

# 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 November 26, 2002.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-18-02	Fidelity Bancorp, Inc., Pittsburgh, to acquire 100% of First Pennsylvania Savings Association, Pittsburgh	Pittsburgh	Approved
11-21-02	Franklin Financial Services Corporation, Chambersburg, to acquire up to 23.5% of the voting shares of American Home Bank, National Association, Lancaster	Chambersburg	Approved

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-18-02	Fidelity Savings Bank, Pittsburgh, and First Pennsylvania Savings Association, Pittsburgh Surviving Institution— Fidelity Savings Bank, Pittsburgh	Pittsburgh	Approved

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-18-02	Community Banks Millersburg Dauphin County	4501 Hanover Pike Manchester Carroll County, MD	Opened
11-18-02	The Peoples Bank of Oxford Oxford Chester County	1138 Georgetown Road Georgetown Bart Township Lancaster County	Opened

#### SAVINGS INSTITUTIONS

##### Conversions

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
11-18-02	First Pennsylvania Savings Association Pittsburgh Allegheny County	Pittsburgh	Approved

Represents conversion from a State-chartered mutual savings association to a State-chartered permanent reserve fund stock savings association.

## CREDIT UNIONS

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-19-02	Atlantic Credit Union, Newtown Square, PA, and UFCW Local 56 Federal Credit Union, Pennsauken, NJ Surviving Institution— Atlantic Credit Union, Newtown Square, PA	Newtown Square	Approved

PAUL H. WENTZEL, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 02-2175. Filed for public inspection December 6, 2002, 9:00 a.m.]

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PAS802203	Mack Trucks Macungie Assembly Operations 7000 Alburtis Road Macungie, PA 18062-9631	Lower Macungie Township Lehigh County	Swabia Creek 2C	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 1711, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0033057	Crestview MHP Henry Nolt 455B Middlecreek Road Lititz, PA 17543	Dauphin County Londonderry Township	Iron Run 7-D	Y
PA0082279	Spring Creek Joint Sewer Authority P. O. Box 373 Three Springs, PA 17264	Huntingdon County Clay Township	Spring Creek 12-C	Y

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

**PA0222411**, Sewage, **Robert E. Farrell**, 30 Carey Farms Road, Erie, PA 16510. This proposed facility is located in Harborcreek Township, **Erie County**.

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

The receiving stream, Lake Erie, is in watershed 15 and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0008 MGD.

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

The EPA Waiver is in effect.

**PA0024899**, Sewage, **Lake City Municipal Sewer Authority**, 2350 Main Street, Lake City, PA 16423. This facility is located in Lake City Borough, **Erie County**.

Description of Proposed Activity: The applicant requests renewal of an NPDES permit to discharge treated sanitary sewage to Elk Creek in Lake City Borough, Erie County. This is an existing discharge.

The receiving stream, Elk Creek, is in the Lake Erie watershed and classified for WWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, there is no existing/proposed downstream potable water supply to consider until Lake Erie.

The proposed effluent limits for Outfall 001 based on a design flow of 0.099 MGD:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
Phosphorus as "P"	1.0		
Total Residual Chlorine	0.18		0.58

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 4,400/100 ml as a geometric average
pH			6.0 to 9.0 standard units at all times

The EPA Waiver is not in effect.

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

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

**PA0050202**, Industrial Waste, **National Railroad Passenger Corporation, 30th Street Station**, 30th and Race Streets, Philadelphia, PA 19104-2898. This application is for renewal of an NPDES permit to discharge stormwater and treated storm/waste water from Amtrak Race Street/Penn Coach Yard in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to Schuylkill River.

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

The proposed effluent limits for Outfall 101, based on stormwater flows are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	<i>Monitoring Requirements</i>
Total Suspended Solids	30	60	75	1/Month
Oil and Grease	15		30	1/Month
pH	Within limits of 6.0—9.0 Standard Units at all times			1/Month
Phenols, Total	5.9	11.8	14.8	1/Month
Dissolved Iron			7.0	1/Month
TPH			Monitor and Report	1/Month
PCBs (Total)	Monitor and Report	Monitor and Report	Monitor and Report	4/Year

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

<i>Parameter</i>	<i>Monitoring Requirements</i>	<i>Instantaneous Limit</i>
Total Suspended Solids	2/Year	
Oil and Grease	2/Year	
Dissolved Iron	2/Year	
Total Phosphorus	2/Year	
Chemical Oxygen Demand	2/Year	
Total Kjeldahl Nitrogen	2/Year	
CBOD <sub>5</sub>	2/Year	
PCBs (Total)	4/Year	
pH	2/Year	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.*

**PA0013501**, Industrial, **Honeywell International, Inc.**, 98 Westwood Road, Pottsville, PA 17901-1814. This proposed facility is located in Norwegian Township, **Schuylkill County**.

Description of Proposed Activity: renewal of NPDES permit to discharge treated cooling water.

The receiving stream, unnamed tributary to West Branch Schuylkill River, is in the State Water Plan watershed no. 2A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Pottstown Water Supply is located on the Schuylkill River, approximately 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0056 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>
pH			6.0 to 9.0 Standard Units at all times	

*Outfall 002—uncontaminated stormwater only.*

**PA0051896**, Industrial, **Fort James Operating Company**, 605 Kuebler Road, Easton, PA 18042. This proposed facility is located in Forks Township, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, unnamed tributary to Bushkill Creek, is in the State Water Plan watershed no. 2F and is classified for HQ and CWF. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River, approximately 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .0055 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Inst.
Oil and Grease			15	30
pH	6.0 to 9.0 Standard Units at all times			

**PA0014681**, Industrial, **Nestle Purina Petcare Company**, 2050 Pope Road Allentown, PA 18104-9308. This proposed facility is located in South Whitehall Township, **Lehigh County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated industrial waste.

The receiving stream, unnamed tributary to Jordan Creek, is in the State Water Plan watershed no. 2C and is classified for HQ-CWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the City of Allentown is located on the Lehigh River, approximately 5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.53 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>					
(5-1 to 10-31)	107	213	20	40	50
(11-1 to 4-30)	213	427	40	80	100
Total Suspended Solids	134	267	25	50	63
Total Dissolved Solids			1,200	2,400	3,000
NH <sub>3</sub> -N					
(5-1 to 10-31)	21	43	4	8	10
(11-1 to 4-30)	64	128	12	24	30
Oil and Grease	80		15		30
Dissolved Oxygen		Minimum of 3 at all times			
Fecal Coliform				200/100 ml	
Temperature					110°F
Total Residual Chlorine			1		2.3

Three stormwater discharges are also part of this permit.

**PA0011185**, Industrial, **Air Products and Chemicals, Inc.**, 7201 Hamilton Boulevard, Allentown, PA 18195-1501. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Activity: This application is for renewal of a NPDES permit to discharge noncontact cooling water, groundwater and stormwater. This is an existing discharge.

The receiving stream, Iron Run, is in the State Water Plan watershed no. 2C and is classified for HQ-CWF.

The proposed effluent limits for Outfall 001 based on an average flow of 0.105 MGD are as follows:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Instantaneous Maximum
Temperature				110°F
pH	Within limits of 6.0 to 9.0 Standard Units at all times			

The proposed effluent limits for the stormwater discharge from Outfall 001 are as follows:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Instantaneous Maximum
CBOD <sub>5</sub>				Monitor and Report
COD				Monitor and Report
Total Suspended Solids				Monitor and Report
Oil and Grease				Monitor and Report
Temperature				Monitor and Report
pH				Monitor and Report
Total Kjeldahl Nitrogen				Monitor and Report
Total Phosphorus				Monitor and Report

<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>Instantaneous Maximum</i>
Iron (Dissolved)				Monitor and Report

**PA0035629**, Sewerage, **Department of Transportation, District 4**, O'Neill Highway, Dunmore, PA 18512. This proposed facility is located in Foster Township, **Luzerne County**.

Description of Proposed Activity: This proposed action is for the renewal of an NPDES permit to discharge 0.0086 MGD of treated sewage into Linesville Creek in Foster Township, Luzerne County.

The receiving stream, Linesville Creek, is in the State Water Plan watershed no. 02A and is classified for HQ, CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Lehigh Water Authority is located on the Lehigh River, 20 miles below the point of discharge.

Outfall 001: The proposed effluent limits based on a design flow of 0.0086 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean		
Total Residual Chlorine	1.2		2.8
Dissolved Oxygen	A minimum of 7.0 mg/l at all times.		
pH	6.0 to 9.0 standard units at all times.		

The EPA waiver is in effect.

**PA0060372**, Sewage, **Factoryville Borough**, P. O. Box 277, Factoryville, PA 18419. This proposed facility is located in Clinton Township, **Wyoming County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 0.086 MGD of treated sewage into South Branch Tunkhannock Creek.

The receiving stream, South Branch Tunkhannock Creek, is in the State Water Plan watershed no. 04F and is classified for aquatic life, trout stream fish, water supply and recreation. The nearest downstream public water supply intake for Danville Borough Water Authority is located on the Susquehanna River, 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.086 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
Total Residual Chlorine	1.0		2.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
pH	6.0 to 9.0 standard units at all times.		

The EPA waiver is in effect.

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

**PA0009253**, Industrial Waste, Sewage, Groundwater and Stormwater, SIC Code 3795, **United Defense, L. P.**, P. O. Box 15512, York, PA 17405-1512. This facility is located in West Manchester Township, **York County**.

Description of activity: The application is for the renewal of an NPDES permit for existing discharges of industrial waste, sewage, treated groundwater and stormwater.

The receiving streams, Codorus Creek and unnamed tributaries, are in Watershed 7-H and are classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake, Wrightsville Water Supply Company, is located approximately 28 miles downstream on the Susquehanna River. The discharge is not expected to affect the water supply.

The proposed effluent limitations for Outfall 101 (industrial waste) based on a design flow of 0.072 MGD and discharge to Codorus Creek are:

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<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)		From 6.0 to 9.0 inclusive	
Total Suspended Solids	31	60	77
CBOD <sub>5</sub>	40	80	100
Oil and Grease	15	30	30
Total Cadmium	0.05	0.1	0.125
Total Chromium	1.7	2.8	4.2
Total Copper	0.25	0.5	0.625
Total Lead	0.18	0.36	0.45
Total Nickel	2.0	4.0	5.0
Total Silver	0.07	0.14	0.175
Total Zinc	1.5	2.6	3.75
Total Cyanide	0.35	0.7	0.875
Total Toxic Organics		2.13	

The proposed effluent limitations for Outfall 102 (sewage) based on a design flow of 0.0071 MGD and discharge to Codorus Creek are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)		From 6.0 to 9.0 inclusive	
Dissolved Oxygen		Minimum of 5.0 mg/l at all times	
Total Suspended Solids	30		60
CBOD <sub>5</sub>	25		50
NH <sub>3</sub> -N (5-1 to 10-31)	23		46
(11-1 to 4-30)	Monitor and Report		
Total Phosphorus	2.0		4.0
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	

The proposed effluent limitations for Outfall 002 (groundwater cleanup) based on a design flow of 0.0288 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)		From 6.0 to 9.0 inclusive	
Tetrachloroethylene	0.0008	0.0016	0.002

The proposed effluent limitations for Outfall 003 (groundwater cleanup) based on a design flow of 0.0288 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)		From 6.0 to 9.0 inclusive	
Tetrachloroethylene	0.0008	0.0016	0.002
Chloroform	0.0057	0.0114	0.0142
1,1-Dichloroethylene	0.000057	0.00011	0.00014
1,1,1-Trichloroethane	0.2	0.4	0.5
Trichloroethylene	0.0027	0.0054	0.0067

Three stormwater outfalls (004—006) are identified in the permit, with proposed monitoring requirements for total cadmium, total chromium, total copper, total lead, total nickel, total silver, total zinc, total cyanide, total toxic organics, oil and grease, total suspended solids, pH, total aluminum, CBOD<sub>5</sub>, total phosphorus and total iron.

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.*

**PA0003107**, Industrial Waste, SIC, 3321, **Anchor Glass Container Corporation**, P. O. Box 30182, Tampa, FL 33630-3182. This application is for renewal of an NPDES permit to discharge furnace drain water (once every 2-3 years), emergency cooling tower blowdown and stormwater from Anchor Glass Plant No. 5 in South Connellsville, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Westmoreland County Municipal Authority, located at McKeesport, approximately 18 miles from the discharge.

*Outfalls 001 and 006:* existing discharge, design flow of 0.3 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				
Total Suspended Solids			30		60
Oil and Grease			15		30
Copper			Monitor and Report		
Lead			Monitor and Report		
Zinc			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 004 and 007—013:* existing 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>
	Discharge consists solely of uncontaminated stormwater runoff.				

The EPA waiver is in effect.

**PA0096016**, Sewage, **Rostraver Estates, Inc.**, 116 East Pittsburgh Street, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Rostraver Estates Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Speers Run, 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 located on the Monongahela River.

*Outfall 001:* existing discharge, design flow of 0.013125 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	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	0.09			0.22
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.

**PA0205346**, Sewage, **Regis and Marianne Belback**, 139 Wilma Drive, Apollo, PA 15613. This application is for renewal of an NPDES permit to discharge treated sewage from Belback residence in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Pucketa Creek, 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 Oakmont Borough Municipal Authority located on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.0005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
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			



Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217697**, Sewage, **Rox Coal, Inc.**, 1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Sarah Mine STP in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, mine water treatment ponds to unnamed tributary of Roaring Run, 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 Manufactures Water Supply Company.

*Outfall 001*: existing discharge, design flow of 0.003 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219371**, Sewage, **Frank and Leona Van Scoyoc**, 7480 Prim Rose Drive, Mentor on the Lake, OH 44060. This application is for issuance of an NPDES permit to discharge treated sewage from Van Scoyoc single residence sewage treatment facility in Dean Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, drainage swale tributary to Clearfield 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 Amsbry Water Authority.

*Outfall 001*: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			
(11-1 to 4-30)	9.0			
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	1.4			
Dissolved Oxygen	not less than 3 mg/l			
Color	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0028487**, Sewage, **Hermitage Municipal Authority—Bobby Run WPCP**, Box 1046, 800 North Hermitage Road, Hermitage, PA 16148. This proposed facility is located in the City of Hermitage, **Mercer County**.

Description of Proposed Activity: Renewal of an existing Part I NPDES permit.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Western Pennsylvania Water Company—New Castle District intake on the Shenango River located in New Castle, approximately 18 miles below point of discharge.

The receiving stream, Shenango River, is in watershed 20-A and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 5.0 MGD.

Parameters	Loadings (lb/day)		Concentrations (mg/l)		
	Monthly Average (lbs/day)	Weekly Average (lbs/day)	Monthly Average (mg/l)	Weekly Average (mg/l)	Instant Maximum (mg/l)
Flow (MGD)	XX		XX		
CBOD <sub>5</sub>	1,042	1,668	25	40	50
TSS	1,251	1,877	30	50	60
Ammonia Nitrogen (5-1 to 10-31)			15		30
(11-1 to 4-30)	626		XX		
Fecal Coliform (5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			7,500/100 ml as a geometric average		
Total Residual Chlorine			0.5		1.6
pH	Within limits of 6.0 to 9.0 standard units at all times				

XX = Monitor and Report

Special Conditions: continued implementation of a Federal pretreatment program; and acute whole effluent toxicity monitoring.

The EPA Waiver is not in effect.

**PA0026387**, Sewage, **St. Marys Municipal Authority**, P. O. Box 1994, 808 South Michael Road, St. Marys, PA 15857. This proposed facility is located in Borough of St. Marys, **Elk County**.

Description of Activity: discharge treated sewage to Elk Creek in the Borough of St. Marys, Elk County. This is an existing discharge.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Pennsylvania American Water Company and the Clarion River located at Clarion, 70 miles below point of discharge.

The receiving stream, Elk Creek, is in watershed 17-A and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 2.87 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	2.7		5.4
(11-1 to 4-30)	8.1		16.2
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,400/100 ml as a geometric average	
Ultraviolet Light Dosage	Monitor and Report dosage in microwatts-seconds/square centimeter at time fecal coliform sample is collected.		
Copper	0.05		0.1
Silver	0.0045		0.009
Dissolved Oxygen	minimum of 6 mg/l at all times		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is not 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).**

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

**Application No. 3069401-A1**, Sewerage, **West Greene School District**, 1367 Hargas Creek Road, Waynesburg, PA 15370. Application for the replacement and operation of a sewerage treatment plant to serve the West Greene Middle-Senior High School, located in Center Township, **Greene County**.

**Application No. 3202404**, Sewerage, **Robert and Anna Immekus**, 4792 Route 286 Highway East, Indiana, PA 15701. Application for the construction and operation of a single residence sewerage treatment plant located in Rayne Township, **Indiana County**.

**Application No. 6502410**, Sewerage, **Jeff Kochis**, 641 Buckeye Tram Road, Mt. Pleasant, PA 15666. Application for the construction and operation of a single residence sewerage treatment plant located in Mt. Pleasant Township, **Westmoreland County**.

**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.

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

**NPDES Permit PAS10D130**, Stormwater, **Tim Snyder**, P. O. Box 218, Trumbauersville, PA 189970 has applied to discharge stormwater associated with a construction activity located in West Rockhill Township, **Bucks County** to Butter Creek (HQ-TSF).

**NPDES Permit PAS10D131**, Stormwater, **Harry and Marian Hottle**, 2135 Route 212, Coopersburg, PA 18036 has applied to discharge stormwater associated with a construction activity located in Springfield Township, **Bucks County** to unnamed tributary Cooks Creek (EV).

**NPDES Permit PAS10G535**, Stormwater, **Heritage Builders**, 3326 Old York Road, Suite A100, Furlong, PA 18925 has applied to discharge stormwater associated with a construction activity located in Warwick Township, **Chester County**, to French Creek (EV).

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

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10C053	Earl Township 19 Schoolhouse Rd. Boyertown, PA 19512	Earl Township Berks County	Trout Run CWF

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

Persons with a disability 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).**

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

**Permit No. 0502508**, Public Water Supply.  
 Applicant **Borough of Everett Area Municipal Authority**  
 Municipality Everett Borough  
 County **Bedford**  
 Responsible Official Ronald R. Wright, BEAMA Manager  
 100 Mechanic Street  
 Everett, PA 15537  
 Type of Facility PWS  
 Consulting Engineer Kevin J. Nester, P. E.  
 CET Engineering Services  
 321 Washington Street  
 Huntingdon, PA 16652  
 Application Received Date October 10, 2002

Description of Action Project is for the use of Well No. 1. The source will augment the existing sources. Expected permitted yield is 25 gallons per minute.

**Permit No. 3602519**, Public Water Supply.  
 Applicant **ARA Consulting Limited Corporation**  
 Municipality Sadsbury Township  
 County **Lancaster**  
 Responsible Official A. Charles Artinian, President  
 4203 West Lincoln Highway  
 Parkesburg, PA 19365  
 Type of Facility PWS  
 Consulting Engineer George H. Wagner Jr.  
 Rettew Assoc., Inc.  
 3020 Columbia Ave.  
 Lancaster, PA 17603

Application Received Date October 16, 2002

Description of Action This application is for the installation of nitrate removal treatment equipment at the Chuck Stop Restaurant. Treatment will also include softening and UV disinfection.

