).

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 46.4 feet and an underclearance of 9.5 feet on a 70 degree skew across a tributary to Temple Creek on SR 3017, Segment 0090, Offset 0188 approximately 200 feet north of SR 6N.

E27-068, Fish and Game Commission, 450 Robison Lane, Bellefonte, PA 16823-9620. Tionesta Fish Culture Station Effluent Relocation, in Tionesta Borough and Tionesta Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 1.4 inches; W: 9.8 inches).

To construct and maintain a gravity effluent pipeline having an approximately 1,400-foot long, 12-inch diameter pipe in series with an approximately 330-foot long, 18-inch diameter welded steel pipe from the Tionesta Fish Culture station running adjacent to and in portions of the

floodway and stream channel on the south side of Tubb's Run to an outfall located within 50 feet of the top of the bank of the Allegheny River (CWF). The purpose of the construction is to combine hatchery effluent flows and eliminate the existing discharge to Tubb's Run.

[Pa.B. Doc. No. 02-1955. Filed for public inspection November 1, 2002, 9:00 a.m.]

Alternate Technology Subcommittee of the Sewage Advisory Committee Meeting

The Alternate Technology Subcommittee of the Sewage Advisory Committee will hold a meeting on November 6, 2002, from 9 a.m. to 10:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to discuss proposed modifications to the Alternate Systems Guidance Manual and the proposed Experimental Technology Protocol.

The schedule, agenda and handouts for the meeting will be available on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>; choose "Participate." Questions concerning the schedule or agenda may be directed to Milt Lauch at (717) 787-8184 or e-mail at mlauch@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Mary Miller at (717) 783-3497 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1956. Filed for public inspection November 1, 2002, 9:00 a.m.]

Laboratory Accreditation Advisory Committee Meeting

The Laboratory Accreditation Advisory Committee will hold its next meeting on Monday, December 16, 2002 at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting can be directed to Richard Sheibley at (717) 705-2425 or by e-mail at rsheibley@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend this meeting should contact Richard Sheibley at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1957. Filed for public inspection November 1, 2002, 9:00 a.m.]

Proposed Model Ordinance for use with the Stormwater Management Protocol Guidance Document Related to the NPDES General Permit (PAG-13) for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.101) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) seeks public comment on a model ordinance proposed to be used to satisfy portions of new legal requirements for municipalities to develop a stormwater management program and to obtain a National Pollutant Discharge Elimination System (NPDES) permit for that program.

These new permit requirements are described in detail in the Federal stormwater management regulations in 40 CFR 122.26—123.35, which are incorporated by reference in 25 Pa. Code § 92.2 (relating to incorporation of Federal regulations by reference). Additional information is also available on the Environmental Protection Agency's website at http://cfpub.epa.gov/npdes/home.cfm?program_id=6.

The Commonwealth's new stormwater management regulations also require that regulated municipalities utilize a legal mechanism such as an ordinance to address certain components of their local stormwater management program. This proposed model ordinance will meet that regulatory requirement.

The Department previously proposed a General Permit (PAG-13) which can be used by municipalities to meet these permit requirements (see 32 Pa.B. 3444 (July 13, 2002)). Along with that proposed General Permit, the Department proposed a stormwater management protocol (protocol) and indicated a model ordinance would be proposed later in the year.

The protocol is a model stormwater management plan developed by the Department which contains the requirements of the new Federal regulations, including measurable goals and timetables. MS4s may use all or part of the protocol to meet their permit requirements. The protocol includes implementation of a watershed-based, multimunicipal stormwater plan under the Stormwater Management Act (act) (32 P.S. §§ 680.1—680.17). MS4s who implement the protocol in its entirety will automatically receive coverage under the General Permit.

Implementation of the act is encouraged in the protocol because it is watershed based and involves county and municipal cooperation. It also provides for funding to participants.

The act program already uses a model ordinance. The essential elements of this proposed model ordinance will be incorporated into the act model ordinance for use by municipalities who elect to use the Department protocol.

This proposed model ordinance was based on the existing act ordinance, as well as various ordinances now used in this Commonwealth and elsewhere. In addition, model ordinances suggested by the Center for Watershed Protection and by the Maryland Department of the Environment were also considered.

The Department is now considering comments received on PAG-13, the protocol and other documents, and plans to finalize them, including the model ordinance, in December 2002.

Proposed PAG-13 will not be available to municipalities that discharge stormwater to special protection waters under 25 Pa. Code Chapter 93 (relating to water quality standards). MS4s will need to apply for and comply with an individual NPDES permit. However, the protocol and this model ordinance will be available for those municipalities.

The proposed model ordinance is available from the Bureau of Watershed Management, P. O. Box 8467, Harrisburg, PA 17105-8647, e-mail rpatel@state.pa.us and on the Department's website at www.dep.state.pa.us (directLINK "stormwater").

Comments must be submitted by December 2, 2002. Only the comments received within the specified period will be considered in the formulation of the final model ordinance.

Persons wishing to comment should include specific language changes suggested, their name, address and telephone number in case Department staff wish to contact them for clarification. Written comments should be submitted to the previous address. Comments will also be accepted by e-mail and should be sent to Doug Brennan at dobrennan@state.pa.us by the applicable deadline. Comments will not be accepted by facsimile or by voice mail.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments and consider them in preparing the final model ordinance. Persons wishing to also receive a copy of the final model ordinance may request them by contacting the previous addresses or telephone numbers.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1958. Filed for public inspection November 1, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of St. Francis Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that St. Francis Health System has requested an exception to the requirements of 28 Pa. Code § 115.23(c) (relating to preservation of medical records).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, e-mail paexcept@health.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 Department at the address previously listed.

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1959. Filed for public inspection November 1, 2002, 9:00 a.m.]

EMSOF Funding Priorities

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) hereby gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2002, and ending June 30, 2003.

EMSOF is to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, the Department gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to contribute funds toward all purchases, acquisitions and funding for projects the Department permits, in part, with EMSOF funding.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. The regional EMS council shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Funding must be distributed consistent with the regional and Statewide EMS development plans. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2003.

Although funding is authorized for other initiatives and equipment, the following are priorities that must be considered and funded first:

Funding Priorities:

- Capnography Equipment (especially wave-form end-tidal CO₂ monitor).
- AEDs for Department recognized QRSs and licensed BLS ambulance services if other funding sources for AEDs do not exist.
- Recruitment and retention programs in areas with high prehospital personnel vacancy rates as determined by the regional EMS council.
- Training equipment required to teach the EMT-Paramedic National Standard Curriculum.
- Testing equipment required to support Commonwealth certification testing for EMTs and paramedics.

- An ambulance for ambulance services that operate a single ambulance older than 10 years.

- Communication equipment and capabilities for areas with poor to no communication capability with medical command.

- Quality Assurance/Improvement initiatives.

- Continuous positive airway pressure devices approved by the regional medical advisory and State medical advisory committees.

- Identification vests for mass casualty response and incident command roles.

- EMS personnel protective respiratory equipment approved by the Commonwealth Emergency Medical Director and the regional EMS and State medical advisory committees to protect the EMS practitioner from communicable diseases transmitted from person to person through airborne mechanisms.

- Replacement of unserviceable equipment required to meet BLS and ALS ambulance service licensure and new equipment requirements for licensure.

These priorities are not ranked. The priorities must be considered before there is any regional distribution of EMSOF for initiatives that are not listed. Purchases by providers are not limited to equipment. This has been a point of misunderstanding in past years. The distribution of EMSOF to providers is permitted for the priorities published in this notice. If the priorities have been funded and additional funding is available, the request for funding must support the regional and State EMS development plans. If an EMS provider requests EMSOF moneys to purchase equipment, the list that follows identifies equipment eligible for EMSOF funding.

Provider Equipment:

The Department has established a list of equipment for which EMSOF funds will be made available to purchase. This list identifies the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated. EMSOF will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. An eligible provider is responsible for the balance of the purchase price. An eligible provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. Funds for purchases and acquisitions, and funding for projects for the fiscal year beginning July 1, 2002, and ending June 30, 2003, must be expended by June 30, 2003, unless a written request for an extension of time, not to exceed 90 calendar days, is submitted by the regional EMS council and approved by the Department prior to June 30, 2003.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in compliance, or aggressively pursuing full compliance, with all requirements applicable to the regional EMS system in which the provider of EMS operates.

Following is the Eligible Provider Equipment List that lists the equipment eligible for EMSOF support. The last two columns of the chart identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon

whether the provider operates in a rural or nonrural area.

Questions regarding this list should be directed to Margaret Trimble, Director, Emergency Medical Services Office, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-8740 or VTT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984.