**Permit No. 3402501**, Public Water Supply.  
 Applicant **Thompstontown Municipal Authority**  
 Municipality Thompstontown Borough  
 County **Juniata**  
 Responsible Official Tom Metz, Vice Chairperson  
 P. O. Box 154  
 Thompstontown, PA 17092  
 Type of Facility PWS  
 Consulting Engineer Clayton E. Bubeck, P. E.  
 Rettew Associates Inc.  
 3020 Columbia Avenue  
 Lancaster, PA 17603

Application Received Date October 18, 2002

Description of Action Construction of a new PWS well to be known as Well No. 7. The estimated yield of the well is approximately 100 gallons-per-minute. The new source will be mixed with the existing sources in the raw water reservoir before it is treated.

**Permit No. 3602521**, Public Water Supply.  
 Applicant **Conestoga Valley School District**  
 Municipality East Lampeter Township  
 County **Lancaster**  
 Responsible Official David F. Schaffhouser, Plant Manager  
 2110 Horseshoe Road  
 Lancaster, PA 17601  
 Type of Facility PWS

Consulting Engineer Parley E. Hess Jr., P. E.  
113 Liberty Street  
Lancaster, PA 17602

Application Received Date October 30, 2002

Description of Action Application is for the installation of nitrate treatment equipment at the Conestoga Valley High School and the Smoketown Elementary School. Disinfection via chlorination will also be provided.

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

**Application No. Minor Amendment**, Public Water Supply.

Applicant **Duncan Township Municipal Water Authority**

Township Duncan Township

Responsible Official Hannchen Volk  
Duncan Township Municipal Water Authority  
R. R. 1, Box 55  
Wellsboro, PA 16901

Type of Facility PWS

Consulting Engineer James J. Rhoades Jr., P. E.  
Alfred Benesch & Company  
400 One Norwegian Plaza  
P. O. Box 1090  
Pottsville, PA 17901

Application Received Date November 14, 2002

Description of Action Construct a discharge absorption area for the filter backwash and the Well No. 2 blow off.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of

Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Bethlehem Corporation and Young Volkswagen Mazda**, Palmer Township, Northampton County. Jim LaRegina, P. G., HRP Associates, Inc., 4807 Jonestown Road, Harrisburg, PA 17109 submitted Notices of Intent to Remediate (on behalf of Relay Service Easton Center LLC, 18202 Minnestonka Boulevard, Suite 1, Wayzata, MN 55391) concerning the remediation of site soils and groundwater found or suspected to be contaminated with lead and other inorganics, no. 2 fuel oil, leaded gasoline, chlorinated solvents and other organics, polycyclic aromatic hydrocarbons and polychlorinated biphenyls. The applicant proposes to meet a combination of the nonresidential Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reportedly published in *The Express Times* on November 18, 2002.

## RESIDUAL WASTE GENERAL PERMITS

**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 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 Application No. WMGR088. Commonwealth Disposal Inc.,** 2340 Paxton Church Rd., Harrisburg, PA 17110. The beneficial use of drinking water treatment plant sludge generated by water supply treatment facility for application on agricultural lands as a soil additive. The application was deemed administratively complete by the Division of Municipal and Residual Waste on November 20, 2002.

**General Permit Application Number WMGR089. LWB Refractories Co.,** 320 North Baker Road, York, PA 17405-1189. The application proposes beneficial use of limekiln dust for stabilization/solidification of soils and sludges, treatment of acid mine drainage, roadway subbase stabilization and conditioning, filler material or ingredient in various agricultural and construction products and general fill for nonresidential construction activities. The application was accepted by Central Office on November 19, 2002.

Comments concerning the previous applications should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, 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. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## MUNICIPAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGM023.** The Department, Bureau of Land Recycling and Waste Management, proposes to authorize, under General Permit WMGM023, the beneficial use of reclaimed asphalt pavement materials as roadway construction material. This will be a Statewide municipal waste general permit.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 25 Pa. Code § 271.811 to issue general permits for any category of beneficial use or processing that results in beneficial use of municipal waste on a Statewide basis when the Department determines that the use does 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 conditions. The Department has determined reclaimed asphalt pavement materials can be adequately regulated using standard conditions.

Persons requesting approval to operate under the terms of the general permit will be required to obtain a registration from the Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. The following minimum information will be required to obtain the registration:

- a. Name and street address of the registrant.
- b. A description of reclaimed asphalt pavement materials that fully characterizes its composition and properties; the reclaimed asphalt pavement materials generation process; and a plan for screening and managing the reclaimed asphalt pavement materials.
- c. Location where the reclaimed asphalt pavement materials will be generated.
- d. Description of method of beneficial use of the reclaimed asphalt pavement materials.
- e. Number and title of the general permit.
- f. Proof the reclaimed asphalt pavement materials and solid waste management activities are consistent with the general permit.
- g. Signed and notarized statement by the municipality or person who seeks authorization to operate under the terms and conditions of this general permit that states that the person accepts all conditions of this general permit.
- h. An application fee in the amount required under 25 Pa. Code § 271.843(b) made payable to the "Commonwealth of Pennsylvania."
- i. Proof that copies of the registration 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.
- j. Information that identifies the registrant (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.
- k. A list of all previous permits or licenses issued by the Department or Federal government under the environmental protection acts, the date issued, status and compliance history concerning environmental protection acts.
- l. Proof that any independent contractors retained by the registrant to perform any activities authorized under this permit are in compliance with the Department regulations as required in Condition 11.
- m. Total amount of the reclaimed asphalt pavement materials to be generated and to be stored.
- n. Additional information the Department believes is necessary to make a decision.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste

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

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any 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.**

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

**06-05004C: Baldwin Hardware Corp.** (P. O. Box 15048, Reading, PA 19612) for construction of a thermal cleaning system controlled by a combustion zone and cyclones in the City of Reading, **Berks County**.

**22-05033A: Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001-0278) for installation of a knockout box and a fabric collector to replace a multicyclone and venturi scrubber at an existing batch asphalt plant at the Steelton Quarry in Steelton Borough, **Dauphin County**.

**36-05104A: Ephrata Manufacturing Co.** (104 West Pine Street, Ephrata, PA 17522) for construction of a fabric filter baghouse at their facility in Ephrata Borough, **Lancaster County**.

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

**41-399-026: Penn Recycling, Inc.** (2525 Trenton Avenue, Williamsport, PA 17701) on November 8, 2002, for operation of an automobile/metal shredding system and associated air cleaning devices (a foam injection system and a cyclone collector) on a temporary basis until March 8, 2003, in the City of Williamsport, **Lycoming County**.

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

**61-203A: IA Construction Corp.—Nectarine Plant** (SR 3003, Nectarine, PA 16038) for construction of a drum mix asphalt plant to burn alternative fuels: reprocessed fuel no. 5, no. 2 fuel oil, liquid propane and natural gas in Irwin Township, **Venango County**.

**25-971E: Erie Plating Co.** (656 West 12th Street, Erie, PA 16501) for construction of acid and alkaline solution tanks controlled by a scrubber (No. 7) in the City of Erie, **Erie County**.

**25-971F: Erie Plating Co.** (656 West 12th Street, Erie, PA 16501) for construction of nickel plating solution tanks controlled by a scrubber (No. 6) in the City of Erie, **Erie County**.

**25-971G: Erie Plating Co.** (656 West 12th Street, Erie, PA 16501) for construction of nitric acid, alkaline cleaning and water rinse tanks controlled by a scrubber (No. 5) in the City of Erie, **Erie County**.

**10-021K: Indspec Chemical Corp.** (133 Main Street, Petrolia, PA 16050) for minor modification of Plan Approval 10-313-028B for the Resorcinol Flaker/Bagging and Packaging to run either the old or new system in the Borough of Petrolia, **Butler County**.

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

**AMS 02202: Sunoco, Inc. (R and M)** (3144 Passyunk Avenue, Philadelphia, PA 19145) for operation of changing the heat input of the heater 8H-101 in Philadelphia, **Philadelphia County**.

**AMS 02212: Joseph T. Ryerson and Son, Inc.** (5200 Grays Avenue, Philadelphia, PA 19143) for installation of a plasma cutting machine and 16 area heaters in Philadelphia, **Philadelphia County**.

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

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

**46-0005V: Merck and Co., Inc.** (770 Sumneytown Pike, P. O. Box 4, West Point, PA 19486-0004) for installation of a new biological manufacturing building, as described in the applicant's application of September 11, 2002, under 25 Pa. Code §§ 127.44(a) and 127.424(b), 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.

Plan Approval No. PA-46-0005V is for the installation of a new biological manufacturing building. The air contaminant emitting sources of the biological manufacturing building will consist of three shell freezers and a natural gas fueled emergency generator. Based on the information provided by the applicant and the Department's own analysis, the three shell freezers will emit a total of 3.6 tons of VOCs per year. Based on the information provided by the applicant and the Department's own analysis, the emergency generator will emit 0.19 ton of VOCs per year, 0.77 ton of NOx per year and 0.64 ton of CO per year. The emergency generator is limited to 500 hours of operation per year and will only operate when there is an interruption of electricity or for its weekly exercise.

**46-0014C: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) for installation of a cyclone to control PM emissions from a metal and plastic cutting saw, originally approved for installation under Plan Approval No. 46-0115A. The facility, located in Upper Hanover Township, **Montgomery County**, is a Title V facility for VOCs. The aforementioned cyclone device will not affect VOC emissions at the facility. The cyclone device will be used to reduce emissions of PM from a metal and plastic cutting saw to less than 0.02 grain per dry standard cubic feet. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0014E (originally issued as 46-0115C): Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) for modification of operations to a No. 2 diesel fuel-fired emergency generator rated at 500 kW, originally approved for installation under Plan Approval No. 46-0115B (now identified as File No. PA-46-0014D). The facility, located in Upper Hanover Township, **Montgomery County**, is a Title V facility for VOCs. The modification being made to the emergency generator is an increase in operation from 20 hours per year to 50 hours per year. The emergency generator is used to provide power to the corporate computer system and emergency lighting in the event of a power outage at the facility. The emergency generator is equipped with turbocharger and aftercooler for reductions in NOx. NOx emissions from the emergency generator,

along with VOCs and all other criteria pollutants, will be less than 1 ton per 12-month rolling sum. This increase in VOCs does not trigger New Source Review regulations, as the annual increases in VOCs for the last 5 calendar years does not exceed 1 ton per. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**06-03113A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for construction of various sources at a nonmetallic mineral crushing plant controlled by wet suppression in Robeson Township, **Berks County**. This crushing plant is a non-Title V (State only) facility. The additional sources will result in an increase in the potential emissions by 15.9 tons of particulate per year. The sources and plant are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources. The approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the sources 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.*

**55-310-002A: National Limestone Quarry, Inc.** (P. O. Box 397, Middleburg, PA 17842) for construction of various new pieces of limestone crushing, conveying and screening equipment and permanent installation of various existing pieces of limestone crushing, screening and conveying equipment currently operated under a general permit at the Paxtonville Quarry in Franklin Township, **Snyder County**. The fugitive dust emissions from this equipment will be controlled by water spray dust suppression systems. The resultant particulate matter emissions to the atmosphere will be up to 0.41 ton per year.

The Department's evaluation of the proposed equipment suggests that it will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and the requirements of Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. Based on this finding, the Department consequently intends to issue plan approval for the construction of the respective operation.

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

1. The plant shall not operate if the water spray dust suppression system is inoperable.
2. The water dust suppression system shall at a minimum contain water spray nozzles at the locations specified in the plan approval.
3. The facility shall not process more than 600,000 tons/year of limestone.
4. The company shall have a water truck onsite to be used, as needed, for the control of fugitive dust emissions from plant roadways, stockpiles and the like.
5. If at any time the fugitive dust emissions exceed the limitations of any applicable regulation, the company



shall immediately install additional water spray dust suppression nozzles and/or take other control measures as are necessary to reduce the air contaminant emissions to within the applicable limitations.

6. The plan approval does not authorize the construction of any generators or engine/generator sets.

7. The aforementioned equipment can be replaced without obtaining plan approval provided that the replacement equipment is of equal or smaller size as defined in Subpart OOO of the Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676 and provided that the replacement equipment is of equivalent design and function (that is a conveyor may be replaced with a conveyor and the like).

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

**04-00235C: FirstEnergy Corp.** (P. O. Box 128, Shippingport, PA 15077-0128) for installation of a voluntary selective catalytic reduction system on the exhaust from Unit No. 3 at the Bruce Mansfield Generation Station in Shippingport, **Beaver County**. The plan approval will include all appropriate monitoring, recordkeeping, testing and reporting requirements to ensure that the source is operating in compliance with all applicable air quality requirements. At a later date this plan approval will be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

**04-00235D: FirstEnergy Corp.** (P. O. Box 128, Shippingport, PA 15077-0128) for installation of a sodium sulfite/bisulfite solution injection system on the exhausts from Units No. 1, No. 2 and No. 3 at the Bruce Mansfield Generation Station in Shippingport, **Beaver County**. The plan approval will include all appropriate emission limitations, monitoring, recordkeeping, testing and reporting requirements to ensure that the source is operating in compliance with all applicable air quality requirements. At a later date this plan approval will be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

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

**62-141E: National Fuel Gas Supply Corp.** (P. O. Box 2081, Erie, PA 16512), for operation of the Roystone Station in Sheffield Township, **Warren County**. The facility was issued Title V Operating Permit 62-00017 on July 1, 2002. The facility currently has a Title V permit No. 62-00141. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan approval No. 62-141E is for installation of VOC controls on the two dehydration systems (Lines D and L). The potential VOC emissions will decrease by approximately 8.7 tpy from the combined sources and will not trigger NSR or PSD review. 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.

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

**01163: Philadelphia International Airport** (8800 Essington Avenue, Philadelphia, PA 19153) for operation of 3 23.4 mmBtu/hr natural gas/No. 2 oil fired boilers, 2 16.9 mmBtu/hr natural gas/No. 2 oil fired boilers, 6 natural gas fired boilers each rated less than 5 mmBtu/hr, 44 natural gas fired heaters each rated less than 3 mmBtu/hr and 9 emergency generators. NOx emission from these sources is limited to less than 24.5 tons per rolling 12 month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**02049: Kvaerner Philadelphia Shipyard, Inc.** (2100 Kitty Hawk Avenue, Philadelphia, PA 19112) for installation of a 12.6 mmBtu/hr natural gas fired boiler, eight natural gas fired area heaters and six baghouses and for establishing a 24.5 tons per year plant-wide NOx applicability limit. The facility's potential NOx emissions will decrease from 38.5 tons per year to 24.5 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**21-05009: Berk-Tek, Inc.** (132 White Oak Road, New Holland, PA 17557-9722) for operation of a cable extrusion facility in Earl Township, **Lancaster County**. The facility's major source of emissions are attributed to the use of a hazardous air pollutant, methyl ethyl ketone, in solvent-based inks and extenders used in the band marking of the wire coating. 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. This is a renewal of their Title V Operating Permit.

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

**11-00356: Dominion Peoples** (625 Liberty Avenue, Pittsburgh, PA 15222) for renewal of the Title V Operating Permit at Rager Mountain/Laurel Ridge Station in Jackson Township, **Cambria County**. The facility is a compressor station primarily used for the storage and distribution of natural gas. The facility is a major stationary source due to its potential to emit nitrogen oxides.

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

**25-00688: Hamot Medical Center** (201 State Street, Erie, PA 16550) for operation of three boilers, a hospital medical infectious waste incinerator and eight emergency generators in the City of Erie, **Erie County**. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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

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

**23-00090: Chester Housing Authority** (1010 Madison Street, Chester, PA 19016) for a non-Title V, State Only, Natural Minor Operating Permit in the City of Chester, **Delaware County**. Chester Housing Authority owns and operates a main office building, Towers Complex, the Ruth Bennett Homes and the William Penn Homes and Community Center and all of these facilities operate within a 2.5-mile radius of one another. Chester Housing Authority operates several small boilers, hot water heaters and residential furnaces and all these sources burn only natural gas. The actual emissions from all the properties combined are 13.43 tons of nitrogen oxides per year, 0.067 ton of sulfur dioxide per year, 1.43 tons of particulate matter per year, 0.568 ton of VOCs per year and 3.133 tons of carbon monoxide per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**22-05028: ConAgra Flour Milling Co.** (99 Second Street, Highspire, PA 17034) for operation of a flour mill in the Borough of Highspire, **Dauphin County**. The facility has the potential to emit 46.7 tons per year of PM<sub>10</sub>, after restrictions, 2.4 tons per year of combined HAPs and less than 1 ton per year of NO<sub>x</sub>, SO<sub>x</sub>, CO and VOCs. The Synthetic Minor operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**63-00096: Union Electric Steel Corp.** (726 Bell Avenue, Carnegie, PA 15106) for operation of their steel manufacturing facility at Harmon Creek Plant in Smith Township, **Washington County**.

**56-00199: Shade Central City School District** (203 McGregor Avenue, P. O. Box 7, Calmbrook, PA 15924) for operation of CNB Tri-fuel No. 2 Oil Boilers in Shade Township, **Somerset County**.

**65-00882: CSM Industries, Inc.** (R. D. 6 Box 21, Center Drive, Building D12, Latrobe, PA 15650) for an electroplating operation in Unity Township, **Westmoreland County**.

**63-00654: Elliott Turbomachinery Co., Inc.** (213 Scott Street Extension, Donora, PA 15033) for operation of a repair service in Donora Borough, **Washington County**.

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

**37-00023: Orion Power Midwest—New Castle Power Plant** (Washington Street, New Castle, PA 16103) for operation of three coal-fired boilers in Taylor Township, **Lawrence County**. The facility, because the boilers are listed in Table 2 (Phase II Allowance Allocations) of

40 CFR 73.10, is a Title IV facility and is therefore subject to the acid rain requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

**33-00137: Village Farms L. P.—Ringgold Plant** (Highway L. R. 33001, P. O. Box 192, Ringgold, PA 15770) for operation of three auxiliary boilers used to produce heat for a greenhouse in Ringgold Township, **Jefferson County**.

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

**S95-073: Philadelphia International Airport** (8800 Essington Avenue, Philadelphia, PA 19153) for operation of an airport in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include 3 23.4 mmBtu/hr No. 2 oil/natural gas dual-fired boilers, 1 20.9 mmBtu/hr No. 2 oil/natural gas dual-fired boiler, 2 16.9 mmBtu/hr No. 2 oil/natural gas dual-fired boilers, 6 natural gas-fired boilers each rated at less than 5 mmBtu/hr, 44 natural gas-fired heaters each rated at less than 3 mmBtu/hr and 9 diesel-fired emergency generators.

## 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); and 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 or objections, or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limita-

tions, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

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

**40813212R3. Scenic Development Corp.** (559 East Northampton Street, Wilkes-Barre, PA 18702), renewal of a coal refuse reprocessing operation in Larksville Borough, **Luzerne County** affecting 12.5 acres, receiving stream: none. Application received September 25, 2002.

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

**65980104. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Application received for transfer of permit currently issued to M. B. Energy, Inc., for continued operation and reclamation of a bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 329.1 acres. Receiving streams: unnamed tributaries of Miller Run and Miller Run to Loyalhanna Creek, classified for HQ, CWF. The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the site. Transfer application received November 12, 2002.

**03880122. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Application received for transfer of permit currently issued to M. B. Energy, Inc., for continued operation and reclamation of a bituminous surface/ auger mining site located in Cowanshannock Township, **Armstrong County** and South Mahoning Township, **Indiana County**, affecting 488.0 acres. Receiving streams: unnamed tributaries to North Branch Plum Creek and Plum Creek, classified for CWF. The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the site. Transfer application received November 12, 2002.

**03020113. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Application for commencement, operation and reclamation of a bituminous surface mine located in Wayne Township, **Armstrong County**, affecting 62.5 acres. Receiving streams: two unnamed tributaries to Glade Run, Glade Run to Mahoning Creek, classified for CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received November 13, 2002.

**03020114. D. J. & W. Mining, Inc.** (P. O. Box 425, Indiana, PA 15701). Application for commencement, op-

eration and reclamation of a bituminous surface mine located in Kiskiminetas Township, **Armstrong County**, affecting 44.8 acres. Receiving streams: unnamed tributary to Crooked Creek to Crooked Creek, classified for WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received November 14, 2002.

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

**32920101 and NPDES Permit No. PA059953. Pitt Mining Company**, 423 Weiss Road, Shelocta, PA 15774, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 272.3 acres. Receiving streams: two branches of an unnamed tributary to Gobbler Creek to Crooked Creek to the Allegheny River classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 15, 2002.

**56970101 and NPDES Permit No. PA0234346. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Somerset Township, **Somerset County**, affecting 88.0 acres. Receiving streams: unnamed tributaries to the East Branch Coxes Creek classified for TSF. There are no potable water supply intakes within 10 miles downstream. Application received November 14, 2002.

**32000101 and NPDES Permit No. PA0235253. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, permit revision to change water handling procedures to include the installation of two passive treatment facilities (open water facilities) for the treatment of existing underground mine discharges. The treatment facilities will discharge water into unnamed tributary I to Crooked Creek. The facilities will be constructed within the 100 foot barrier of the tributary; beginning approximately 250 feet from the confluence of unnamed tributaries I and P and continuing upstream for approximately 200 feet. The purpose of the stream variance is for the construction and maintenance of the passive treatment facilities in Rayne Township, **Indiana County**, affecting 153.9 acres. Receiving streams: Crooked Creek, unnamed tributary to Crooked Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 14, 2002.

**56920112 and NPDES Permit No. PA0212270. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Stonycreek Township, **Somerset County**, affecting 76.3 acres. Receiving streams: an unnamed tributary to Clear Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 18, 2002.

**32990105 and NPDES Permit No. PA0235083. Thomas J. Smith, Inc.**, R. D. 1, Box 260D, Shelocta, PA 15774 from M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717-7960, permit transfer and for continued operation of a bituminous surface and auger mine and for discharge of treated mine drainage in Burrell Township, **Indiana County**, affecting 200.0 acres. Receiving streams: unnamed tributaries to Tom's Run classified for CWF. The first downstream potable water supply intake from the point of discharge is Blairsville Municipal Authority Conemaugh River Intake. Application received November 13, 2002.

**11020103 and NPDES Permit No. PA0249335. L & J Energy Company, Inc.,** P. O. Box I, Grampian, PA 16838, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage. Also, a variance has been requested to conduct mining and support activities within 100 feet of T-566, beginning at the intersection of SR 4018 and T-566, thence continuing northwesterly a distance of 3,390 feet along the northern side of the roadway. A variance has been requested on Douglas Run to utilize an existing bridge crossing the run, beginning 680 feet downstream in an easterly direction from the point where Douglas Run crosses T-566 in Susquehanna Township, **Cambria County**, affecting 321.5 acres. Receiving streams: Douglas Run to West Branch Susquehanna River classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 14, 2002.

*Noncoal Applications Received*

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

**58920301C2 and NPDES Permit PA0595845. New Milford Sand & Gravel, Inc.** (R. R. 3, Box 231, US Route 11, New Milford, PA 18834), quarry operation with renewal of existing discharge of treated mine drainage in New Milford Township, **Susquehanna County**, receiving stream: Beaver Creek, classified for CWF. Application received November 14, 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.*

**E64-239. Department of Transportation, Engineering District 4-0,** P. O. Box 111, Scranton, PA 18501, in Clinton 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 Van Auken Creek (HQ-TSF, MF), consisting of an 11.0-foot by 6.5-foot precast concrete box culvert with its invert depressed 1.0 foot below streambed elevation. The project will impact a de minimis area of wetlands equal to 0.04 acre (maximum). The total length of channel impacts, including a temporary diversion pipe, is approximately 60 linear feet. The project is located along SR 4002, Segment 0020, Offset 1944, approximately 0.2 mile west of the intersection of SR 4002 and T-456 (Little Keen Pond Road). (Waymart, PA Quadrangle N: 20.1 inches; W: 2.5 inches).

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

**E28-309. Gregory Strait, Long-Vu Whitetails,** P. O. Box 603, Greencastle, PA 17225, in Metal Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain two metal footbridges across and install 10-foot high chain-linked fence along the West Branch Conococheague Creek (CWF). The upstream bridge is located (Burnt Cabins, PA Quadrangle N: 0.2 inch; W: 1.8 inches) and the downstream bridge is located (McConnellsburg, PA Quadrangle N: 21.6 inches; W: 2.6 inches) in Metal Township, Franklin County.

**E67-730. Joseph Barron, Spring Garden Township,** 556 S. Ogontz Street, York, PA 17403 in Spring Garden Township, **York County**, ACOE Baltimore District.

To excavate 850 feet of stream bank to restore the floodplain to its original condition and reconnect adjacent wetlands to the floodplain of Mill Creek (WWF) (York, PA Quadrangle N: 16.0 inches; W: 9.0 inches) in Spring Garden Township, York County. The project will permanently impact 0.05 acre of palustrine emergent wetlands.

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

**E59-436. Elkland Borough,** 105 Parkhurst Avenue, Elkland, PA 16920. Camp Brook Dredging, in Elkland Borough, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 6.3 inches; W: 3.1 inches).

The permit application proposes to dredge and maintain 0.61 mile (3,240 feet) of the Cowanesque River for a period 10 years. The Cowanesque River is designated as WWF.

**E59-437. Elkland Borough,** 105 Parkhurst Avenue, Elkland, PA 16920. Camp Brook Dredging, in Elkland

Borough, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 21 inches; W: 7 inches).

The permit application proposes to dredge and maintain 0.4 mile (2,100 feet) of Camp Brook for a period 10 years. Camp Brook is designated as WWF.

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

**E25-646A, Millcreek Township**, 3608 West 26th Street, Erie, PA 16508-2037. Channel cleaning of unnamed tributary to Marshall Run, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 15.3 inches; W: 4.5 inches).

To amend Permit No. E25-646 which authorized the excavation of debris and sediment to the original stream contours and to maintain the contours of 1,600 feet of an unnamed tributary to Marshall Run in Millcreek Township, Erie County starting west of Powell Avenue and extending downstream to the culvert under the existing tracks just east of Caughey Road to reduce flooding of nearby commercial properties. The proposed amendment is to excavate debris and sediment to the original stream contours and to maintain the contours of 500 feet of an unnamed tributary to Marshall Run starting at the culvert under the existing tracks just east of Caughey Road to just west of Loveland Avenue.

**E61-257, General Authority of the City of Franklin**, 430 13th St., Franklin, PA 16323-1317. Culvert in an unnamed tributary to French Creek, in the City of Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 4.9 inches; W: 15.1 inches).

To remove the existing culverts and to construct and maintain three 29-foot long, 4-foot diameter HDPE plastic culverts in an unnamed tributary to French Creek (WWF) approximately 0.7 mile east of the intersection of Waterworks Road and Stone Road for access to a municipal water well field. Project also includes the excavation of the channel for approximately 130 feet upstream of the culverts, filling the channel with the excavated material for approximately 75 feet downstream of the culverts and the construction and maintenance of a concrete encased, 1.25-foot diameter waterline across the unnamed tributary upstream and adjacent to the proposed culverts.

**E61-258, Great Lakes Energy Partners, LLC**, 1369 Cochran Road, Carlton, PA 16311. Wallaceville Pipeline Across Little Sugar Creek and wetlands, in Oakland and Plum Townships, **Venango County**, ACOE Pittsburgh District.

To construct and maintain a 6-inch-diameter natural gas pipeline across Little Sugar Creek and adjoining EV wetland by directional drill approximately 3,500 feet upstream of Creek Hill Road (Dempseytown, PA Quadrangle N: 5.5 inches; W: 8.5 inches) in Oakland Township and across a tributary to Little Sugar Creek approximately 2,000 feet upstream of where the stream crosses Dallas Road (Dempseytown, PA Quadrangle N: 7.6 inches; W: 8.1 inches) in Plum Township.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D55-018EA, Spring Township**, P. O. Box 12, Railroad Avenue, Beaver Springs, PA 17812-0012. Spring Township, **Snyder County**, ACOE Baltimore District.

Project proposes to breach and remove an unnamed mill dam across Beaver Creek (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 800 feet south of the intersection of SR 0235 and T586 (Beavertown, PA Quadrangle N: 0.15 inch; W: 12.15 inches).

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County/Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02017	Charles E. Johnson Carpenter Company 5016 Monument Avenue Richmond, VA 23230	Lehigh County Upper Macungie	Five AST storing toluene di-isocyanate	62,100 gallons total

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**ACTIONS**


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**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.

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**I. Municipal and Industrial Permit Actions under  
The Clean Streams, Law Act of June 22, 1937 (P. L.  
1987, No. 394) (35 P. S. §§ 691.1—691.1001).**


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

**NPDES Permit No. PA0054909**, Industrial Waste, **North Penn and North Wales Water Authorities**, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into the North Branch of Neshaminy Creek-2F-Neshaminy.

**WQM Permit No. 0902407**, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Middletown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the construction and operation of the JPI pumping station and force main to serve the proposed Jefferson at Middletown, a residential apartment development.

**WQM Permit No. 1596432**, Sewerage, **New Garden Township Sewer Authority**, 8934 Gap Newport Pike, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of a 104,000 gpd (average annual) Somerset Lake WWTP.

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

**NPDES Permit No. PA0062243**, Sewage, **Borough of Nesquehoning**, 114 West Catawissa Street, Nesquehoning, PA 18240-1511. This proposed facility is located in Nesquehoning Borough, **Carbon County**.

Description of Proposed Action: Renewal of NPDES Permit.

**NPDES Permit No. PA0070246**, Sewage, **Parkland School District, Troxell Building**, 2219 N. Cedar Crest Boulevard, Allentown, PA 18104. This proposed facility is located in North Whitehall Township, **Lehigh County** and discharge to Jordan Creek.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

**NPDES Permit No. PA0032131**, Sewage, **Locust Lake State Park, Bureau of State Parks**, P. O. Box 1467, Harrisburg, PA 17120. This proposed facility is located in Ryan Township, **Schuylkill County** and discharge to Locust Creek.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

**NPDES Permit No. PA0070289**, Sewage, **Pinebrook II, A Limited Partnership**, P. O. Box 218, Orwigsburg, PA 17961. This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action: Renewal of NPDES Permit.

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

**NPDES Permit No. PA026191, Amendment No. 2**, Sewage, **Borough of Huntingdon**, 530 Washington Street, Huntingdon, PA 16652. This proposed facility is located in Huntingdon Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Permit Amendment by extending the date for submitting of the re-evaluation of local limits in Part C ii.E. on page 15 to May 9, 2003.

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

**NPDES Permit No. PA0000647**, Industrial Waste, **Crucible Research, A Division of Crucible Materials Corporation**, 6003 Campbells Run Road, Pittsburgh, PA 15205-1022 is authorized to discharge from a facility located at Crucible Research Facility, Robinson Township, **Allegheny County** to receiving waters named Campbells Run.

**NPDES Permit No. PA0040274-A1**, Industrial, **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014 is authorized to discharge from a facility located at Vandergrift Borough, **Westmoreland County** to receiving waters named Kiskiminetas River.

**NPDES Permit No. PA0021148**, Sewage, **Borough of Mt. Pleasant**, Etze Avenue, Mt. Pleasant, PA 15666 is authorized to discharge from a facility located at Mt.

Pleasant Sewage Treatment Plant, Mt. Pleasant Township, **Westmoreland County** to receiving waters named Shupe Run.

**NPDES Permit No. PA0027111**, Sewage, **Municipal Authority of the City of New Kensington**, 120 Logans Ferry Road, New Kensington, PA 15068 is authorized to discharge from a facility located at Municipal Sanitary Authority of the City of New Kensington Wastewater Pollution Control Plant, City of New Kensington, **Westmoreland County** to receiving waters named Pucketa Creek

**NPDES Permit No. PA0035360**, Sewage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239 is authorized to discharge from a facility located at Holiday Park STP, Plum Borough, **Allegheny County** to receiving waters named Abers Creek.

**NPDES Permit No. PA0036595**, Sewage, **Department of Corrections**, 373 Prison Road, Waynesburg, PA 15370 is authorized to discharge from a facility located at State Correctional Institute at Waynesburg STP, Morgan Township, **Greene County** to receiving waters named unnamed tributary of South Fork Tenmile Creek.

**NPDES Permit No. PA0093165**, Sewage, **Claysville-Donegal Joint Municipal Authority**, 314 Main Street, P. O. Box 467, Claysville, PA 15323 is authorized to discharge from a facility located at Claysville Water Pollution Control Plant, Donegal Township, **Washington County** to receiving waters named Dutch Fork.

**NPDES Permit No. PA0097411**, Sewage, **Glendale School District**, 1466 Beaver Valley Road, Flinton, PA 16640-8900 is authorized to discharge from a facility located at Glendale High School STP, White Township, **Cambria County** to receiving waters named unnamed tributary of Dutch Run.

**Permit No. 0202408**, Sewage, **Aleppo Township Authority**, 1000 North Drive, Sewickley, PA 15143. Construction of I-79 North Wastewater Treatment Plant Expansion located in Aleppo Township, **Allegheny County** to serve 79 North Industrial Park, Aleppo Township, Masonic Village and Valley Care Nursing Facilities.

**Permit No. 2670403-A4**, Sewage, **Greater Uniontown Joint Sewage Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401. Modifications of a sewage treatment plant located in North Union Township, **Fayette County** to serve Uniontown Sewage Treatment Plant.

**Permit No. 2698401-A1**, Sewage, **Redstone Township Sewer Authority**, P. O. Box 751, Republic, PA

15475. Construction of Sewage Treatment Plant Expansion and Merrittstown Pumping Station Upgrade located in Redstone Township, **Fayette County** to serve Allison Heights, Penncraft, Tower Hill No. 2, Thompson No. 2, Merrittstown, Keeney Row and Weinbrenner Avenue of Luzerne Township.

**Permit No. 3202401**, Sewage, **Burrell Township Sewer Authority**, 4345 Park Drive, Black Lick, PA 15716. Construction of Weirs Run Pump Station, Force Main and Sanitary Sewer Relocation located in Burrell Township, **Indiana County**.

#### NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County/Municipality</i>	<i>Receiving Water/Use</i>
PAS10G519	McDonald Run Homes, Inc. 2 Huntrise Lane West Chester, PA 19382	Chester County Lower Oxford Township	McDonald Run HQ-TSF-MF

#### APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general

requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

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**List of NPDES and/or Other General Permit Types**

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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 Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG 2*

<i>Facility Location 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>
Vernon Township Crawford County	PAR102324	Home Depot 3096 Hamilton Blvd. S. Plainfield, NJ 07080	Van Horne Creek CWF	Crawford County Conservation District (814) 724-1793
City of Erie Erie County	PAR10K094R	Department of Transportation 255 Elm Street, Box 398 Oil City, PA 16301	Garrison Run WWF-MF Eight Mile Run CWF-MF	Erie County Conservation District (814) 825-6403
Horton Township Elk County	PAR102530	Brockway Borough Municipal Authority 501 Main St. Brockway, PA 15824	Oyster Run, Johnson Run and Brandy Camp Creek CWF	Elk County Conservation District (814) 776-5373
North Beaver Township Lawrence County	PAR103753	Phillip Martello 198 Sunnyside Drive New Castle, PA 16102	UNT to Hickory Run TSF	Lawrence County Conservation District (724) 652-4512
Easttown Township Chester County	PAR10G480	Blackburn Farm P. O. Box 1906 West Chester, PA	Darby Creek CWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Caln Township Chester County	PAR10G505	SLVI Concrete 355 Newbold Road Fairless Hills, PA	West Branch of the Brandywine Creek TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000



## NOTICES

<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>
New Garden Township Chester County	PAR10G508	Brittingham Property P. O. Box 1180 Hockessin, DE	Agnews Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Goshen Township Chester County	PAR10G517	East Goshen Township 1580 Paoli Pike West Chester, PA	Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Nottingham Township Chester County	PAR10G501	Jackson Farm P. O. Box 63 New London, PA	Blackburn Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Marlborough Township Chester County	PAR10G506	Unionville-Chadds Ford School District 740 Unionville Road Kennett Square, PA	East Branch Red Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Sadsbury Township Chester County	PAR10G493	Stoltzfus Structures 587 Limeville Road Gap, PA	Officers Run TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Perkiomen Township Montgomery County	PAR10T877	MD Development Company 770 Crooked Lane King of Prussia, PA 19406	Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Pottsgrove Township Montgomery County	PAR10T092-R2	Hancock Realty Corporation 602 East Board Street Soudertown, PA 18964	Tributary of Sprogels Run WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Pottsgrove Township Montgomery County	PAR10T376-R2	Heritage-Summit Homes, LP 3326 Old York Rd., Suite A100 Furlong, PA 18925	Unnamed tributary to Sprogels Run WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Norriton Township Montgomery County	PAR10T844	Hanover Hills, Inc. 484 Norristown Road Blue Bell, PA 19422	Stoney Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

## NOTICES

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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>
Pennsburg Borough Montgomery County	PAR10T090-R2	Quaker Homes 2001 Swinging Bridge Road Green Lane, PA 18054	Tributary to Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Greenville Borough Montgomery County	PAR10T347-R2	D. Rotelle Builders, Inc. 219 Niautic Road Barto, PA 19504	Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Pennsburg Borough Montgomery County	PAR10T883	Gordon Baver 187 West Eighth Street Pennsburg, PA 18073	Perkiomen Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lackawanna County Blakely Borough	PAR10N142	Joseph Piwowarski 816 Poplar Ave. Mayfield, PA 18433	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Lower Windsor Township York County	PAR10Y623	Carl Dallmeyer 4775 N. Sherman Street Mount Wolf, PA 17342	UNT to Canadochly Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
City of York York County	PAR10Y634	Robert E. Cooper Penn State University Room 214, Physical Plant Building University Park, PA 16802	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAR10Y615	S&A/MGM Joint Venture 1 Waterford Professional Center York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Ephrata Township Lancaster County	PAR10O583	Ephrata Area School District 803 Oak Blvd. Ephrata, PA 17522	Middle Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Bradford County South Waverly Borough	PAR10O833	Leo Wisniewski 402 W. Lockhart St. Sayre, PA 18840	Dry Brook WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539 x 205
Tioga County Duncan Township	PAR10G646	Duncan Township Carl Borden P. O. Box 908 Wellsboro, PA 16901	Bridge Run Wilson Creek CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801

*General Permit Type—PAG-3*

<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>
Falls Township Bucks County	PAR800117	Archer Daniels Midland Co. 4666 Fairies Pkwy. Decatur, IL 62526	Queen Anne Creek 2E Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Salford Township Montgomery County	PAR230079	Pecora Corp. 165 Wambold Rd. Harleysville, PA 19438	UNT to Skippack Creek 3E Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Gwynedd Township Montgomery County	PAR230066	Rohm & Haas Co. 727 Norristown Rd. P. O. Box 904 Spring House, PA 19477	Wissahickon Creek Little Creek 3F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Falls Township Bucks County	PAR800119	Consolidated Rail Corp. 1000 Howard Blvd. Suite 432 Mount Laurel, NJ 08054	UNT to Delaware River 2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Wyoming County Overfield Township	PAR602238	Winola Auto Equipment Box 1303 Post Hill Road Factoryville, PA 18419	Unnamed feeder to Susquehanna River CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

*General Permit Type—PAG-7*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Earl Township Lancaster County	PAG073507	Borough of New Holland 436 East Main Street New Holland, PA 17557	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Slatington Borough Lehigh County	PAG082213	Slatington Borough Authority 125 S. Walnut St. Slatington, PA 18080	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711

*General Permit Type—PAG-9*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Metal Township Franklin County	PAG093541	Art Beidel Enterprises, LLC 11468 Creek Road Fannettsburg, PA 17221	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Southampton Township Franklin County	PAG093510	Chamberlin & Wingert Sanitary Services, LLC 535 Lurgan Avenue Shippensburg, PA 17257	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (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.