Eligible Provider Equipment List

Equipment Description	Life Expectancy	Eligible Purchase for				Allowable Costs ¹	Urban (50%)	Rural (60%)
		ALS	ALS/SQ	BLS	QRS			
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	10,000	5,000	6,000
12 Lead EKG ²	5 years	Y	Y	N	N	16,000	8,000	9,600
Automated External Defibrillator (AED)	5 years	N	N	Y ³	Y ³	3,500	1,750	2,100
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose and Mask Regulator (combination or constant flow) Case	5 years	Y	Y	Y	Y	500	250	300
Capnography Equipment	3 years	Y	Y	N	N	3,000	1,500	1,800
CPAP Ventilation Portable Equipment	5 years	Y	Y	N	N	600	300	360
Pulse Oximeter	5 years	Y	Y	N	N	700	350	420
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	2,000	1,000	1,200
Intravenous Infusion Pumps	5 years	Y	Y	N	N	1,500	750	900
Adult/Pediatric Intubation Kits	5 years	Y ⁸	Y ⁸	N	N	400	200	240
Transtracheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	200	100	120
Splinting/Immobilization Devices (any combination) Backboard Cervical Immobilization Device Splints (rigid, traction and the like)	3 years	Y	Y	Y	Y	500	250	300
Stairchair	5 years	Y	N	Y	N	600	300	360
Stretcher—Primary	5 years	Y	N	Y	N	3,000	1,500	1,800
Stretcher/Chair Combination	5 years	Y	N	Y	N	700	350	420
Suction (portable, battery operated)	3 years	Y	Y	Y	Y	500	250	300
Ventilator, Automatic (per Department guidelines)	5 years	Y ⁴	Y ⁴	Y ⁵	Y ⁵	1,400	700	840
Ambulance	—	Y	N	Y	N	—	15,000	20,000
Squad/Response Vehicle	—	N	Y	N	Y	—	7,500	9,000
Data Collection Software ⁶	—	Y	Y	Y	Y	1,700	1,700	1,700
Triage Vest Set	5 years	Y	Y	Y	Y	150	75	90
Data Collection Hardware ⁷	3 years	Y	Y	Y	Y	1,500	750	900
Radio, Mobile (one per vehicle)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	2,500	1,250	1,500
Radio, Portable (one per vehicle)	3 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	1,000	500	600
Alerting Equipment (5 per service @ \$400 each)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	2,000	1,000	1,200

¹ All figures are dollar amounts for each item of equipment.

² Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

- ³ Must be an approved AED service or part of regional planning and medical director required.
- ⁴ Completion of approved training program required.
- ⁵ Completion of approved training program required; BLS service medical director approval required.
- ⁶ Must be a Department approved software program, version and vendor.
- ⁷ Data collection hardware may include computer, modem, printer, backup device and battery system.
- ⁸ Must be durable equipment, not disposable equipment.
- ⁹ Must be compatible with approved communications network.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1960. Filed for public inspection November 1, 2002, 9:00 a.m.]

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9) will hold a public meeting on Friday, November 8, 2002, in Conference Room 812, Department of Health, 7th and Forster Streets, Harrisburg, PA from 1 p.m. to 4 p.m.

For additional information, contact Karl Hoffman, Program Administrator, Newborn Hearing Screening Program, Division of Newborn Disease Prevention and Identification, (717) 783-8143.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Newborn Hearing Screening Program at (717) 783-8143. Speech and/or hearing impaired persons can use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1961. Filed for public inspection November 1, 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 § 201.17 (relating to location):

Pinnacle Health Extended Care Facility
2601 North Third Street
Harrisburg, PA 17110-2098

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(a) (relating to toilet facilities):

Pleasant Ridge Manor West
8300 West Ridge Road
Erie, PA 16417

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 the 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 require an alternative format of a document or who wish to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the previously listed address or phone numbers, 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. 02-1962. Filed for public inspection November 1, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payments to Nursing Facilities; October 1, 2002 Proposed Rates

This notice announces proposed changes in payment rates based on case-mix index adjustments only, for nursing facilities beginning October 1, 2002, and to identify the methodology and justification for these proposed rates. Under 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 state must use a public process when it proposes to make changes in payment rates or payment methodologies for nursing facility services under its approved Title XIX State Plan.

The Department of Public Welfare (Department) is not proposing to amend its State Plan or to change its regulations, 55 Pa. Code Chapter 1187 (relating to nursing facility services), regarding the rate-setting methodology used to set nursing facility payment rates. Rather, the Department is proposing to make changes in its nursing facility payment rates because those rate changes are required by the rate-setting methodology contained in its approved State Plan and regulations.

Rates

The proposed October 1, 2002, rates are available at the local County Assistance Offices throughout this Com-

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

Methodology

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

Justification

The justification for the proposed rates is that they were set under the rate-setting methodology required by the Commonwealth's regulations and approved State Plan.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 2002-2003 is \$11.079 million (\$5.021 million in State funds).

Interested persons are invited to submit written comments about the proposed 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, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Services, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-338. (1) General Fund; (2) Implementing Year 2002-03 is \$5,021,000; (3) 1st Succeeding Year 2003-04 is \$7,560,000; 2nd Succeeding Year 2004-05 is \$7,560,000; 3rd Succeeding Year 2005-06 is \$7,560,000; 4th Succeeding Year 2006-07 is \$7,560,000; 5th Succeeding Year 2007-08 is \$7,560,000; (4) 2001-02 Program—\$761,877,000; 2000-01 Program—\$722,565,000; 1999-00—\$693,625,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funding for these changes is included in the 2002-03 budget.