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

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

<b>Permit No. 0102501</b> , Public Water Supply.	
Applicant	<b>Pine Run Mobile Home Park</b>
Municipality	Hamilton Township
County	<b>Adams</b>
Type of Facility	Addition of a second source of supply, Well No. 2. The Construction Permit approves a withdrawal rate of 75 gpm for the new well. Treatment will be provided at existing disinfection facilities.
Consulting Engineer	Max E. Stoner, P. E. Glace Associates, Inc. 3705 Trindle Rd. Camp Hill, PA 17011

Permit to Construct Issued: November 18, 2002

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

**Permit No. Minor Amendment—Operation**, Public Water Supply.

Applicant	<b>F. Michael Smeal, Manager Pike Township Municipal Authority</b> P. O. Box 27 Curwensville, PA 16833
Township	Pike Township
County	<b>Clearfield</b>
Type of Facility	PWS
Consulting Engineer	Stiffler, McGraw and Associates, Inc. 19 N. Juniata St. Hollidaysburg, PA 16648
Permit to Operate Issued	November 21, 2002

**Permit No. Minor Amendment—Construction**, Public Water Supply.

Applicant	<b>Richard T. Subasic Pennsylvania Suburban Water Company Roaring Creek Division</b> 204 East Sunbury Street Shamokin, PA 17872
Township	Monroe Township
County	<b>Snyder County</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 321 Washington Street Huntingdon, PA 16652

Permit to Construct Issued: November 21, 2002

**Permit No. Minor Amendment—Construction**, Public Water Supply.

Applicant	<b>Donald Morrison, Chairperson Irvona Municipal Authority</b> P. O. Box 247 Berwind Street Irvona, PA 16656
Township	Beccarria Township
County	<b>Clearfield</b>
Type of Facility	PWS

Consulting Engineer Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Permit to Construct November 21, 2002  
Issued

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

*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>
Lurgan Township	8650 McClays Mill Road Newburg, PA 17240	Franklin County

Plan Description: The approved plan provides for a small flow treatment facility to serve two residential dwellings with sewage flows of 800 gallons per day. 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 applicant.

### 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:

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

**Bethlehem Steel Corporation—Bethlehem Works Site, Phase II Area**, City of Bethlehem, **Northampton County**. Charles D. Campbell, Project Manager, SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112 submitted a Final Report (on behalf of Relay Service, Edwin P. Wilson, Director, Environmental Assessment and Remediation, Bethlehem Steel Corporation, 1170 Eighth Avenue, Bethlehem, PA) concerning the remediation of soils found or suspected to have been contaminated with metals and other inorganics. The report was submitted to document attainment of the site-specific standard.

**PPL—Weissport Substation**, Franklin Township, **Carbon County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with polychlorinated biphenyls. The report was submitted to demonstrate attainment of the Statewide Health Standard.

**PPL—Jenkins Substation**, Plains Township, **Luzerne County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with polychlorinated biphenyls. The report was submitted to demonstrate attainment of the Statewide Health Standard.

**Dyno Nobel Inc. (former IRECO Inc. site)**, Pittston Township, **Luzerne County**. Glenn Randall, Senior Project Manager, URS Corporation, 1400 Union Meeting Road, Suite 202, Blue Bell, PA 19422 has submitted a Cleanup Plan (on behalf of Relay Service Dyno Nobel, 50 S. Main Street, Salt Lake City, UT 84144) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with lead and soils found or suspected to have been contaminated with sulfate, ethylene glycol dinitrate and other metals. The report was submitted in partial fulfillment of a combination of both the 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. 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. 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the Act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. 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 plans and reports:

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

**PPL—Weissport Substation**, Franklin Township, **Carbon County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with polychlorinated biphenyls. The report demonstrated attainment of the Statewide Health Standard and was approved on November 12, 2002.

**PPL—Jenkins Substation**, Plains Township, **Luzerne County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with polychlorinated biphenyls. The report demonstrated attainment of the Statewide Health Standard and was approved on November 12, 2002.

**Haas Packaging & Design, Inc.**, Upper Nazareth Township, **Northampton County**. Mark Ellis, Senior Geologist, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of Relay Service, 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 report did not demonstrate attainment of the Statewide Health Standard and was disapproved on November 18, 2002.

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

**Glen Gery Corp.**, Summerville Borough, **Jefferson County**, has submitted a Remedial Action/Act 2 Final Report concerning the remediation of site soil contami-

nated with petroleum. The report was disapproved. Final report did not demonstrate attainment of the standards and was disapproved by the Department on November 6, 2002.

**Pure Sil, Inc.**, City of Bradford, **McKean County**. Northeastern Environmental Management, 917 West Washington Street, Bradford, PA 16701 (on behalf of Raymond W. McMahon, Rep. of Owner, City of Bradford, Office of Economic and Community Development, 20 Russell Boulevard, Bradford, PA 16701) has submitted a Baseline Remedial Investigation Work Plan concerning the remediation of site Special Industrial Area contaminated with CLSOL. The Plan was approved by the Department on November 13, 2002.

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#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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**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.**

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

**Permit No. 101615. Commonwealth Environmental Systems Landfill, Commonwealth Environmental Systems, L. P.**, P. O. Box 249, Dunmore, PA 18512-0249. A Major Permit Modification approving the Radiation Protection Action Plan at this municipal waste landfill located in Foster Township, **Schuylkill County**. The permit was issued by the Regional Office on November 14, 2002.

**Permit No. 101615. Commonwealth Environmental Systems Landfill, Commonwealth Environmental Systems, L. P.**, P. O. Box 249, Dunmore, PA 18512-0249. A Major Permit Modification approving revisions to the Form R, Waste Analysis and Classification Plan, at this municipal waste landfill located in Foster Township, **Schuylkill County**. The permit was issued by the Regional Office on November 15, 2002.

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

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

**Permit No. 101602. Seneca Landfill Transfer Station**, P. O. Box 1080, Mars, PA 16046-1080, Jackson Township, **Butler County**. This is an approval of major modification for a Radiation Protection Plan for a municipal waste facility. The revision was approved by the Northwest Regional Office on November 21, 2002.

**Permit No. 101592. Tri-County Industries, Inc.**, 159 TCI Park Drive, Grove City, PA 16127, Pine Township, **Mercer County**. This is an approval of major modification for a Radiation Protection Plan for a municipal waste transfer facility. This revision was approved by the Northwest Regional Office on November 21, 2002.

## AIR QUALITY

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### 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.

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

**09-320-056GP: Transcontinental Printing USA, Inc.** (55 Hawk Road, Warminster, PA 18974) on November 19, 2002, for a nonheatset web offset press in Warminster Township, **Bucks County**.

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

**GP1-21-05006A: Shippensburg University** (1871 Old Main Drive, Shippensburg, PA 17257-2299) on November 19, 2002, was authorized to operate a small gas and No. 2 oil fired combustion unit under GP1 in Shippensburg Township, **Cumberland County**.

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### 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.

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*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.*

**09-0157: Arawak Paving Co., Inc.** (Steel Road North, Fairless Hills, PA 19030) on November 18, 2002, for operation of a bituminous concrete drum-mix plant in Bristol Township, **Bucks County**.

**09-0106A: Univar USA, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) on November 18, 2002, for operation of storage tanks in Falls Township, **Bucks County**.

**09-0124D: Fairless Energy, LLC** (USX Industrial Park, Fairless Hills, PA 19030) on November 20, 2002, for operation of a combined cycle electric power plant in Falls Township, **Bucks County**.

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

**48-318-133: Milliken Valve Co., Inc.** (1995 Highland Avenue, Suite 500, Bethlehem, PA 18020) on November 15, 2002, for construction of a paint spray booth and associated air cleaning device at the facility in Bethlehem Township, **Northampton County**.

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

**06-05079A: United Corrstack, Inc.** (720 Laurel Street, Reading, PA 19602) on November 15, 2002, for modification of a boiler controlled by a low NOx burner in the City of Reading, **Berks County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

**06-05121A: Williams Metalfinishing, Inc.** (P. O. Box 2029, Sinking Spring, PA 19602) on November 19, 2002, for construction of a vapor degreaser controlled by a refrigerated chiller in the Borough of Sinking Spring, **Berks County**. The source is subject to 40 CFR Part 63, Subpart T—National Emission Standards for Halogenated Solvent Cleaning.

**36-05124: Guyon Industries, Inc.** (1344 North Penryn Road, Manheim, PA 17545-8518) on November 15, 2002, for construction of a roll coater at their lumber prefinishing facility in Penn Township, **Lancaster County**.

**67-03041C: County Line Quarry, Inc.** (740 South Front Street, Wrightsville, PA 17368) on November 19, 2002, for construction of a screen and conveyor at its Wrightsville Quarry in Wrightsville Borough, **York County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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### 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.

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

**46-0036D: Visteon SYS LLC** (2750 Morris Road, Lansdale, PA 19446) on November 19, 2002, for operation of a Wave Solder No. 12 in Worcester Township, **Montgomery County**.

**46-0198D: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) on November 19, 2002, for operation of a cocoa bean cleaning system in Upper Hanover Township, **Montgomery County**.

**09-0015D: Rohm and Haas Co.** (2900 River Road, Croydon, PA 19021) on November 19, 2002, for operation of a catalytic oxidizer in Bristol Township, **Bucks County**.

**09-0040A: Consolidated Graphics** (315A West Street Road, Warminster, PA 18974) on November 19, 2002, for operation of a lithographic printing press in Warminster Township, **Bucks County**.

**46-0047: Mueller Streamline Co.** (287 Wissahickon Avenue, North Wales, PA 19454) on November 19, 2002, for operation of two vapor degreasers in Upper Gwynedd Township, **Montgomery County**.

**15-0027D: Johnson Matthey** (434 Devon Park Drive, Wayne, PA 19087) on November 19, 2002, for operation of coating line No. 7 and SCR in Tredyffrin Township, **Chester County**.

**46-0023: Transcontinental Printing USA, Inc.** (2250 Easton Road, Willow Grove, PA 19090) on November 19, 2002, for operation of four UV webfed presses in Upper Moreland Township, **Montgomery County**.

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

**41-00013A: Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) for installation of an air cleaning device (a regenerative thermal oxidizer) on seven coil coating lines in the City of Williamsport, **Lycoming County**. The coil coating lines are subject to Subpart TT of the Federal Standards of Performance for New Stationary Sources.

**8-317-003C: Taylor Packing Co., Inc.** (P. O. Box 188, Wyalusing, PA 18853) on November 14, 2002, for operation of a rendering cooker and associated air cleaning devices (venturi scrubber/boiler operating in series or venturi scrubber and two packed bed scrubbers operating in series) on a temporary basis until March 14, 2003, in Wyalusing Township, **Bradford County**. The plan approval was extended.

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

**32-00297C: Creps United Publications** (1163 Water Street, P. O. Box 746, Indiana, PA 15701) on November 19, 2002, to conduct stack testing on their thermal oxidizer in White Township, **Indiana County**. This plan approval was extended.

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

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

**V01-005: Paid Steam Boiler Plant—Philadelphia Naval Business Center** (2000 Constitution Avenue, Philadelphia, PA 19112) September 6, 2002, for operation of a facility that acquires, holds, constructs, improves, maintains, operates, owns, finances and leases, either in the capacity of lessor or lessee, industrial, commercial or specialized development projects in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include a 100 hP diesel powered water pump and three 217/207 mmBtu/hr boilers that can burn natural gas/no. 6, no. 2 or waste oil controlled by low NOx burners with associated flue gas recirculation.

**V00-006: Cardone Industries—Plants 11-14 and 20** (5660 Rising Sun Avenue, 321 Chew Street, Philadelphia, PA 19120) for operation of an automotive parts remanufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include 10 spray booths, 12 steel shot blasting units, 21 combustion units, each less than or equal to 5.3 mmBtu/hr, 12 cold cleaning degreasers, a distillation unit and 2 settling tanks for used solvent, a holding tank for recovered solvent and a vapor condenser.

**V00-005: Cardone Industries—American Street Facility, Plants 1, 4, 8 and 6-8** (4443 North American Street, Philadelphia, PA 19140) for operation of an automotive parts remanufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include 2 combustion units, each less than or equal to 1.5 mmBtu/hr, 12 cold cleaning degreasers and a touch-up spray booth.

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**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.**

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

**23-00095: Norquay Tech, Inc.** (800 West Front Street, Chester, PA 19013) on November 8, 2002, for operation of a synthetic minor operating permit in the City of Chester, **Delaware County**.

**09-00114: Active Brass Foundry, Inc.** (330 Progress Drive, Telford, PA 18969) on November 18, 2002, for operation of a Natural Minor Operating Permit in Hilltown Township, **Bucks County**.

**15-00082: Downingtown School District Sr. High School** (455 Manor Avenue, Downingtown, PA 19335) on November 18, 2002, for operation of a Synthetic Minor Operating Permit in Downingtown Borough, **Chester County**.

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

**21-03057: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17104) on November 13, 2002, for operation of a crushing plant and concrete plant at the Silver Spring Quarry in Silver Spring Township, **Cumberland County**.

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

**65-00080: Duraloy Technologies** (120 Bridge Street, Scottdale, PA 15683) for operation to manufacture specialty steel cast tubular and molded products at their Scottdale facility in **Westmoreland County**.

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**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.**

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

**46-0172: Gemplus Corp.** (101 Park Drive, Montgomeryville, PA 18936) revised November 18, 2002, for three printing presses in Montgomery Township, **Montgomery County**.



## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and 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). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permits Actions

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

**54851336R3 and NPDES Permit PA0223328. Summit Anthracite, Inc.** (R. R. 1, Box 12A, Klingerstown, PA 17941), renewal of an underground mine operation in Porter Township, **Schuylkill County** affecting 199.643 acres, receiving stream: Good Spring Creek. Application received September 12, 2002. Renewal issued November 18, 2002.

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

**17020901 and NPDES Permit No. PA0243256. Johnson Brothers Coal Company**, R. D. 1, Box 580, Mahaffey, PA 15757. Commencement, operation and restoration of an Incidental Coal Extraction permit located in Penn Township, **Clearfield County** affecting 15.4 acres. Receiving streams: unnamed tributary to Kratzer Run. Application received May 24, 2002. Permit issued November 7, 2002.

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

**65010102 and NPDES Permit No. PA0202967. V. P. Smith Co., Inc.** (HC 64, Box 21, Intersection Highway 30 and 217, Latrobe, PA 15650). Permit revised to add 10 acres of mining area and a contractor at an existing bituminous surface mining site located in Fairfield Township, **Westmoreland County**, now affecting 133.6 acres. Receiving streams: unnamed tributaries to Hypocrite Creek. Application received July 25, 2002. Permit revision issued November 18, 2002.

**03020102 and NPDES Permit No. PA0250058. D. J. & W. Mining, Inc.** (Box 425, Indiana, PA 15701). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Cadogan and North Buffalo Townships, **Armstrong County**, affecting 48.9 acres. Receiving streams: unnamed tributaries to Allegheny River. Application received October 4, 2002. Permit issued November 20, 2002.

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

**56860106 and NPDES Permit No. PA0597716. Three S Coal Company**, Box 337, Stoystown, PA 15563, permit renewal for continued restoration of a bituminous surface and auger mine for discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 57.5 acres. Receiving streams: unnamed tributary to and Coal Run and Dark Shade Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Water Authority Border Dam water intake. Application received September 20, 2002. Permit issued November 16, 2002.

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

**5522-10990104-E-1. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Application for a stream encroachment to conduct mining activities within 100 feet and construct and maintain a temporary haul road crossing over unnamed tributary No. 2 to Muddy Creek in Clay and Center Townships, **Butler County**. Receiving streams: unnamed tributaries to Muddy Creek. Application received September 9, 2002. Permit issued October 25, 2002.

**24990101 and NPDES Permit No. PA0241491. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip and auger operation in Horton Township, **Elk County** affecting 588.0 acres. Receiving streams: unnamed tributary to Mead Run and Mead Run; unnamed tributary to Little Toby Creek. Application received July 29, 2002. Permit issued October 29, 2002.

### Noncoal Permits Actions

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

**8274SM1C5 and NPDES Permit PA0595705. D. M. Stoltzfus & Son, Inc.** (P. O. Box 84, Talmage, PA 17580), renewal for existing discharge of treated mine drainage in Manheim and Upper Leacock Townships, **Lancaster County**, receiving stream: Conestoga River. Application received September 25, 2002. Renewal issued November 18, 2002.

**58020834. Timothy A. Empet** (R. R. 1 Box 315, Kingsley, PA 18826), quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 24, 2002. Permit issued November 20, 2002.

**4873SM1A1C7 and NPDES Permit PA0020451. LWB Refractories Company** (320 North Baker Road, York, PA 17404), renewal of existing discharge of treated mine water drainage in West Manchester Township, **York County**, receiving streams: unnamed tributary to Codorus Creek and Honey Run. Application received September 26, 2002. Renewal issued November 21, 2002.

**01930301C and NPDES Permit PA0595591. Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201), renewal of existing discharge of treated mine water drainage in Hamiltonban Township, **Adams County**, receiving streams: Middle Creek and Spring Run. Application received October 4, 2002. Renewal issued November 21, 2002.

**45900303C. Middle Smithfield Materials, Inc.** (P. O. Box 674, Bushkill, PA 18324), renewal of existing discharge of treated mine water discharge in Middle Smithfield Township, **Monroe County**, receiving stream: Suise Creek. Application received October 7, 2002. Renewal issued November 21, 2002.

**58022805. Rick Whitney** (R. R. 1 Box 76, Montrose, PA 18801), quarry operation in Franklin Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received July 18, 2002. Permit issued November 22, 2002.

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

**11020801. Laurel Sand & Stone, Inc.**, P. O. Box 629, 163 Cricket Lane, Carrolltown, PA 15722, commencement, operation and restoration of a small noncoal (shale) mine in Jackson Township, **Cambria County**, affecting 13.9 acres. Receiving streams: unnamed tributary to Laurel Run to Conemaugh River classified for HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 7, 2002. Permit issued November 12, 2002.

*Final Bond Release*

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

**42000804. George Harrier** (R. R. 2, Box 67, Eldred, PA 16731). Final bond release for a small noncoal mining operation in Otto Township, **McKean County**. Restoration of 1.0 acre completed. Receiving streams: Knapps Creek. Application received August 5, 2002. Final bond release approved October 18, 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.*

**51024001. Controlled Demolition, Inc.** (2737 Meryman's Mill Road, Phoenix, MD 21131), demolition of high rise buildings in the City of Philadelphia, **Philadelphia County** with an expiration date of November 24, 2002. Permit issued November 18, 2002.

**67024045. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in West Manchester Township, **York County** with an expiration date of December 31, 2003. Permit issued November 18, 2002.

**64024012. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Manchester Township, **Wayne County** with an expiration date of October 24, 2003. Permit issued November 18, 2002.

**48024031. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Palmer Township, **Northampton County** with an expiration date of December 6, 2003. Permit issued November 18, 2002.

**38024032. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in West Cornwall Township, **Lebanon County** with an expiration date of December 31, 2003. Permit issued November 18, 2002.

**360240135. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Upper Leacock Township, **Lancaster County** with an expiration date of January 31, 2003. Permit issued November 18, 2002.

**360240134. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Manheim Township, **Lancaster County** with an expiration date of December 31, 2003. Permit issued November 18, 2002.

**360240133. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in West Earl Township, **Lancaster County** with an expiration date of December 31, 2003. Permit issued November 18, 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.

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**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).

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*Permits Issued and Actions on 401 Certifications*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E52-180. The Forest Lake Club**, R. R. 1, Box 333, Hawley, PA 18428-9718. Lackawaxen Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 25-foot by 40-foot boathouse, extending approximately 19 feet lakeward from the shoreline, in Corilla Lake. The boathouse will be supported by a 40-foot by 6-foot concrete pad along the shore and pressure-treated piers. The project is located along the western shore of Corilla Lake (Narrowsburg, NY-PA Quadrangle N: 5.2 inches; W: 11.9 inches).

**E48-327. Thomas G. Macarro**, 3633 Drifting Drive, Hellertown, PA 18055. Lower Saucon Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To place fill in approximately 0.07 acre of wetlands for the purpose of constructing a road crossing consisting of approximately 205 L.F. of 48-inch diameter R.C.P. and roadway embankment to serve as an access for a proposed residential development known as Clover View Estates. The permittee is required to provide 0.09 acre of replacement wetlands. The project is located on the eastern side of Township Road T390 (Drifting Drive), just south of its intersection with Wassergass Road (Hellertown, PA Quadrangle N: 15.0 inches; W: 2.0 inches).

**E45-396. West End Fair Association**, P. O. Box 115, Gilbert, PA 18331. Chestnuthill Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To modify and maintain an existing low flow road crossing in Weir Creek and to place fill in a de minimis area of wetlands equal to 0.03 acre for the purpose of constructing a 16-foot extension to four 24-inch R.C.P. culverts. The road crossing will have a total length of 32 feet along Weir Creek and will provide two-way vehicular and pedestrian traffic within the fairgrounds. The project is located at the west end fairgrounds, southeast of the

intersection of SR 3005 and SR 3010 (Fairgrounds Road) (Brodheads ville, PA Quadrangle N: 6.3 inches; W: 7.6 inches).

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

**E22-442. Dauphin County Commissioners**, P. O. Box 1295, Harrisburg, PA 17108 in Washington Township, **Dauphin County**, ACOE Baltimore District.

To remove an existing covered timber bridge from its foundation and to reconstruct and maintain the timber bridge in place using new timber members and to place R-6 rock riprap in a scour hole at the north corner of the west abutment in the Wiconisco Creek (WWF) and to construct a paved access drive and parking lot in the floodway of the Wiconisco Creek (WWF) all for the purpose of rehabilitating the Dauphin County Bridge No. 43A located on Henninger Road (T-J624) (Elizabethville, PA Quadrangle N: 14.0 inches; W: 4.7 inches) in Washington Township, Dauphin County.

**E36-738. Columbia Downtown Development Corporation**, P. O. Box 207, Columbia, PA 17512 in Columbia Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project approximately 750 feet within Shawnee Run (WWF) for the purpose of stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream design approach consisting of channel relocation, stream and floodway excavation and filling, installation of rock vanes, cross vanes, J-hooks and willow fascines to be located at a point or points within the 400 block of Mill Street (Columbia East, PA Quadrangle N: 5.75 inches; W: 16.25 inches) in Columbia Borough, Lancaster County.

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

**E08-396. Department of Transportation, District 3-0**, 715 Jordan Avenue, Montoursville, PA 17754. Bridge Construction in Athens Borough and Township, **Bradford County**, ACOE Baltimore District (Sayre, PA Quadrangle N: 15.1 inches; W: 2.1 inches).

To remove the existing twin span riveted thru-truss bridge which has an open steel grid deck, normal clear span lengths of 290 feet and 253 feet for the west and east span, respectively, a minimum underclearance of 21.0 feet and a hydraulic opening of 15,071 square feet and to construct and maintain a five span prestressed concrete I-beam bridge with normal clear spans of 118.25 feet for the two end spans and 118.75 feet for the three interior spans with a hydraulic opening of 16,184 square feet and a minimum underclearance of 20.6 feet. The piers and abutments will be built normal to the roadway and to construct a separate causeways constructed of clean rock material and 4-foot and 6-foot diameter pipes for existing bridge removal and new bridge construction. The bridge will span the Susquehanna River between Athens and East Athens on SR 1056, Section 001.

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

**E10-361. Knockout Development Associates**, 215 Executive Drive, Cranberry Township, PA 16066. Commercial Development, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 10.9 inches; W: 11.4 inches).

To fill a total of 0.121 acre of two wetland areas and impact a total of approximately 2,400 feet of a tributary to Brush Creek for the construction of a commercial development along the south side of SR 228 approximately 0.9 mile east of I-79. Project includes contribution to the Pennsylvania Wetland Replacement Fund for replacement of 0.121 acre of wetland.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D38-002EA. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. South Lebanon Township, **Lebanon County**, ACOE Baltimore District.

To breach and remove the Rexmont Dam No. 2 across Hammer Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 4,300 feet southwest of the intersection of Schaeffer Road (SR 419) and Rexmont Road (T349) (Richland, PA Quadrangle, N: 4.85 inches, W: 15.10 inches).

[Pa.B. Doc. No. 02-2176. Filed for public inspection December 6, 2002, 9:00 a.m.]

#### Availability of Final General NPDES Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (PAG-13)

Under The Clean Streams Law (35 P. S. §§ 691.1—691.101), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20) and 25 Pa. Code Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), the Department of Environmental Protection (Department) announces the availability of its final General Permit (and related documents) for stormwater discharges from municipal separate storm sewer systems (MS4s).

The permit materials consist of the following documents: (1) Fact Sheet; (2) Notice of Intent (NOI) and instructions; (3) the MS4 permit (PAG-13) and the Department's Approval of Coverage; (4) Request for Waiver and Instructions; and (5) Information Request Form and Instructions. There are also three other important documents: (1) the Department's Stormwater Management Protocol (Protocol), a set of preapproved minimum control measures that can be used to meet permit requirements; (2) a list of references; and (3) a description of the extent to which existing State law—the Stormwater Management Act (32 P. S. §§ 680.1—680.17)—can be used to help municipalities fund their permit requirements.

PAG-13 can be used by all eligible MS4s to comply with the Federal Phase II stormwater regulations (see 64 FR 68722-68851, December 8, 1999; 40 CFR 122-26—123.35), which are incorporated by reference into 25 Pa. Code § 92.2 (relating to incorporation of Federal regulations by reference). The Environmental Protection Agency (EPA) Region III has reviewed and approved the permit package for publication. Additional information about these Federal permit requirements is available on the EPA website: [http://cfpub.epa.gov/npdes/home.cfm?program\\_id=6](http://cfpub.epa.gov/npdes/home.cfm?program_id=6).

There are certain eligibility requirements for using PAG-13 described in the permit documents. For instance, PAG-13 is not available for discharges into water bodies classified as Exceptional Value or High Quality under 25 Pa. Code Chapter 93 (relating to water quality standards). An "individual permit" will be required for discharges to those categories of water bodies.

The Department proposed the General Permit package on July 13, 2002, for a 30-day comment period and subsequently extended the comment period for another 30 days. The comment period ended September 23, 2002. In addition to the General Permit, on December 13, 2001, the Department also published a proposed Phase II Storm Water Permitting Strategy (385-2000-012) for public comment. Numerous comments have been received on both documents. Many of the comments on the proposed strategy were addressed in the more detailed General Permit package proposed in July 2002. The Department has reviewed and considered the comments received on both documents and the final MS4 permit package available December 7, 2002, reflects the Department consideration of the comments. This final permit also makes the permit strategy document (385-2000-012) unnecessary, and it is therefore being withdrawn. A consolidated comment and response document will be available from the Department by calling or writing to the following address.

The General Permit and related documents can be obtained from the Department website at [www.state.pa.us](http://www.state.pa.us) (directLINK "stormwater"), by contacting the local Department Regional Office or from the Department's Central Office by contacting the Department of Environmental Protection, Bureau of Watershed Management, Division of Water Use Planning, Rachel Carson State Office Building, P. O. Box 8555, 10th Floor, Harrisburg, PA 17105-8555, (717) 783-7420. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users or (800) 654-5988 (voice users).

To assist MS4s in developing the stormwater programs required by this General Permit, the Department is distributing the package to all affected MS4 municipalities. A detailed list of affected MS4s is included with the NOI instructions. In addition, the Department has developed a CD-ROM with a variety of materials which MS4s can use to meet their permit requirements, and this is also being sent to all affected MS4s. The Department also will be distributing the package to all "potential" small MS4s asking that a completed information request form be returned to facilitate Department permitting decisions for the potential MS4s.

The basic requirement of this General Permit is for MS4s to implement a plan to develop a stormwater management program within their municipality. To obtain that permit coverage, the MS4 must submit an NOI to be covered by the General Permit by March 10, 2003. The NOI must include a plan for developing and implementing that local program during the 5-year permit term (by March, 2008). The Protocol mentioned contains a plan to accomplish those goals that are acceptable to the Department.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2177. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Availability of General NPDES Permit for Discharges from Petroleum Products Contaminated Groundwater Remediation Systems (PAG-5)

The Department of Environmental Protection (Department) announces the availability of the renewed PAG-5. This General Permit reflects revisions to the draft General Permit published at 32 Pa.B. 3147 (June 29, 2002) for a 30-day comment period. Comments received on the draft were considered in making the revisions. The renewed General Permit will be effective beginning December 13, 2002, and shall expire on December 12, 2007.

The final General Permit is now available and has been posted on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us); directLINK "NPDES Permits"; click on "General Permits."

The General Permit package may also be obtained by contacting the Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, [trutrutma@state.pa.us](mailto:trutrutma@state.pa.us).

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2178. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "July 2002 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2002.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance*

DEP ID: 254-5900-001. Title: Guidelines for the Development and Implementation of Preparedness, Prevention

and Contingency Plans for Generators and Burners of Waste Oil. Description: This document provides a simplified alternative plan and example to the more comprehensive requirements in "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" (Document I.D. 400-2200-001) to aid generators and burners of waste oil in complying with the preparedness, prevention and contingency requirements in 25 Pa. Code §§ 298.20(g) and 298.60(h). This document does not apply to generators and burners with a total oil storage exceeding 42,000 gallons in underground tanks, 1,320 gallons in aboveground tanks or 660 gallons in a single container. Effective Date: December 7, 2002. Contact: Scott Walters at (717) 787-7564 or e-mail [scwalters@state.pa.us](mailto:scwalters@state.pa.us).

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2179. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Legislative/Regulatory Subcommittee of the Small Systems Technical Assistance Center Advisory Board Special Meeting

The Legislative/Regulatory Subcommittee of the Small Systems Technical Assistance Center Advisory Board will hold a special meeting on December 13, 2002, from 9:30 a.m. to 3 p.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to complete review of revised concept papers for the Drinking Water and Wastewater Operator Certification Program.

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 Ray Braun, (717) 787-0122, [rbraun@state.pa.us](mailto:rbraun@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ray Braun, (717) 787-0122 or the Pennsylvania AT&T Relay Service, (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. 02-2180. Filed for public inspection December 6, 2002, 9:00 a.m.]

### NPDES General Permit for Stormwater Discharges Associated with Construction Activities (PAG-2); 2002 Amendment

The Department of Environmental Protection (Department) is amending and renewing the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-2) which was originally issued at 22 Pa.B. 5063 (October 10, 1992) and amended at 27 Pa.B. 5143 (October 4, 1997). The Department published a notice of proposed revisions to PAG-2 at 32 Pa.B. 2375 (May 11, 2002), with a 30 day public comment period. In addition,

the Department also published a notice of the proposed PAG-14 for NPDES permit coverage of small construction activities at 32 Pa.B. 3990 (August 10, 2002) with a 30-day public comment period.

#### *Public Comment and Response*

The Department received comments regarding the proposed revisions to PAG-2 from nine individuals representing the oil and gas development industry, environmental organizations, county conservation districts and State and Federal agencies. The Department also received comments regarding the proposed PAG-14 from 163 individuals representing the general public, oil and gas development industry, environmental organizations, consultants, county conservation districts and State and Federal agencies. The following is a summary of some of the major comments and the Department's responses:

A commentator questioned if technical reviews of Post Construction Stormwater Management (PCSM) Plans submitted with an Notice of Intent (NOI) for General Permit coverage will be required. Generally a technical review of the PCSM Plan will not be conducted. The applicant is required to certify that the PCSM Plan meets local ordinance and PAG-2 permit requirements. In special protection waters the Department's regional office will perform technical reviews of PCSM Plans submitted as part of an Individual Permit application.

One commentator questioned the Department's authority to incorporate the PCSM Plan requirements into the PAG-2 permit revisions. Existing State and Federal laws and regulations authorize post-construction stormwater management planning requirements as a condition of the NPDES permit for stormwater discharges associated with construction activities.

Several commentators questioned whether the Department is required to impose the new PCSM Plan requirements on all earth disturbance activities that would be subject to the NPDES General Permit. Specifically, the commentators did not believe that a separate PCSM Plan is needed to supplement the existing post-construction requirements of the Erosion and Sediment Control (E&S) Plan for development projects where the restored land surface will reflect the original topography, vegetative cover and stormwater infiltration regime of the preconstruction project area. The final PAG-2 requires the development of a PCSM Plan for all projects. The Department recognizes the level of analysis and detail required for the development of PCSM Plans for minimal or low impact projects may not be as great and has provided provisions in the NOI accordingly.

A commentator recommended that the proposed language should explicitly track the language of 25 Pa. Code §§ 92.81(a)(8) and 92.83(b)(9) (relating to general NPDES permits; and inclusion of individual dischargers in general NPDES permits) to put the permittee on explicit notice that the general permit cannot legally be utilized in waters that have a designated or existing use classification of High Quality or Exceptional Value waters. The Department has revised the final permit as recommended by amending the permit language as follows: ". . . prohibited under 25 Pa. Code Chapter 92, *including waters that have a designated or existing use classification of High Quality (HQ) or Exceptional Value (EV) Waters.*" (Emphasis added.)

A commentator recommended that the proposed language in the permit regarding activities that are not eligible for coverage under the general permit should

more closely track the legal requirements at 25 Pa. Code § 92.83(b)(3). The Department has revised the final permit accordingly.

One commentator suggested that the Department clarify how termination can occur in the face of post-construction stormwater management responsibilities. As required by both State (25 Pa. Code Chapter 102 (relating to erosion control)) and Federal regulations (40 CFR Part 122), PAG-2 provides coverage only for stormwater discharged from an industrial activity (construction activity). Unless otherwise provided under 40 CFR 122.26(b)(14), NPDES permit coverage for a regulated construction activity is no longer required once the post-construction Best Management Practices (BMPs) are established, the PCSM Plan is implemented, the site is stabilized and construction stormwater discharges are eliminated.

One commentator questioned the relevance of the August 2001 date regarding approved Act 167 Plans and PCSM Plans and suggested that the method to achieve consistency over time is through mandated Act 167 updates and that most municipal ordinances adopted under pre-August 2001 Act 167 Plans contain requirements critical to a comprehensive PCSM Plan. The Department has corrected the references to the August 2001 dates to Part C, Section 5 of the PAG-2 permit and to Section E of the NOI Instructions. The final permit makes reference to counties that have adopted Act 167 Stormwater Management Plans and that require the municipalities to adopt stormwater ordinances that incorporate measures to protect and maintain existing uses and protect and maintain water quality to maintain those existing uses. In areas where Act 167 Stormwater Management Plans exist and are supported by local ordinances, the applicant must design the PCSM Plan in accordance with the standards established under the ordinances.

In addition, a number of individuals commented on the draft PAG-14 permit document generally that:

- The permit fails to provide meaningful public participation opportunities for interested citizens. The Department should be encouraging, not inhibiting, public participation.
- The public has no opportunity to review or comment upon plans for erosion and sediment control for up to 5 acres of earth disturbance.
- The permit allowed persons to disturb up to 5 acres without having to submit its plans for erosion and sediment control to the Department or a delegated Conservation District (CD) for review.
- The permit allows the Department and delegated CDs to approve up to 5 acres of earth disturbance without having to review plans for erosion and sediment control.
- The permit fails to require compliance history information from persons proposing to disturb up to 5 acres of earth.
- The permit is in essence a legally unauthorized "permit-by-rule" rather than a General NPDES permit.
- The permit omits many basic elements and standard conditions required to be included in NPDES permits by State and Federal NPDES regulations.

In response to comments received, PAG-14 has been withdrawn. The Federal NPDES Phase I (5 acres and greater) and Phase II (1 acre to less than 5 acres with a point source discharge to a surface water) stormwater requirements for construction activities have been com-

bined into the amended PAG-2. The Department believes that the administration of the Phases I and II NPDES requirements for stormwater discharges associated with construction activities utilizing one general permit document is more efficient and effective for the regulated community as well as the CDs and Department regional offices.

After consideration of the comments for both proposals, the Department has amended the PAG-2 permit as follows:

- The amended general permit will generally apply to eligible existing and new stormwater discharges associated with construction activities including clearing and grading and excavation activities involving 5 acres or more of earth disturbance or an earth disturbance on any portion, part or during any stage of, a larger common plan of development or sale that involves 5 acres or more of earth disturbance over the life of the project.

- The amended general permit also incorporates the Federal Phase II requirements of NPDES permit coverage for persons proposing new or conducting existing small construction activities, including clearing, grading and excavation activities involving 1 acre to less than 5 acres of earth disturbance or an earth disturbance on any portion, part or during any stage of, a larger common plan of development or sale that involves 1 acre to less than 5 acres of earth disturbance over the life of the project, and that has a point source discharge to surface waters of this Commonwealth.

- General information and requirements have been added to clarify the information required for a PAG-2 permit.

- The PAG-2 permit requires the submission of an NOI that includes general operator, site information and a certification that a written E&S Plan, Preparedness, Prevention and Contingency Plan and PCSM Plan have been developed and BMPs will be implemented to protect the water quality of the receiving surface waters of this Commonwealth.

- The PAG-2 permit requires submission of a Notice of Termination when final stabilization of the site has been achieved as defined in PAG-2, or stormwater construction runoff is no longer being discharged from the construction activities.

- The NOI for a PAG-2 permit requires the submission of a complete and technically adequate E&S Plan and PCSM Plan.

- The application fee for PAG-2 permit coverage will be \$250. The application fee for individual permits will remain at \$500. State agencies and instrumentalities are exempt from the application fees.

*New Authorizations for Stormwater Discharges Associated with Construction Activities*

Persons requesting authorization on or after December 10, 2002, to discharge stormwater associated with construction activities must apply for coverage under PAG-2 (2002 amendment) accompanied by a \$250 filing fee, or apply for coverage under PAG-2 accompanied with a \$500 filing fee.