[Pa.B. Doc. No. 02-1963. Filed for public inspection November 1, 2002, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

**Franklin Township Sewer Authority v. DEP; EHB
Doc. No. 2002-245-L**

Franklin Township Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Franklin Township Sewer Authority for a facility in Franklin Township, Greene County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal was filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 02-1964. Filed for public inspection November 1, 2002, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, November 6, 2002, a Data Systems Committee meeting at 10 a.m. and an Education Committee meeting at 1 p.m.; and on Thursday, November 7, 2002, a Council Meeting at 10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 02-1965. Filed for public inspection November 1, 2002, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-135	Department of Agriculture Dog Licensure	10/21/02

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1966. Filed for public inspection November 1, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna U. S. Healthcare; Medical Rate-Up Methodology for Individual Plans; Rate Filing

On October 18, 2002, Aetna U. S. Healthcare submitted a Medical Rate-Up Methodology for Individual Plans (Filing ID A64401001). The filing submission proposes to add two additional underwriting classes for members who would be declined coverage for certain medical conditions. The rates for these classes would be 25% or 50% higher than the current rates respectively. An effective date of January 1, 2003, has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1967. Filed for public inspection November 1, 2002, 9:00 a.m.]

Allstate Indemnity Company; Private Passenger Automobile Insurance; Rate Increase

On October 16, 2002, the Insurance Department (Department) received from Allstate Indemnity Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 10.2% increase amounting to \$16.578 million annually, to be effective December 16, 2002.

Unless formal administrative action is taken prior to December 15, 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 Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1968. Filed for public inspection November 1, 2002, 9:00 a.m.]

Liberty Mutual Fire Insurance Company; Homeowners Policy Program; Rate and Rule Filing

On October 18, 2002, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company a filing for a rate level change for homeowners insurance.

The company has requested the revenue neutral filing become effective January 20, 2003.

Unless formal administrative action is taken prior to December 17, 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 Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at mburkett@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1969. Filed for public inspection November 1, 2002, 9:00 a.m.]

Liberty Mutual Fire Insurance Company; Private Passenger Automobile Insurance; Rate and Rule Filing

On October 15, 2002, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 0.2% decrease amounting to -\$231,000 annually, to be effective January 21, 2003.

Unless formal administrative action is taken prior to December 14, 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 Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at mburkett@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1970. Filed for public inspection November 1, 2002, 9:00 a.m.]

Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice No. 2002-13

The Insurance Department (Department), Medical Care Availability and Reduction of Error Fund, by Sarah H. Lawhorne, Special Assistant to the Insurance Commissioner, under section 712 of the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. § 1303.712), has determined that the annual assessment to be levied for calendar year 2003 shall be 43% applied to the prevailing primary premium for each participating health care provider.

The act defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 2003 annual assessment, the JUA rates to be used are \$500,000 per occurrence/\$1.5 million per annual aggregate for participating health care providers other than hospitals and \$500,000 per occurrence/\$2.5 million per annual aggregate for hospitals.

Participating health care providers having approved self-insurance plans shall be assessed an amount equal to the assessment imposed on a participating health care provider of like class, size, risk and kind as determined by the Department.

This action is subject to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure)

SARAH H. LAWHORNE,
Special Assistant to the Insurance Commissioner

[Pa.B. Doc. No. 02-1971. Filed for public inspection November 1, 2002, 9:00 a.m.]

James F. Mustoe and M & M Underwriting, Inc.; Hearing

Order to Show Cause; Doc. No. SC02-08-026

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

By November 13, 2002, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and addresses of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Amended prehearing statements may be filed by December 6, 2002. A prehearing conference is scheduled for November 15, 2002, at 10 a.m. in Room 200, Administrative Hearings

Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. At the prehearing conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. A hearing shall occur on December 11, 2002, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by December 4, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Responses to motions, protests or petitions to intervene, if any, shall be filed on or before December 14, 2002.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1972. Filed for public inspection November 1, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0224, 1824 Murray Avenue, Pittsburgh, PA 15217.

Lease Expiration Date: October 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space in the Squirrel Hill Business District along Murray or Forbes Avenue in the City of Pittsburgh. Site should have rear door loading capabilities.

Proposals due: November 22, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Chester County, Wine & Spirits Shoppe #1522, Townships of North, South or East Coventry.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 4,000 net useable square feet of new or existing retail commercial space located between Route 724 on the north side and Pughtown Road on the south side in the Townships of North, South or East Coventry.

Proposals due: November 22, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Shoppe #2306, 209 W. Lancaster Avenue, Wayne, PA 19087.

Lease Expiration Date: July 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within 1 mile of 209 W. Lancaster Avenue, Wayne.

Proposals due: November 22, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9671

Erie County, Wine & Spirits Shoppe #2516, Liberty Shopping Center, 3728 Liberty Street, Erie, PA 16508.

Lease Expiration Date: January 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,500 net useable square feet of new or existing retail commercial space in a shopping center environment with rear door loading and free parking near the intersection of Peach Street and 38th Street in Erie.

Proposals due: November 22, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Lancaster County, Wine & Spirits Shoppe #3605, Manheim Shopping Center, Doe Run Road, Manheim, PA 17545.

Lease Expiration Date: July 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within 3 miles of the intersection of State Routes 72 and 772, Penn Township.

Proposals due: November 22, 2002, at 12 p.m.

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

Philadelphia County, Wine & Spirits Shoppe #5172, 4719 Rising Sun Avenue, Philadelphia, PA 19120.

Lease Expiration Date: March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within 3/4 mile of 4719 Rising Sun Avenue, Philadelphia.

Proposals due: November 22, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 02-1973. Filed for public inspection November 1, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Modifications to the Regulation and Review of Interconnection Agreements filed with the Pennsylvania Public Utility Commission

On June 3, 1996, the Pennsylvania Public Utility Commission (Commission) entered an Order (Implementation Order) at Doc. No. M-00960799, implementing the Telecommunications Act of 1996 in this Commonwealth. Included in the Implementation Order were specific procedures and requirements regarding the Commission's consideration and approval of interconnection agreements.

Since the entry of the Implementation Order, a number of issues and problems have arisen in the context of the Commission's regulation and review of interconnection agreements. As a result, the Commission has undertaken a review of the requirements and procedures contained in the Implementation Order and, where these issues and problems have been identified, is proposing changes designed to address these concerns.

Before the proposed recommendations are implemented, however, the Commission is interested in obtaining comments from affected parties. The full text of the proposal is available on the Commission's website at puc.paonline.com for those wishing to file comments. Comments are to be filed electronically and will be posted on the website. Comments must be submitted within 20 days of the date of publication of this notice. An opportunity for reply comments will then be extended to persons desiring to respond to another party's comments. Subsequently, the Commission will issue the report indicating what changes, if any, will be made to the regulation and review of interconnection agreements.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1974. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-311202F7002. The United Telephone Company of Pennsylvania d/b/a Sprint, Inc. and CLM Telecom, LLC. Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint, Inc. and CLM Telecom, LLC for approval of a Master Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint, Inc. and CLM Telecom, LLC, by its counsel, filed

on October 11, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a Master Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint, Inc. and CLM Telecom, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1975. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310518F7001. Verizon North Inc. and AT&T Wireless Services, Inc. Joint Petition of Verizon North Inc. and AT&T Wireless Services, Inc. for approval of Amendment No. 2 to the Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and AT&T Wireless Services, Inc., filed on October 3, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 2 to the Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon North Inc. and AT&T Wireless Services, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1976. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-311095F7001. Verizon North, Inc. and CTSI, LLC. Joint Petition of Verizon North, Inc. and CTSI, LLC for approval of adoption of an Interconnection Agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and CTSI, LLC, by its counsel, filed on October 3, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval

of adoption of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and CTSI, LLC Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1977. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310633F7001. Verizon North Inc. and Level 3 Communications, LLC. Joint Petition of Verizon North Inc. and Level 3 Communications, LLC for approval of an adoption of an Interconnection Agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Level 3 Communications, LLC filed on September 30, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an adoption of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon North Inc. and Level 3 Communications, LLC Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1978. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310987F7001. Verizon North, Inc. and Premiere Network Services, Inc. Joint Petition of Verizon North, Inc. and Premiere Network Services, Inc. for approval of Amendment No. 1 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Premiere Network Services, Inc., by its counsel, filed on October 11, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Premiere Network Services, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1979. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310513F7001. Verizon North, Inc. and Sprint Spectrum L.P. Joint Petition of Verizon North Inc. and Sprint Spectrum L.P., for approval of Amendment No. 2 to the Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Sprint Spectrum L.P., filed on October 3, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 2 to the Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon North Inc. and Sprint Spectrum L.P. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1980. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-311208F7001. Verizon North, Inc. and Talk Unlimited Now, Inc. Joint Petition of Verizon North, Inc. and Talk Unlimited Now, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Talk Unlimited Now, Inc., by its counsel, filed on October 1, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Talk Unlimited Now, Inc. Joint

Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1981. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310518F7000. Verizon Pennsylvania, Inc. and AT&T Wireless Services, Inc. Joint Petition of Verizon Pennsylvania, Inc. and AT&T Wireless Services, Inc. for approval of Amendments No. 1 and No. 2 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and AT&T Wireless Services, Inc., by its counsel, filed on October 15, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendments No. 1 and No. 2 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and AT&T Wireless Services, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1982. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-311191F7000. Verizon Pennsylvania Inc. and BullsEye Telecom, Inc. Joint Petition of Verizon Pennsylvania Inc. and BullsEye Telecom, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and BullsEye Telecom, Inc., by its counsel, filed on October 10, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and BullsEye Telecom, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1983. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310943F7000. Verizon Pennsylvania, Inc. and Lightship Telecom, LLC. Joint Petition of Verizon Pennsylvania, Inc. and Lightship Telecom, LLC. for approval of Amendment No. 1 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Lightship Telecom, LLC., by its counsel, filed on October 11, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Lightship Telecom, LLC. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1984. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310917F7000. Verizon Pennsylvania Inc. and Line Systems, Inc. Joint Petition of Verizon Pennsylvania Inc. and Line Systems, Inc. for approval of Amendment No. 1 to the Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Line Systems, Inc., filed on October 11, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to the Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Line Systems, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1985. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310803F7000. Verizon Pennsylvania, Inc. and Omnipoint Communications Enterprises, L.P. Joint Petition of Verizon Pennsylvania, Inc. and Omnipoint Communications Enterprises, L.P. for approval of Amendment No. 1 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Omnipoint Communications Enterprises, L.P., by its counsel, filed on October 10, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Omnipoint Communications Enterprises, L.P. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1986. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-311223F7000. Verizon Pennsylvania Inc. and Outside Connection, Inc. Joint petition of Verizon Pennsylvania Inc. and Outside Connection, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Outside Connection, Inc., by its counsel, filed on September 30, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Outside Connection, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1987. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310987F7000. Verizon Pennsylvania Inc. and Premiere Network Services, Inc. Joint petition of Verizon Pennsylvania Inc. and Premiere Network Services, Inc. for approval of Amendment No. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Premiere Network Services, Inc., by its counsel, filed on October 11, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of Amendment No. 1 to an interconnection agreement under Sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Premiere Network Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1988. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-311154F7000. Verizon Pennsylvania, Inc. and Teleconex, Inc. Joint Petition of Verizon Pennsylvania, Inc. and Teleconex, Inc. for approval of Amendment No. 1 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Teleconex, Inc., by its counsel, filed on October 11, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to an Interconnection

Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Teleconex, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1989. Filed for public inspection November 1, 2002, 9:00 a.m.]

Telecommunications

A-310534F7000. Verizon Pennsylvania, Inc. and WirelessCo, L.P. Joint Petition of Verizon Pennsylvania, Inc. and WirelessCo, L.P. for approval of Amendment No. 1 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and WirelessCo, L.P., by its counsel, filed on October 15, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and WirelessCo, L.P. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1990. Filed for public inspection November 1, 2002, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

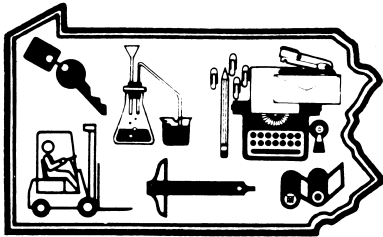
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

061025 Reed Sova Dry-mix Guniting Machine with 8AM Air motor, 1.5" outlet course thread, 18 pocket bowl on 2 pneumatic tires (Color - factory yellow) Also included : 1 - Spare 18 pocket Bowl, 2 - Felt Seals , 6 - Wear pads, 2 - 1.5" x 50' Guniting hoses / coupled, 2 - 0.5" x 50' Water hoses coupled with NPT and quick connect fittings (200 psi), 1 - 1.5" Bull Nose, red Flexiprene, 200 psi, 4 lug quick connect 1 - 533-1c nozzle assembly 1 day (7.5 hours) of training on use/repair/maintenance of machine at PennDOT site Delivery to 229 N. Broad St., Doylestown, PA 18901.

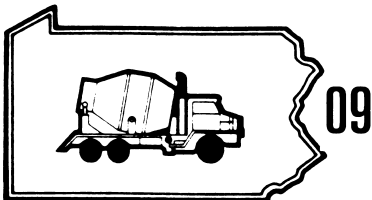
Department: Transportation

Location: PA Dept. of Transportation, Bucks County, 229 N. Broad St., Doylestown, PA 18901

Duration: 1 time purchase

Contact: William Woehr, (215) 345-6060

SERVICES



Construction & Construction Maintenance

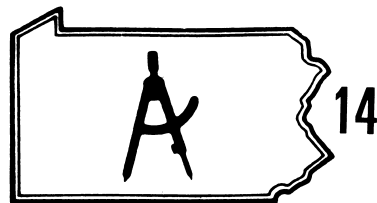
401-BL-675 Montgomery Apartment Roof Replacements - Provide all labor, material and equipment necessary to remove the existing asphalt shingles, careful removal of existing vents, and cutting slot in existing sheathing along ridge. Install new shingles along with new underlayment, installing ridge vent, repainting and re-installing the vents, and re-flashing and painting of VTR's. Work will also include installation of powered ventilators and access doors (panels). The ventilators are being installed to provide positive ventilation for the roof, which is required for a shingle warranty. To obtain a copy of the bid documents, fax Bloomsburg University, Attn: Joe Quinn at (570) 389-2017 prior to 11/6/02 - there is no charge for the documents.