The amendments to this general permit have been sent to the EPA Regional Administrator for Region III. Persons wishing to obtain a copy of this general permit, notice of intent forms, instructions and other related documents should request them from the Department's Bureau of Watershed Management, Division of Waterways,

Wetlands and Erosion Control, one of the Department's Regional Offices, a local county conservation district office or the Department's website <http://www.dep.state.pa.us>. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2181. Filed for public inspection December 6, 2002, 9:00 a.m.]

**Proposed Revision to the State Implementation Plan for Ozone for the Philadelphia Ozone Nonattainment Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Department of Environmental Protection (Department) is seeking public comment on a State Implementation Plan (SIP) revision for the Philadelphia ozone nonattainment area (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties).

On October 26, 2001, the Environmental Protection Agency (EPA) approved the Commonwealth's One-Hour Ozone Attainment Demonstration for the Philadelphia area. This approval included a requirement for the Commonwealth to revise the 2005 attainment year motor vehicle transportation conformity emissions budgets using a revised methodology (MOBILE6) to calculate vehicle highway emissions within 1 year after its release (January 29, 2002). The Commonwealth, therefore, must submit its revised budgets for the Philadelphia area to the EPA as a SIP revision by January 29, 2003.

The SIP revision will fulfill the Commonwealth's requirement to revise its existing motor vehicle emissions budgets and, once found adequate by the EPA, will establish a new 2005 motor vehicle emissions budget for the purposes of transportation conformity.

This proposal is available on the Department's website at <http://www.dep.state.pa.us> (choose Information by Subject/Air Quality/Ozone/Clean Air Plans) or through the following contact person.

The Department will hold a public hearing to receive comments on the SIP revision on January 7, 2003, at 1 p.m. at the Department of Environmental Protection, Southeast Regional Office Hearing Room, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA.

Persons wishing to present testimony at the hearing should reserve a time by contacting Connie Cross, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495. Persons who do not reserve a time will be able to testify after preregistrants. Witnesses should keep testimony to 10 minutes and should also provide two written copies of their testimony at the hearing. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Wick Havens at the previous telephone number. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments should be sent to Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 by January 10, 2003.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2182. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load for Catawissa Creek Watershed

The Department of Environmental Protection (Department) is holding a public meeting on December 18, 2002, at 7 p.m. at the Beaver Township Fire Company, Colum-

bia County, to discuss and accept comments on a proposed total maximum daily load (TMDL) established in accordance with the requirements of the section 303(d) of the Clean Water Act. Three stream segments in the Catawissa Creek Watershed have been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to high levels of metals and low pH. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
27529	Catawissa Creek	44.66
27571	Sugarloaf Creek	3.45
27567	Tomhickon Creek	11.03

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

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Duration</i>	<i>Total Recoverable/Dissolved</i>
Iron	1.50	1 day average	Total Recoverable
	0.3	Maximum	Dissolved
Manganese	1.00	Maximum	Total Recoverable
Aluminum	0.75	One Hour	Total Recoverable
pH*	6—9	At all times	NA

\*According to research conducted by the Department, at pH 6.0, the net alkalinity of a stream has been found to be zero. Therefore, the water quality standard for pH will vary based on instream alkalinity at that site with a minimum net alkalinity of zero being maintained. In the case of freestone streams with little or no buffering capacity, the TMDL endpoint for pH will be the alkalinity contained in natural background water quality.

The primary pollutant for the watershed is abandoned mine workings. Portions of the Catawissa Creek Watershed had been mined for anthracite coal from the mid-1800s to the mid-1900s. Gravity-fed drainage tunnels were commonly built in the anthracite regions to help dewater the active mine complexes. Five of these tunnels continue to discharge acid mine drainage into the headwaters of the Catawissa Creek Watershed. All of the allocations made in the TMDL are load allocations that are made to nonpoint sources of pollution.

The TMDL was developed using mass balance modeling techniques coupled with Monte Carlo simulation to determine the long-term daily average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL. Analyses were started at the headwaters of each stream segment and a mass balance of pollutant concentration was conducted moving downstream accounting for all sources of pollutants.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1990 to 2002.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Chuck Yingling, Office of Water Management, Department of Environmental Protection, 400 Market Street, Harrisburg, PA 17105-8555, (717) 783-2300, cyingling@state.pa.us.

Written comments will be accepted at the previous address and must be postmarked by February 7, 2003. Persons who plan to make a presentation at the public meeting should notify the Department by December 13, 2002. The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2183. Filed for public inspection December 6, 2002, 9:00 a.m.]

### State Solid Waste Plan Subcommittee of the Solid Waste Advisory Committee Meeting Cancellation

The Solid Waste Plan Subcommittee (Subcommittee) of the Solid Waste Advisory Committee meeting scheduled for December 12, 2002, from 10 a.m. to 3 p.m. in Harrisburg, has been cancelled. The next meeting of the Subcommittee will be held on January 9, 2003, from 10 a.m. to 3 p.m. in the 14th Floor Medium Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Sally Lohman at (717) 787-7382 or e-mail slohman@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 the Department at



(717) 705-8024 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. 02-2184. Filed for public inspection December 6, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Patient Safety Authority Meeting

The Patient Safety Authority (Authority), established under section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), will hold a meeting of the Authority's 11 member board at 9:30 a.m. on Monday, December 9, 2002, in Hearing Room 2, Ground Floor, North Office Building, Harrisburg, PA 17120.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-2185. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Rate Adjustment

Under 42 Pa.C.S. § 6152 (relating to subpoena of records), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charges or records. Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 30, 2001, through October 30, 2002, the consumer price index was 2.0%.

Accordingly, the Secretary provides notice that, effective January 1, 2003, the following payments may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

Search and retrieval of records:	Not to Exceed: \$16.56
Amount charged per page for pages 1-20	\$ 1.11
Amount charged per page for pages 21-60	\$ .84

Amount charged per page for pages 61-end \$ .29

Amount charged per page for microfilm copies \$ 1.65

Flat fee, per request, for production of records to support claims under Social Security Act or claims under other Federal or State financial needs based benefit programs \$20.98

Flat fee, per request, for supplying records requested by a district attorney \$16.56

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department of Health (Department) has received numerous inquiries concerning specific requests and whether these charges apply to those requests. The duty of the Department is to update these charges annually, it is not empowered to enforce these charges or to resolve disputes concerning them. Individuals with questions concerning the applicability of these charges to specific records requests should contact private counsel.

Questions or inquiries concerning this notice should be directed to James T. Steele, Jr., Deputy Chief Counsel, Room 825 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, (717)-783-2500.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact Donald Hessler, Bureau of Human Resources, (717) 783-0296 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT] or V/TT (717) 783-6514 for speech and/or hearing impaired persons.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-2186. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Jameson Memorial Hospital Transitional Care Unit  
1211 Wilmington Avenue  
New Castle, PA 16105-2595

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6 (relating to function of building):

The Village at Morrisons Cove  
429 South Market Street  
Martinsburg, PA 16662

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.23, 205.28(a), 205.36(d) and 205.38(e):

Inglis House  
2600 Belmont Avenue  
Philadelphia, PA 19131-2799

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33 (relating to utility room):

UPMC Transitional Care Center Greenville  
110 North Main Street  
Greenville, PA 16125

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

The Zendt Home  
P. O. Box 248, Main Street  
Richfield, PA 17086

These requests are on file with the Insurance Department (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 an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

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

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously, 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. 02-2187. Filed for public inspection December 6, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Cash Extravaganza Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Extravaganza.

2. *Price:* The price of a Pennsylvania Cash Extravaganza instant lottery game ticket is \$10.00.

3. *Play Symbols:* Each Pennsylvania Cash Extravaganza instant lottery game ticket will contain one play area featuring a "Lucky Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Numbers" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9

(NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE) and 30 (THIRTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 15 "Prize" areas are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$450 (FORHUNFTY) and \$CASH\$ (10K/MTH/YR).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$40, \$100, \$150, \$450 and \$120,000 (\$10,000 a month for a year). A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,520,000 tickets will be printed for the Pennsylvania Cash Extravaganza instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$CASH\$ (10K/MTH/YR) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$120,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$450 (FORHUNFTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$450.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$150 (ONEHUNFTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Num-

bers" play symbols and a prize play symbol of \$155 (FIFTEEN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOLLARS) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$5<sup>00</sup> (FIVE DOLLARS) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
\$5 × 2	\$10	1:15	168,000
\$10	\$10	1:60	42,000
\$5 × 3	\$15	1:30	84,000
\$5 + \$10	\$15	1:16.67	151,200
\$15	\$15	1:150	16,800
\$5 × 2 + \$10	\$20	1:150	16,800
\$5 × 4	\$20	1:150	16,800
\$15 + \$5	\$20	1:150	16,800
\$10 × 2	\$20	1:150	16,800
\$20	\$20	1:150	16,800
\$5 × 5	\$25	1:30	84,000
\$20 + \$5	\$25	1:75	33,600
\$10 + \$15	\$25	1:75	33,600
\$25	\$25	1:150	16,800
\$5 × 8	\$40	1:571.43	4,410
\$10 × 4	\$40	1:571.43	4,410
\$20 × 2	\$40	1:571.43	4,410
\$40	\$40	1:571.43	4,410
\$5 × 10 + \$10 × 5	\$100	1:120	21,000
\$10 × 10	\$100	1:300	8,400
\$20 × 5	\$100	1:398.67	6,321
\$100	\$100	1:398.67	6,321
\$10 × 15	\$150	1:30,000	84
\$15 × 10	\$150	1:30,000	84
\$25 × 6	\$150	1:30,000	84
\$150	\$150	1:30,000	84
\$25 × 14 + \$100	\$450	1:60,000	42
\$150 × 3	\$450	1:60,000	42
\$450	\$450	1:60,000	42
\$10,000/Month/1 Year	\$120,000	1:840,000	3

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Extravaganza instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Extravaganza, prize money from winning Pennsylvania Cash Extravaganza instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash Extravaganza instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regula-

tions contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Extravaganza or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-2188. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Pennsylvania Cupid Cash Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby

provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cupid Cash.

2. *Price:* The price of a Pennsylvania Cupid Cash instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Cupid Cash instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Cupid Cash instant lottery game ticket will also contain a "Fast \$14" bonus area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for "Game 2" are: Rose Symbol (ROSE) and X Symbol (XXX).

(d) The play area for "Game 3" will contain a "Lucky Symbol" area and a "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and the "Your Symbols" area are: Lips Symbol (KISS), Bear Symbol (BEAR), Candy Symbol (CANDY), Diamond Symbol (DIMND), Gift Symbol (GIFT), Cash Symbol (CASH), Balloon Symbol (BALLN), Crown Symbol (CROWN), Heart Symbol (HEART), Cupid Symbol (CUPID), Bow Symbol (BOW), Ring Symbol (RING) and Cake Symbol (CAKE).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$50,000 (FTY THO).

(b) The prize play symbols and their captions located in the "Your Symbols" area for "Game 3" are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$50,000 (FTY THO).

(c) The prize play symbols and their captions located in the "Fast \$14" bonus area are: \$14\$ (FORTN) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1" and "Game 2" are \$5, \$7, \$10, \$14, \$21, \$28, \$42, \$70, \$140 and \$50,000. The prizes that can be won in "Game 3" are: \$5, \$7, \$14, \$21, \$28, \$42, \$70, \$140 and \$50,000. The prize that can be won in the "Fast \$14" bonus is \$14. A player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 1,680,000 tickets will be printed for the Pennsylvania Cupid Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching play symbols of \$140 (ONEHUNFRY) in the play area, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets with three matching play symbols of \$70\$ (SEVENTY) in the play area, on a single ticket, shall be entitled to a prize of \$70.

(4) Holders of tickets with three matching play symbols of \$42\$ (FRY TWO) in the play area, on a single ticket, shall be entitled to a prize of \$42.

(5) Holders of tickets with three matching play symbols of \$28\$ (TWY EGT) in the play area, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets with three matching play symbols of \$21\$ (TWY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$21.

(7) Holders of tickets with three matching play symbols of \$14\$ (FORTN) in the play area, on a single ticket, shall be entitled to a prize of \$14.

(8) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching play symbols of \$7<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$50,000 (FTY THO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$140 (ONEHUNFRY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$70\$ (SEVENTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$70.

(4) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$42\$ (FRY TWO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$42.

(5) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$28\$ (TWY EGT) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$21\$ (TWY ONE) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$21.

(7) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$14\$ (FORTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$14.

(8) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal,

nal, and a prize play symbol of \$10<sup>00</sup> (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$7<sup>00</sup> (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$50,000 (FTY THO) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$140 (ONEHUNFRY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$70\$ (SEVENTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(4) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$42\$ (FRY TWO) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$42.

(5) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$28\$ (TWY EGT) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$21\$ (TWY ONE) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$21.

(7) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$14\$ (FORTN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(8) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "Fast \$20" bonus area is: Holders of tickets with a prize play symbol of \$14\$ (FORTN) in the "Fast \$14" bonus area, on a single ticket, shall be entitled to a prize of \$14.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Fast \$14 bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,680,000 Tickets</i>
	\$5			\$5	1:28.57	58,800
		\$5		\$5	1:28.57	58,800
			\$5	\$5	1:30	56,000
	\$7			\$7	1:100	16,800
		\$7		\$7	1:200	8,400
			\$7	\$7	1:200	8,400
			\$5 × 2	\$10	1:120	14,000
	\$10			\$10	1:120	14,000
		\$10		\$10	1:120	14,000
	\$7		\$7	\$14	1:100	16,800
	\$7	\$7		\$14	1:100	16,800
		\$7	\$7	\$14	1:100	16,800
\$14				\$14	1:13.04	128,800
	\$7	\$7	\$7	\$21	1:150	11,200
			\$7 × 3	\$21	1:200	8,400
\$14	\$7			\$21	1:200	8,400
\$14		\$7		\$21	1:200	8,400
\$14			\$7	\$21	1:200	8,400
	\$21			\$21	1:300	5,600
		\$21		\$21	1:600	2,800
			\$21	\$21	1:600	2,800
\$14	\$14			\$28	1:3,429	490
\$14		\$14		\$28	1:3,429	490
\$14			\$14	\$28	1:3,429	490
\$14			\$7 × 2	\$28	1:3,429	490
			\$7 × 4	\$28	1:3,429	490
	\$28			\$28	1:12,000	140

<i>Fast \$14 bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,680,000 Tickets</i>
		\$28		\$28	1:12,000	140
			\$28	\$28	1:12,000	140
\$14			\$14 × 2	\$42	1:40,000	42
\$14			\$7 × 4	\$42	1:40,000	42
\$14	\$14	\$14		\$42	1:40,000	42
\$14		\$14	\$14	\$42	1:40,000	42
\$14	\$14		\$14	\$42	1:40,000	42
			\$21 × 2	\$42	1:60,000	28
			\$7 × 6	\$42	1:120,000	14
	\$42			\$42	1:120,000	14
		\$42		\$42	1:120,000	14
			\$42	\$42	1:120,000	14
\$14			\$14 × 4	\$70	1:120,000	14
\$14	\$14	\$14	\$7 × 4	\$70	1:120,000	14
	\$70			\$70	1:120,000	14
		\$70		\$70	1:120,000	14
			\$70	\$70	1:120,000	14
			\$70 × 2	\$140	1:84,000	20
	\$140			\$140	1:420,000	4
		\$140		\$140	1:420,000	4
			\$140	\$140	1:420,000	4
	\$50,000			\$50,000	1:1,680,000	1
		\$50,000		\$50,000	1:1,680,000	1
			\$50,000	\$50,000	1:1,680,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cupid Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cupid Cash, prize money from winning Pennsylvania Cupid Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cupid Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cupid Cash or through normal communications methods.

LARRY P. WILLIAMS,  
Secretary

[Pa.B. Doc. No. 02-2189. Filed for public inspection December 6, 2002, 9:00 a.m.]

**Pennsylvania Fantasy 5's Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Fantasy 5's.

2. *Price:* The price of a Pennsylvania Fantasy 5's instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Fantasy 5's instant lottery game ticket will contain five play areas known as Game 1, Game 2, Game 3, Game 4 and Game 5. Each game has a different game play method and is played separately.

(b) The play symbols and their captions located in the play area for Game 1 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$55\$ (FTY FIV), \$110 (ONEHUNTEN) and \$55,55\$ (FTYFIVTHOFFF).

(c) The play symbols and their captions located in the "Your" and "Their" areas for Game 2, in the play area for Game 3 and in the "Lucky Number" and "Your Numbers" areas for Game 5 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the "Prize" area for Game 2 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$55\$ (FTY FIV) and \$110 (ONEHUNTEN).

(b) The prize play symbols and their captions located in the "Prize" area for Game 3 and in the six "Prize" areas for Game 5 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$55\$ (FTY FIV), \$110 (ONEHUNTEN) and \$55,55\$ (FTYFIVTHOFFF).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area for Game 4 are: \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$55\$ (FTY FIV) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in Game 1, Game 3 and Game 5 are \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$25, \$55, \$110 and \$55,555. The prizes that can be won in Game 2 are \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$25, \$55 and \$110. The prizes that can be won in Game 4 are \$15, \$20, \$25 and \$55. A player can win up to nine times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Fantasy 5's instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching play symbols of \$55,555 (FTYFIVTHOFFF) in the play area, on a single ticket, shall be entitled to a prize of \$55,555.

(2) Holders of tickets with three matching play symbols of \$110 (ONEHUNTEN) in the play area, on a single ticket, shall be entitled to a prize of \$110.

(3) Holders of tickets with three matching play symbols of \$55\$ (FTY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$55.

(4) Holders of tickets with three matching play symbols of \$25\$ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets with three matching play symbols of \$12\$ (TWELV) in the play area, on a single ticket, shall be entitled to a prize of \$12.

(8) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching play symbols of \$7<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$110 (ONEHUNTEN) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$110.

(2) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$55\$ (FTY FIV) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$55.

(3) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and

a prize play symbol of \$25\$ (TWY FIV) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$25.

(4) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$15.

(6) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$12.

(7) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$55,555 (FTYFIVTHOFFF) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$55,555.

(2) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$110 (ONEHUNTEN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$110.

(3) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$55\$ (FTY FIV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$55.

(4) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$25\$ (TWY FIV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$12\$ (TWELV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$12.

(8) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets with three matching 5 (FIVE) play symbols in the same row, column or diagonal and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Game 4 are:

(1) Holders of tickets with a \$55\$ (FTY FIV) play symbol in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$55.

(2) Holders of tickets with a \$25\$ (TWY FIV) play symbol in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$25.

(3) Holders of tickets with a \$20\$ (TWENTY) play symbol in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(4) Holders of tickets with a \$15\$ (FIFTN) play symbol in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$15.

(e) Determination of prize winners for Game 5 are:

(1) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$55,555 (FTYFIVTHOFFF) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$55,555.

(2) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$110 (ONEHUNTEN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$110.

(3) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$55\$ (FTY FIV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$55.