Department: State System of Higher Education

Location: Bloomsburg University, Bloomsburg, PA

Duration: 99 Calendar days

Contact: Joseph C. Quinn, (570) 389-4311



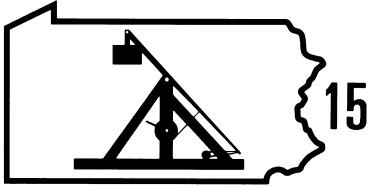
Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation

Location: Various

Contact: www.dot2.state.pa.us



Environmental Maintenance Service

OSM 40(2119)102.1 Abandoned Mine Reclamation, Loomis Park. This project involves 5,300 c.y. backfilling the abandoned No. 4 Shaft of the Loomis Colliery and 1.5 acre seeding. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML grant. This project issues November 1, 2002. Payment in the amount of \$10.00 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Hanover Township, Luzerne County
Duration: 70 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

BOGM 02-25 Cleaning Out and Plugging One (2) Abandoned Oil and Gas Wells estimated to be 2,500 feet in depth each; prepare and restore well sites and mobilize and demobilize plugging equipment. This project issues November 1, 2002. Payment in the amount of \$10.00 must be received before bid documents will be sent.

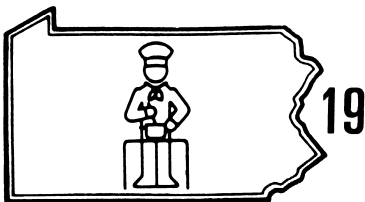
Department: Environmental Protection
Location: Ms. Kathleen M. Aspinall and Mr. Donald P. Miller Properties, North Fayette and Robinson Townships, Allegheny County
Duration: 90 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994



Financial and Insurance Consulting

RFP 2002-1 Conduct an audit of the Pennsylvania Municipal Retirement System's financial statements for the calendar years ending December 31, 2002, 2003 and 2004. Complete package with full details may be obtained by faxing your request to the following: Reynold Witmer - Fax #717-783-8363. Please include your Name/Address/RFP #2002-1 or by sending to the email to rwitmer@state.pa.us.

Department: State Municipal Retirement System
Location: Pennsylvania Municipal Retirement System (PMRS), 1010 N. 7th St., Suite 301, Harrisburg, PA 17102
Duration: Anticipated term of contract will run for 3 years from start date of contract with the option to renew for two additional one-year periods at the consent of both parties.
Contact: Reynold Witmer, (717) 787-2065



Food

4050 Frozen Juice Contract (4 oz. containers) for January, February and March 2003. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: January 1 - March 31, 2003
Contact: Stanley Rygelski, PA, (570) 587-7291

4046 Dairy Contract for January, February and March 2003. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: January 1 - March 31, 2003
Contact: Stanley Rygelski, PA, (570) 587-7291

ML-2003 The Hiram G. Andrews Center will be inviting Bids for the Procurement of Milk and Cream. Deliveries are required three (3) days per week: Monday, Wednesday, and Friday. Hours: 6:00 A.M. to 7:00 A.M. Quantity requirements available from Facility.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, HIRAM G. ANDREWS CENTER, 727 Goucher Street, Johnstown, PA 15905
Duration: 01-01-03 through 12-31-03
Contact: Ken Zakraysek, Purchasing Agent 2, (814) 255-8210

4049 Miscellaneous Frozen Foods for January, February and March 2003. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: January 1 - March 31, 2003
Contact: Stanley Rygelski, PA, (570) 587-7291

7977 Dairy Products, Miscellaneous Foods, Meat & Meat Products, and Poultry.

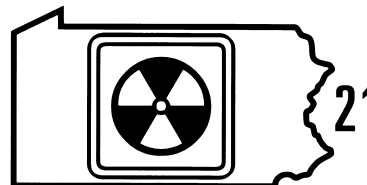
Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821-9198
Duration: January 1, 2003 - March 31, 2003
Contact: Kristina Robbins, (570) 271-4578

4042 Frozen Poultry Contract for January, February and March 2003. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: January 1 - March 31, 2003.
Contact: Stanley Rygelski, PA, (570) 587-7291

4041 Frozen Meat Contract for January, February and March 2003. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

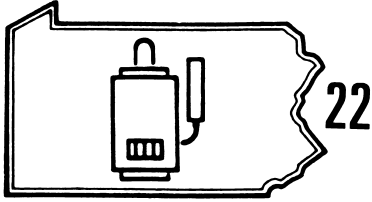
Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: January 1 - March 31, 2003
Contact: Stanley Rygelski, PA, (570) 587-7291



Hazardous Material Services

070808 Qualified waste management firms to provide services to dispose of hazardous and non-hazardous wastes located at various county sites and within roadway right-of-ways within the Counties of Fayette, Greene, Washington, and Westmoreland. Services include sampling, testing, identifying, providing overpacks when necessary, transporting and disposal per contract specifications. Bids must be submitted on the Commonwealth's Service Bid Contract form with required attachments, which can be obtained from Pa. Department of Transportation, Engineering District 1200, Phone # 724-439-7236. This will be a one (1) year contract, with an annual renewal option up to four consecutive years. The tentative bid opening date is November 13, 2002.