(4) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$25\$ (TWY FIV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(8) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets upon which any one of the "Your Numbers" play symbols match the "Lucky Number" play symbol and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:



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NOTICES

<i>Game 1</i>	<i>Game 2</i>	<i>Game 4</i>	<i>Game 3</i>	<i>Game 5</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winner Per 3,600,000 Tickets</i>
\$5					\$5	1:27.27	132,000
	\$5				\$5	1:28.57	126,000
			\$5		\$5	1:28.57	126,000
				\$5	\$5	1:28.57	126,000
\$6					\$6	1:600	6,000
	\$6				\$6	1:600	6,000
			\$6		\$6	1:600	6,000
				\$6	\$6	1:300	12,000
\$7					\$7	1:600	6,000
	\$7				\$7	1:600	6,000
			\$7		\$7	1:600	6,000
				\$7	\$7	1:300	12,000
\$10					\$10	1:600	6,000
	\$10				\$10	1:600	6,000
			\$10		\$10	1:600	6,000
				\$10	\$10	1:600	6,000
\$5	\$5				\$10	1:600	6,000
\$5			\$5		\$10	1:600	6,000
	\$5		\$5		\$10	1:600	6,000
	\$5			\$5	\$10	1:600	6,000
			\$5	\$5	\$10	1:600	6,000
				\$5 × 2	\$10	1:600	6,000
\$12					\$12	1:600	6,000
	\$12				\$12	1:600	6,000
			\$12		\$12	1:600	6,000
				\$12	\$12	1:600	6,000
\$6	\$6				\$12	1:600	6,000
\$6			\$6		\$12	1:600	6,000
\$6				\$6	\$12	1:600	6,000
	\$6		\$6		\$12	1:600	6,000
	\$6			\$6	\$12	1:600	6,000
				\$6 × 2	\$12	1:600	6,000
\$15					\$15	1:600	6,000
	\$15				\$15	1:600	6,000
		\$15			\$15	1:100	36,000
			\$15		\$15	1:600	6,000
				\$15	\$15	1:600	6,000
\$5	\$5		\$5		\$15	1:600	6,000
\$5	\$5			\$5	\$15	1:600	6,000
	\$5		\$5	\$5	\$15	1:600	6,000
				\$5 × 3	\$15	1:600	6,000
\$20					\$20	1:600	6,000
	\$20				\$20	1:600	6,000
		\$20			\$20	1:600	6,000
			\$20		\$20	1:600	6,000
				\$20	\$20	1:600	6,000
\$5		\$15			\$20	1:600	6,000
	\$5	\$15			\$20	1:600	6,000
		\$15	\$5		\$20	1:600	6,000
		\$15		\$5	\$20	1:600	6,000
				\$5 × 4	\$20	1:600	6,000
\$25					\$25	1:600	6,000
	\$25				\$25	1:600	6,000
		\$25			\$25	1:600	6,000
			\$25		\$25	1:600	6,000
				\$25	\$25	1:600	6,000
\$5	\$5	\$15			\$25	1:600	6,000
	\$5	\$15	\$5		\$25	1:600	6,000
		\$15	\$5	\$5	\$25	1:600	6,000
\$5		\$20			\$25	1:600	6,000
		\$20	\$5		\$25	1:600	6,000
\$55					\$55	1:1,846	1,950
	\$55				\$55	1:1,846	1,950
		\$55			\$55	1:118.81	30,300
			\$55		\$55	1:1,846	1,950
				\$55	\$55	1:1,846	1,950

Game 1	Game 2	Game 4	Game 3	Game 5	Win	Approximate Odds	Approximate No. of Winner Per 3,600,000 Tickets
\$25	\$25		\$5		\$55	1:2,667	1,350
	\$25		\$25	\$5	\$55	1:2,667	1,350
\$5			\$25	\$25	\$55	1:2,667	1,350
\$5	\$5	\$15	\$5	\$5 × 5	\$55	1:2,667	1,350
\$10	\$10	\$15	\$10	\$10	\$55	1:2,667	1,350
\$15	\$15	\$15	\$10		\$55	1:2,667	1,350
\$20	\$20			\$5 × 3	\$55	1:6,000	600
	\$25			\$5 × 6	\$55	1:6,000	600
\$25		\$15		\$5 × 3	\$55	1:2,667	1,350
\$15	\$15	\$25			\$55	1:2,667	1,350
	\$15	\$25	\$15		\$55	1:2,667	1,350
		\$25		\$5 × 6	\$55	1:2,667	1,350
\$25		\$20		\$5 × 2	\$55	1:2,667	1,350
\$25		\$25	\$5		\$55	1:2,667	1,350
\$25				\$5 × 6	\$55	1:6,000	600
\$5	\$25	\$25			\$55	1:2,667	1,350
	\$5	\$25	\$25		\$55	1:2,667	1,350
		\$25	\$5	\$25	\$55	1:2,667	1,350
\$110					\$110	1:720,000	5
	\$110				\$110	1:720,000	5
			\$110		\$110	1:720,000	5
				\$110	\$110	1:720,000	5
\$55	\$55				\$110	1:720,000	5
	\$55		\$55		\$110	1:720,000	5
\$55		\$55			\$110	1:720,000	5
\$10				\$20 × 5	\$110	1:720,000	5
	\$10			\$25 × 4	\$110	1:720,000	5
				\$55 × 2	\$110	1:720,000	5
\$55,555					\$55,555	1:3,600,000	1
			\$55,555		\$55,555	1:3,600,000	1
				\$55,555	\$55,555	1:3,600,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fantasy 5's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Fantasy 5's, prize money from winning Pennsylvania Fantasy 5's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Fantasy 5's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Fantasy 5's or through normal communications methods.

LARRY P. WILLIAMS,  
Secretary

[Pa.B. Doc. No. 02-2190. Filed for public inspection December 6, 2002, 9:00 a.m.]

**Rates of Tax on Aviation Gasoline and Jet Fuel for 2003; Oil Company Franchise Tax Rate for 2003**

*Aviation Gasoline and Jet Fuels*

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for the calendar year 2003 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines will remain at the current rate of 4 1/10¢\* per gallon or fractional part thereof.

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for the calendar year 2003 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines will remain at the current rate of 1 8/10¢ per gallon or fractional part thereof.

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter. The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 1/10¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics,

\* The rate of 4 1/10¢ per gallon consists of the 1 1/2¢ per gallon tax imposed by the Liquid Fuels and Fuels Tax Act, 75 Pa.C.S. § 9004(c)(1) (relating to imposition of tax, exemptions and deductions), and the 2 6/10¢ per gallon additional tax imposed by 74 Pa.C.S. § 6121(a). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

for the most recent 12-month period available as of November 1, subject to a maximum rate of 6¢ per gallon for aviation gasoline and 2¢ per gallon for jet fuels. On November 1, 2002, the most recently available 12-month period was September 2001 to September 2002, as reported in Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2002, USDL 02-581, released October 11, 2002, for which the percentage change was -2.3%. Accordingly, as the percentage change is less than 10%, the current aviation gasoline tax rate and jet fuel tax rate will remain unchanged.

*Oil Company Franchise Tax*

The Secretary announces that for the calendar year 2003 there is a decrease in the current rate of the oil company franchise tax from 14.6¢ per gallon to 13.9¢ per gallon on all liquid fuels and from 19.8¢ per gallon to 18.8¢ per gallon on all fuels used or sold and delivered by distributors within this Commonwealth under 75 Pa.C.S. §§ 9002 and 9004(b) (relating to definitions; and imposition of tax, exemptions and deductions), definition of "cents per gallon equivalent basis."

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes or highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax) and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a "cents per gallon equivalent basis," which is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the Pennsylvania Bulletin no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

"Average wholesale price" is defined as:

The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.

For the 12-month period ending September 30, 2002, the Department has determined that the average wholesale price of liquid fuels and fuels was less than 90¢ per gallon; accordingly, an average wholesale price of 90¢ per gallon is used to determine the rate for 2003.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
Total Mills per Gallon:	153.5	208.5
Decimal Equivalent:	.1535	.2085
Multiply by Average Wholesale Price:	× 90.0¢	× 90.0¢
Product:	13.815¢	18.765¢
Oil Company Franchise Tax per Gallon (Rounded Up to Next Highest Tenth):	13.9¢	18.8¢

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as computed is collected at the same time as the liquid fuels and fuels tax of 12¢ per gallon; therefore, effective January 1, 2003, the combined rate of tax for liquid fuels (primarily gasoline) is 25.9¢ per gallon and for fuels (primarily diesel fuel) is 30.8¢ per gallon.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-2191. Filed for public inspection December 6, 2002, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Indiana County

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

The Department of Transportation (Department) plans to replace the existing Lewis Bridge, carrying T-398 over the Little Mahoning Creek in West Mahoning Township, Indiana County. The existing Lewis Bridge has been determined eligible for the National Register of Historic Places. The effect of this project on the existing Lewis Bridge will be mitigated by the following measures to minimize harm to the resources.

1. The Department, in consultation with the State Historic Preservation Office (SHPO), shall ensure that a plan is prepared for marketing the Lewis Bridge. This marketing plan shall include the following elements:

- Photographs of the current bridge (the property).
- A tax parcel map.
- A current inspection report assessing the condition of the bridge.
- Information on the cost of purchasing the bridge.
- Information on the property's historic significance.
- Information on tax benefits available for rehabilitation of historic properties.
- Notification that the purchaser shall be responsible for the relocation of the property.
- Notification that the purchaser will be required to rehabilitate and maintain the property in accordance with the recommended approaches in the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for*

*Rehabilitating Historic Buildings* (United States Department of the Interior, National Park Service, 1992);

- Notification that the transfer or sale of the property will include preservation covenants and deed restrictions in the documents transferring the property to the purchaser which shall be recorded with the appropriate local government authority.

- A distribution list of potential purchasers.
- An advertising plan and schedule.
- A schedule for receiving and reviewing offers.

2. The SHPO will be afforded 30 days to concur with the marketing plan. Upon the SHPO's concurrence with the marketing plan or after resolution of any disagreement, in accordance with Administrative Condition D.1 of the Memorandum of Agreement (MOA), the Department shall implement the marketing plan.

3. The Department, in consultation with the SHPO, shall review each offer it receives in response to the marketing plan and select one that meets the following requirements:

- The plan provides for the relocation and rehabilitation of the property as stipulated in the marketing plan.
- The SHPO will be afforded 30 days to review and to concur with the relocation site that provides an appropriate context for the preservation of the property.
- The offerer has the financial and technical ability to carry out the terms of the offer.
- The offerer agrees to accept transfer of the property with the preservation covenants and deed restrictions subject to subparagraph 5.

4. If the Lewis Bridge is successfully marketed, the SHPO will be afforded 30 days to review and concur with the preservation covenants and deed restrictions.

5. If the Department receives no offer that will conform to the requirements of subparagraph 3, the Department, in consultation with the SHPO, may modify the requirements and reoffer the property or the Department may demolish the property. Should the SHPO object to the Department's decision regarding the property, the SHPO shall implement Administrative Condition D.1 of the MOA.

6. The Department shall ensure that the Lewis Bridge is documented to State-level standards prior to its demolition. The documentation will include a short narrative on the bridge and photographic recordation which will be submitted to the SHPO for review and comment. Copies of the approved documentation will be made available to the SHPO and the Historical and Genealogical Society of Indiana County.

- The Department shall ensure that the narrative provides a physical description of the Lewis Bridge.

- The Department shall ensure that the photographic documentation of the bridge follows standards established by the Historical and Museum Commission. These standards include preparing archive quality, 35mm black and white photographs printed in a 5 inch by 7 inch format and each print labeled in pencil with the name and location of the bridge, date of photograph and view shown. The photographs will be keyed to a site plan/map.

7. The Department shall ensure that a display board about the Lewis Bridge will be prepared. The display board will outline a brief history of the bridge and provide information on other truss bridges in Indiana County. The

SHPO will be provided drafts of the text, graphics and layout of the display board for comment. The Department will make the display board available to the public through the public library, local schools, community groups or historical societies suggested by the SHPO.

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

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

BRADLEY L. MALLORY  
*Secretary*

[Pa.B. Doc. No. 02-2192. Filed for public inspection December 6, 2002, 9:00 a.m.]

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## ENVIRONMENTAL HEARING BOARD

### Solebury Township v. DEP and New Hope Crushed Stone and Lime Company; EHB Doc. No. 2002-288-MG

Solebury Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to New Hope Crushed Stone and Lime Company for a facility in Solebury Township, Bucks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal 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. 02-2193. Filed for public inspection December 6, 2002, 9:00 a.m.]

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### United States Steel Corporation v. DEP; EHB Doc. No. 2002-292-MG

United States Steel Corporation has appealed the issuance by the Department of Environmental Protection of an NPDES permit to United States Steel Corporation for a facility in Falls Township, Bucks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal 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. 02-2194. Filed for public inspection December 6, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 21, 2002, and announced the following:

*Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective November 14, 2002:*

State Architects Licensure Board #16A-416: Examination Fees (49 Pa. Code Chapter 9)

*Actions Taken—Regulations Approved:*

Department of Agriculture #2-135: Dog Licensure (amends 7 Pa. Code Chapter 21)

State Board of Education #6-275: Academic Standards and Assessment for Civics and Government; Economics; Geography and History (amends 22 Pa. Code Chapter 4)

State Board of Education #6-276: Academic Standards and Assessment for Arts and Humanities; Health, Safety and Physical Education; and Family and Consumer Sciences (amends 22 Pa. Code Chapter 4)

Department of Conservation and Natural Resources #7B-4: State Forest Picnic Areas (amends 17 Pa. Code Chapter 23)

Insurance Department #11-210: Workers' Compensation Security Fund (amends 31 Pa. Code Chapter 165)

Underground Storage Tank Indemnification Board #11-216: Fees and Collection Procedures (amends 25 Pa. Code Chapter 977)

Department of Public Welfare #14-452: Early Intervention Services (amends 55 Pa. Code by adding Chapter 4226 and deleting Chapter 4225)

State Board of Certified Real Estate Appraisers #16A-7011: Fees for Board Services (amends 49 Pa. Code Chapter 36)

### Approval Order

Public Meeting held  
November 21, 2002

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

*Department of Agriculture—Dog Licensure;  
Regulation No. 2-135*

On December 21, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code Chapter 21. The proposed regulation was published in the January 5, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 21, 2002.

This regulation amends the dog licensure regulations to make them consistent with licensure requirements in Act 151 of 1996. Specifically, the regulation establishes procedures for obtaining a lifetime license when a dog is implanted with a microchip. It also updates record keeping requirements.

We have determined this regulation is consistent with the statutory authority of the Department (3 P. S. § 459-201(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
November 21, 2002

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

*State Board of Education—Academic Standards and  
Assessment for Civics and Government; Economics;  
Geography and History; Regulation No. 6-275*

On January 31, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 4. The proposed regulation was published in the February 16, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 3, 2002. On September 11, 2002, the Board withdrew this final-form regulation. On October 18, 2002, the Board resubmitted the final-form regulation to the Commission.

The regulation establishes specific academic standards for the subject areas of Civics and Government, Economics, Geography and History. The standards describe what students are expected to know by the end of the third, sixth, ninth and twelfth grades.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. § 26-2603-B(k)) and the intention of the General Assembly. Having

considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
November 21, 2002

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

*State Board of Education—Academic Standards and Assessment for Arts and Humanities; Health, Safety and Physical Education; and Family and Consumer Sciences; Regulation No. 6-276*

On January 31, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 4. The proposed regulation was published in the February 16, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was initially submitted to the Commission on September 3, 2002, but was subsequently withdrawn to correct some technical errors. The final-form regulation was resubmitted on October 18, 2002.

The final-form regulation incorporates three sets of academic standards. The first set describes what students are expected to know by the end of the third, fifth, eighth and twelfth grades for Arts and Humanities. The second and third sets describe what students are expected to know by the end of third, sixth, ninth and twelfth grades for Health, Safety and Physical Education, and Family and Consumer Sciences.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. § 26-2603-B(k)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
November 21, 2002

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

*Department of Conservation and Natural Resources—State Forest Picnic Areas; Regulation No. 7B-4*

On May 22, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Conservation and Natural Resources (Department). This rulemaking amends 17 Pa. Code Chapter 23. The proposed regulation was published in the June 8, 2002, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on October 25, 2002.

This regulation modifies some rules of conduct for visitors, eliminates duplicative language, makes clarifications, and adds definitions.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. §§ 1340.302 and 1340.313, and 18 Pa.C.S. §§ 7505 and 7506) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
November 21, 2002

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

*Insurance Department—Workers' Compensation Security Fund; Regulation No. 11-210*

On July 2, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code Chapter 165. The proposed regulation was published in the July 13, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 25, 2002.

This final-form regulation establishes procedures to administer the Workers' Compensation Security Fund (Fund) and sets forth how contributions will be made to the Fund. Mandated by Act 49 of 2000, the regulation will apply to all insurers licensed to write Workers' Compensation insurance in this Commonwealth.

We have determined this regulation is consistent with the statutory authority of the Department (77 P. S. §§ 1051–1066) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
November 21, 2002

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

*Underground Storage Tank Indemnification Board—Fees and Collection Procedures; Regulation No. 11-216*

On October 25, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the Underground Storage Tank Indemnification Board (Board). This rulemaking amends 25 Pa. Code Chapter 977. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking increases the gallon fee from \$0.001 per gallon to \$0.01; the capacity fee from \$0.02 per gallon of capacity to \$0.075; and reflects the increase of the limits of liability prescribed by Act 99 of 2001. The fee increases are needed to ensure the solvency of the Underground Storage Tank Indemnification Fund based on an actuarial analysis.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 6021.705) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
November 21, 2002

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

*Department of Public Welfare—Early Intervention Services; Regulation No. 14-452*

On May 23, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code by adding Chapter 4226 and deleting Chapter 4225. The proposed regulation was published in the June 3, 2000, *Pennsylvania Bulletin* with a 150-day public comment period. The final-form regulation was submitted to the Commission on October 24, 2002.

This final-form regulation codifies procedures and standards for providing early intervention services to children under age 3 who receive services from the County Mental Health and Mental Retardation programs. Mandated by Act 212 of 1990, the regulation sets forth a county's responsibilities for early intervention services.

We have determined this regulation is consistent with the statutory authority of the Department (11 P. S. §§ 875-101—875-503) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
November 21, 2002

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

*State Board of Certified Real Estate Appraisers—Fees for Board Services; Regulation No. 16A-7011*

On October 4, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Certified Real Estate

Appraisers (Board). This rulemaking amends 49 Pa. Code Chapter 36. The proposed regulation was published in the October 14, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 24, 2002.

The Board is required to establish fees that cover expenditures over a biennial period. As a result of an audit, the Board identified five existing fees that were less than the actual cost of providing the services. In addition to increases in these five fees, the Board has also added a new fee for processing an application to be a continuing education provider.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 457.5(6)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-2195. Filed for public inspection December 6, 2002, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides that the designated standing Committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the Committee comment period. The Commission comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. Each agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of Public Comment Period</i>	<i>IRRC Comments Issued</i>
10-155	Department of Health Recreational Swimming Establishment Lifeguard Requirements (32 Pa.B. 4581 (September 21, 2002))	10/21/02	11/22/02
10-169	Department of Health Supplemental Nutrition Program for Women, Infants and Children (32 Pa.B. 4585 (September 21, 2002))	10/21/02	11/22/02

**Department of Health Regulation No. 10-155  
Recreational Swimming Establishment Lifeguard  
Requirements**

**November 22, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Department of Health (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 18.1. Definitions.—Clarity.**

The term “bather” is defined as “a person using a recreational swimming establishment . . . for the purpose of swimming, water sports or other recreational activity.” The final-form regulation should clarify if “bather” includes a person in the pool area who does not intend to swim, such as a parent who accompanies a child to the pool.