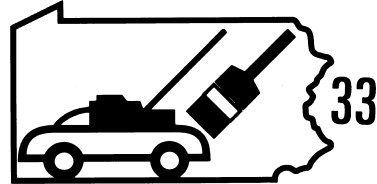
Department: Transportation
Location: Various sites within Fayette, Greene, Washington and Westmoreland Counties.
Duration: January 1, 2003 through December 31, 2003
Contact: Lonnie J. Mangus, (724) 439-7236



HVAC Services

LBLA 779C Furnish automatic temperature controls for five (5) separate Trane air handling units.

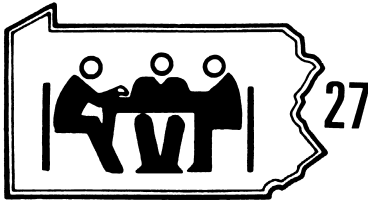
Department: Public Welfare
Location: North Central Secure Treatment Unit, Green Building, 210 Clinic Road, Danville, PA 17821, located on the grounds of the Danville State Hospital
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



Property Maintenance

120R-046 Provide Pesticide application complements for Engineering District 12 in southwestern Pennsylvania according to contract specifications. This will include all equipment, labor, insurance and traffic protection as stated in the contract specifications.

Department: Transportation
Location: Engineering District 12 which includes Fayette, Greene, Washington and Westmoreland counties.
Duration: One year with the potential of two additional two year renewals upon mutual consent, for a possible total of five years
Contact: Michael D Maurer, (724) 439-7374



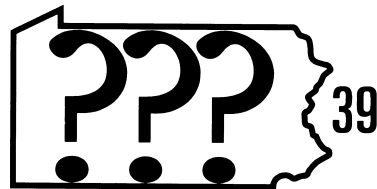
Lodging/Meeting Facilities

2003 PAPS Conference The PA Emergency Management Agency (PEMA) is soliciting bids to contractors to provide facilities, meals, and staff services to conduct a 2003 PEMA Annual Public Safety Conference in Dauphin County on June 17-20, 2003. The facilities needed for this conference are 250 single lodging rooms, dedicated meeting room for up to 400 attendees set with round tables, three (3) large breakout rooms (not including the dedicated meeting room) for up to 150 persons each, set classroom style, breakfast, lunch, and banquet dinner for up to 400 persons, and display area with a minimum of 11,000 square feet. If you are interested in receiving a bid package, please contact Donna Simmons at dsimmons@state.pa.us or call (717) 651-2188. Facsimile requests may be submitted to (717) 651-2025. Please include your name, title, phone number, fax number, complete company address, Federal ID number and reference 2003 PAPS Conference on all correspondences.

Department: PA Emergency Management Agency
Location: Must be within a 20-mile radius Harrisburg, PA
Duration: June 17 - 20, 2003
Contact: Donna Simmons, (717) 651-2188

120R-047 Provide all labor material and equipment for roadway mowing in northern Westmoreland County according to contract specifications.

Department: Transportation
Location: Westmoreland County north of and including State Route 0030
Duration: One year with the potential of two additional two year renewals upon mutual consent for a possible total of five years
Contact: Michael D Maurer, (724) 439-7374



Miscellaneous

430122 Provide hangaring space for the Bureau of Design's Piper Navajo aircraft at Capital City Airport. Hangaring will be in close proximity to the Bureau of Aviation's (BOA) hangar for the convenience of maintenance and inspections by BOA.

Department: Transportation
Location: Capital City Airport
Duration: January 1, 2003 to December 31, 2007
Contact: Nancy Baker or Brad Foltz, (717) 787-3311 or 783-1518

[Pa.B. Doc. No. 02-1991. Filed for public inspection November 1, 2002, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

KELLY POWELL LOGAN,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
8254130-01	10/22/02	Ingersol-Rand	\$241,300.00
8254360-01	10/22/02	Aspen Aerials	481,768.00
8254400-01	10/22/02	Ingersol-Rand	224,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
8506460-01	10/22/02	Cumberland Truck/ Equipment KELLY POWELL LOGAN, <i>Secretary</i>	88,940.00

[Pa.B. Doc. No. 02-1992. Filed for public inspection November 1, 2002, 9:00 a.m.]