**2. Section 18.42(a)(1)—Clarity.**

This section lists the three organizations that the Department recognizes as lifeguard certification authorities. Subsection (a)(1) outlines the requirements that other organizations, that want to become lifeguard certifying authorities, must follow to obtain qualification. For clarity, subsection (a)(1) should be renumbered to become subsection (b), with paragraphs (2)—(4) being renumbered and placed under the new subsection (b). Current subsections (b)—(d) should also be renumbered accordingly.

**3. Section 18.42(c)(1)—Legislative Intent; Reasonableness; Economic Impact; Clarity.**

Subsection (c)(1) requires at least one lifeguard for every 4,000 square feet of water surface area “at all times the establishment is open to use by bathers for general swim purposes.” In the Preamble, the Department notes “Nationally recognized lifeguard training organizations, such as the Red Cross and Ellis and Associates, recommend that each lifeguard be able to survey the lifeguard’s assigned area every 10 seconds and be able to respond to a distressed swimmer within 20 seconds.” The Department further notes that the “10/20 rule” is the basis upon which most lifeguards are trained. We have several questions.

- Given that the Red Cross and Ellis and Associates are listed in the proposed regulation as recognized lifeguard certifying authorities, why didn’t the Department utilize the “10/20 rule” for determining lifeguard staffing requirements?

- Did the Department consider allowing swimming establishments to use either the “10/20 rule” or square footage of water surface area to determine the required number of lifeguards under a Department-approved plan?

- Has the Department considered reviewing lifeguard coverage plans for individual facilities?

- Alternatively, has the Department considered including provisions in the regulation which would allow a swimming establishment to petition the Department for a waiver of the standard lifeguard requirements where the facility can demonstrate that an alternate lifeguard coverage plan achieves an adequate level of safety?

Furthermore, a review of the House of Representative’s Legislative Journal leads us to question whether the proposed regulation is consistent with the legislative intent of Act 75 of 1998. The prime sponsor of Act 75 of 1998, Senator Michael L. Waugh, during the floor debate on the legislation stated, “The two amendments primarily will require that the Department of Health use industry standards when creating regulations for the required numbers of lifeguards at public bathing facilities . . .” (1998 House Legislative Journal, page 1457). We request the Department explain how the proposed requirement for one lifeguard for every 4,000 square feet is consistent with the legislative intent of Act 75 of 1998.

In addition, some commentators are concerned that the proposed lifeguard staffing requirements will significantly increase facility operating costs without enhancing bather safety. Commentators have suggested that a more effective approach would be to require each swimming establishment to submit a lifeguard coverage plan for the Department’s review and approval. They assert this approach would allow more flexibility in determining the required minimum number of lifeguards, while maintaining safety.

Representative Keith R. McCall commented on this issue on behalf of Palmerton Memorial Park Association (PMPA). He writes that “PMPA believes that lifeguard staffing is best suited to times of the day and attendance at the pool.” We note that the square footage standard contained in the proposed regulation does not take into account the number of patrons using the facility. Will sole reliance on the square footage standard create an undue financial burden on facilities at times when there are only a small number of bathers using the facility?

**4. Section 18.42(c)(1)(iii)—Clarity.**

This provision requires a minimum of “two certified lifeguards present and available whenever the recreational swimming establishment is being used by bathers.” There are two issues.

First, commentators assert that during restricted access swimming periods, such as early morning lap swimming, requiring two lifeguards is neither feasible nor necessary. They suggest amending the regulation to require a minimum of two lifeguards “when the establishment is open to the general public for recreational swimming.” It is our understanding that during restricted swimming access, only one certified lifeguard is required under subsection (c)(3). The language suggested by commentators would clarify this provision. Therefore, the Department should adopt the revision.

Second, the phrase “present and available” is vague. Does this phrase mean that both lifeguards are required to be at the waterside at all times? Or does the lifeguard location depend on the square footage of the water surface area?

**5. Section 18.42(c)(1)(iii)—Clarity.**

This subsection provides that the Department may require additional lifeguards under certain circumstances, such as when the shape or size of the pool prevents the lifeguard from monitoring the assigned area. Does the Department make this determination as part of the initial permitting process? The final-form regulation should specify how and when the swimming establishment will be notified that additional lifeguards are required.

**6. Section 18.42(c)(3)—Clarity.**

This subsection addresses instances in which access to the swimming establishment is limited, such as swim



meets, swim team practices, learn-to-swim programs, lifeguard training and other special events. During these activities "at least one certified lifeguard, whose sole duty is to protect the bathers, shall be present at waterside during the event." The Department should clarify whether the certified lifeguard is required to be an employee of the swimming establishment, or if the group holding the special event can provide the certified lifeguard.

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**Department of Health Regulation No. 10-169**

**Supplemental Nutrition Program for Women,  
Infants and Children**

**November 22, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Department of Health (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 1103.4. Selection criteria for authorization and reauthorization.—Clarity.**

Paragraph (5) states "the maximum allowable prices for allowable foods" will be published in the *Pennsylvania Bulletin* each quarter. Some stores, such as smaller independent stores, may not have ready access to the *Pennsylvania Bulletin*, or would have to monitor the *Pennsylvania Bulletin* for this information to maintain compliance. This notice could be provided more directly. In addition to the *Pennsylvania Bulletin* publication, the Department could state this information will also be available on the Department's website along with its website address. Alternatively, notice along with prices could be sent directly to authorized stores.

**2. Section 1107.1a. Disqualification.—Reasonableness; Clarity.**

This section contains provisions for store disqualification. The United States Department of Agriculture recommends that the phrase, "two or more instances of" be included in § 1107.1a(d)(2), (5), (6), (11) and (12). The Department should add this phrase or explain why it is not necessary.

**3. General—Fiscal Impact; Reasonableness.**

A commentator believes the cost and savings projected for this regulation do not properly reflect a hardship on Nutritional Services and Administration funds. In the Preamble to the final-form regulation, the Department should further explain the fiscal impact of the new regulation.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-2196. Filed for public inspection December 6, 2002, 9:00 a.m.]

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# INSURANCE DEPARTMENT

## Geisinger Health Plan; Rate Filing

On November 22, 2002, Geisinger Health Plan submitted a filing to increase the nongroup base medical and pharmacy plan rates. The proposed rate adjustment for the medical program is 5.7% and 42.6% for the 50% pharmacy plan. Additionally, the filing proposes age/gender rating factors for the nongroup subscribers. The proposed effective date is April 1, 2003.

This filing is available for public inspection during normal working hours at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions, or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2197. Filed for public inspection December 6, 2002, 9:00 a.m.]

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## Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 26, 2002, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing for a loss cost level change for workers' compensation insurance. This filing is made in accordance with section 705 of Act 44 of 1993. The PCRB requests an overall 2.41% decrease in collectible loss costs, effective April 1, 2003, on a new and renewal basis. Also, the PCRB has calculated the Employer Assessment Factor effective April 1, 2003, to be 2.80%, as compared to the currently approved provision of 3.37%. The PCRB proposes varying surcharges to four classifications (code 807—nonvolunteer ambulance services, code 985—salaried police or firefighters, code 993—volunteer ambulance corps and code 994—volunteer fire companies) to reflect increased likelihood of workers' compensation claims for Hepatitis C under provisions of House Bill 1633 as enacted in December 2001. Updates to a variety of other rating values to reflect the most recent available experience are also being submitted for approval. Finally, the filing includes proposed additions and/or changes to other manual rules consistent with intended practice as regards workers' compensation insurance options, classification procedures and related matters.

The entire April 1, 2003, loss cost filing will be available for review on the PCRB website at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and

Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, e-mail [kcreighton@state.pa.us](mailto:kcreighton@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2198. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

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

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Randolph K. Schneider, file no. 02-4904-91301, State Farm Mutual Automobile Insurance Company; doc. no. E02-11-022; February 26, 2003, at 12:30 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Marta Alicea; file no. 02-267-05511; Great American Insurance Company; doc. no. PH02-11-011; January 30, 2003, at 9 a.m.

Appeal of Cecelia M. and Dennis J. White-Powell; file no. 02-215-05306; Erie Insurance Exchange; doc. no. PH02-11-012; January 30, 2003, at 11:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

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

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and

stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2199. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Pittsburgh and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of William C. Brick; file no. 02-124-08978; State Farm Fire and Casualty Insurance Company; doc. no. PI02-11-005; February 26, 2003, at 10:30 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Matthew A. and Deborah A. Delp, Jr.; file no. 02-215-05148; Erie Insurance Exchange; doc. no. PH02-11-010; March 5, 2003, at 12:30 p.m.

Appeal of Joann Boyd; file no. 02-210-05711; Erie Insurance Exchange; doc. no. PH02-11-019; March 5, 2003, at 2 p.m.

Appeal of Terence Roy; file no. 02-215-04735; Keystone Insurance Company; doc. no. PH02-11-009; March 5, 2003, at 3:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or

their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2200. Filed for public inspection December 6, 2002, 9:00 a.m.]

**Viatical Settlements Act Applications Notice; Notice No. 2002-14**

Under section 17 of the act of July 4, 2002 (P. L. 699, No. 107), known as the Viatical Settlements Act (act), the Insurance Department (Department) is hereby publishing notice that applications for viatical settlement broker licenses and viatical settlement provider licenses are now available.

Viatical settlement broker license applications are available by contacting Refa Brown, Supervisor, Bureau

of Producer Services, 1300 Strawberry Square, Harrisburg, PA 17120, (717) 787-3840, rebrown@state.pa.us.

Viatical settlement provider license applications are available by contacting Robert Brackbill, Chief, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2143, rbrackbill@state.pa.us.

Both applications are available to be downloaded from the Department's website: <http://www.insurance.state.pa.us>.

The effective date of the act is January 2, 2003, and although the Department will accept applications prior to that date, no viatical settlement broker or viatical settlement provider licenses will be issued until on or after the effective date. As provided in section 17 of the act, those persons who are engaged in the business of viatical settlements in this Commonwealth on or before the effective date of the act may continue to do so pending the Department's approval or disapproval, so long as they have submitted a completed application to the Department within 30 days of this publication. Questions regarding this notice, the viatical settlement broker license application or the viatical settlement provider application should be directed to the persons previously identified.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2201. Filed for public inspection December 6, 2002, 9:00 a.m.]

VBL-02 (Corporation) Rev 08-02



COMMONWEALTH OF  
DEPARTMENT OF INSURANCE  
BUREAU OF PRODUCER SERVICES  
1300 STRAWBERRY SQUARE  
HARRISBURG, PA 17120  
[www.insurance.state.pa.us](http://www.insurance.state.pa.us)  
717-787-3840

**VIATICAL SETTLEMENT BROKER  
BUSINESS ENTITY LICENSE APPLICATION**

① Applicant Name		② Incorporation/Formation Date (month) ___(day) ___(year) ____		③ FEIN #: -	
④ DBA/Trade Name(s) (if applicable)		⑤ State of Domicile			
⑥ Corporate Address			⑦ City		⑧ State
⑨ Zip					
⑩ Corporate Phone Number ( ) -		⑪ Corporate Fax Number ( ) -		⑫ Corporate Web Site Address	
⑬ Corporate E-Mail Address					
⑭ Mailing Address (if different from above)		⑮ P.O. Box		⑯ City	
⑰ State					
⑱ Zip					

**Designated Licensed Individual Broker or Provider**

⑲ Designate every individual licensed as a viatical settlement broker who is authorized to act for the Broker Business Entity or is otherwise employed by or affiliated with the Broker Business Entity. The Broker Business Entity must have at least one Designated Licensed Individual Viatical Settlement Broker.

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ - - - Broker License #: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ - - - Broker License #: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ - - - Broker License #: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ - - - Broker License #: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ - - - Broker License #: \_\_\_\_\_

*(Please list any additional Individual Brokers on separate sheet)*

**Owners, Partners, Officers and Directors**

⑳ Identify all owners, partners, officers directors, board members, stockholders owning 10% or more interest, and any other persons having a material influence over the activities of the Broker Business Entity:

Name: \_\_\_\_\_ Title: \_\_\_\_\_ SSN: \_\_\_\_\_ - - -

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_ SSN: \_\_\_\_\_ - - -

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_ SSN: \_\_\_\_\_ - - -

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_ SSN: \_\_\_\_\_ - - -

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_ SSN: \_\_\_\_\_ - - -

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_ SSN: \_\_\_\_\_ - - -

Address: \_\_\_\_\_

*(Please list additional owners partners, officers, directors, board members, stockholders owning 10% or more interest, and any other persons having a material influence over the activities of the applicant on separate sheet)*

## VBL-02 (Corporation) Rev 08-02

## Background Information

① Please read the following very carefully and answer every question:

- A. Has the applicant or any person disclosed, or required to be disclosed, under question 20 above ever been convicted of, or currently charged with, committing a crime, whether or not adjudication was withheld? Yes  No

“CRIME” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations, summary offenses and juvenile offenses. “CONVICTED” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine. “CHARGED” includes, but is not limited to, pending criminal charges that have not been subject to a final adjudication or disposition and any charges that are pending completion of an accelerated rehabilitative disposition program or any similar program.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) an official, certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment or disposition related to the charges.

- B. Has the applicant or any person disclosed, or required to be disclosed, under question 20 ever been involved in an administrative proceeding regarding any professional or occupational license? Yes  No

“INVOLVED” means having a license censured, suspended, revoked, cancelled or terminated; or being assessed a fine, or any monetary penalty, placed on probation or supervision or surrendering a license to resolve an administrative action or investigation. “INVOLVED” also means being named as a party to an administrative or arbitration proceeding that is related to a professional or occupational license. “INVOLVED” also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee. “LICENSE” includes any license, certificate, permit, certification or designation issued by any federal, state or local governmental entity, administrative board, regulatory body or any other public or private entity, the issuance of which permits or authorizes a person to engage in a profession or occupation or perform specific activities relating to a profession or occupation.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license, the license number and the issuing body, and explaining the circumstances of each incident,
- b) an official, certified copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) an official, certified copy of the document that demonstrates the resolution of the charges or any final judgment or disposition entered in relation to the charges or allegations.

- C. Does the applicant or any person disclosed, or required to be disclosed, under question 20 currently hold, or has such entity or person ever held, a license related to the business of insurance or securities? Yes  No

“BUSINESS OF INSURANCE OR SECURITIES” includes, but is not limited to, acting as an insurance producer, agent, broker, third party administrator, bail bondsman, motor vehicle physical damage appraiser, securities dealer or broker, or under any license issued by the Department or any other state or federal insurance or securities regulator.

- D. Has any demand been made or judgment rendered against the applicant or person disclosed, or required to be disclosed, under question 20 for overdue monies by an insurer, insured, insurance producer, or a viatical settlement or securities entity or client, or has the applicant or any person disclosed or required to be disclosed under question 20 ever been subject to a bankruptcy proceeding? Yes  No

If you answer yes, you must attach to this application a written statement summarizing the details of the indebtedness and arrangements for repayment, and/or the type, date and location of the bankruptcy, as well as official, certified copies of any court documents pertaining to such demand, judgment or bankruptcy

- E. Has the applicant or any person disclosed, or required to be disclosed, under question 20 ever been notified by any jurisdiction in Pennsylvania of any delinquent tax obligation that is not the subject of a repayment agreement? Yes  No

If you answer yes, you must attach to this application a written statement identifying the jurisdiction(s) to which delinquent taxes are owed and the amount(s) owed.

- F. Is the applicant or any person identified, or required to be identified, under question 20 a party to, or ever been found liable, or adjudged guilty in, in any lawsuit, arbitration or other civil, criminal or administrative proceeding involving allegations or charges of fraud, misappropriation, improper commingling or conversion of funds, misrepresentation or breach of trust or fiduciary duty? Yes  No

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) an official, certified copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration or legal proceeding, and
- c) an official, certified copy of the documents that demonstrate the resolution of the allegations or charges or any final judgment.

- G. Has the applicant or any person disclosed, or required to be disclosed, under question 20 ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? Yes  No

**VBL-02 (Corporation) Rev 08-02**

*If you answer yes, you must attach to this application:*

- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a viatical settlement license, and
- b) copies of all relevant documents.

H. Is any person disclosed, or required to be disclosed, under question 20 the subject of a child support related subpoena or warrant? Yes  No

*If you answer yes, you must attach to this application an official, certified copy of the subpoena or warrant.*

I. Does any person disclosed, or required to be disclosed, under question 20 have any child support obligation in arrearage? Yes  No

*If you answer yes, you must attach to this application a statement identifying the number of months and the amounts that you are in arrearage.*

**Applicant's Certification and Attestation**  
**Viatical Settlement Broker Business Entity Officer Signature**

**22** The undersigned owner, partner, officer or director of the applicant hereby certifies, under penalty of perjury, that:

1. All of the information submitted in this application and all attachments is true and complete and that the undersigned is aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license or registration revocation or denial and may subject the applicant and the undersigned to civil or criminal penalties.
2. The applicant grants permission to the Insurance Department to verify any information supplied in this application or any attachment with any federal, state or local government agency, current or former employer, or any insurance, securities or viatical settlement related entity.
3. The Insurance Department may give any information concerning the applicant or any person identified, or required to be identified, under question 20 to any federal, state or local agency, or any other organization and the applicant and any person identified, or required to be identified, under question 20 releases the Insurance Department and any person acting on its behalf from any and all liability of whatever nature by reason of furnishing such information.
4. The applicant and any person identified, or required to be identified, under question 20 is familiar with the insurance and viatical settlement laws and regulations of the Commonwealth of Pennsylvania.
5. The undersigned is an authorized representative of the applicant and any person identified, or required to be identified, under question 20, and is permitted to answer the aforementioned questions and provide the information supplied in this application and any attachments on behalf of the applicant and any person identified, or required to be identified, under question 20. All answers and information provided in this application and any attachments are binding on the applicant and any person identified, or required to be identified, under question 20.

**SIGNATURE for Certification and Attestation**

\_\_\_\_\_  
Authorized Representative Signature

\_\_\_\_\_  
Contact Person Name

\_\_\_\_\_  
Print/Type Name and Title of Authorized Representative

\_\_\_\_\_  
Contact Person Phone Number

\_\_\_\_\_  
Contact Person's E-Mail Address

**Attachments**

1. Submit copies of the following documentation, as applicable: (i) Articles of Incorporation, (ii) Partnership Agreement, or (iii) Articles of Organization.
2. Certified copy of Certificate of Good Standing from the applicant's state of incorporation and domicile (if different than state of incorporation).
3. Certified copy of Fictitious Name Filing, if required, from Pennsylvania Department of State.
4. Certified copy of PA-100.
5. Resolutions are necessary if there are General Partners of the Partnership or Limited Partnership, Members of the Limited Liability Company, or Officers of the Corporation who will not be acting on behalf of the Partnership, Company, or Corporation under its agent license.
6. Each application for licensure shall be accompanied by a **non-refundable fee in the amount of \$100**

VBL-01 (Individual) Rev. 07-31-02



**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF INSURANCE**  
**BUREAU OF PRODUCER SERVICES**  
**1300 STRAWBERRY SQUARE**  
**HARRISBURG, PA 17120**  
[www.insurance.state.pa.us](http://www.insurance.state.pa.us)  
**717-787-3840**

**VIATICAL SETTLEMENT BROKER (INDIVIDUAL)**

1. Social Security Number		Mail correspondence to my: <input type="checkbox"/> Residence <input type="checkbox"/> Business			
2. Last Name	3. First Name	4. Middle Name	5. Date of Birth (Month) (Day) (Year)		
6. Residence/Home Address (Physical Location)		7. P. O. Box	8. City	9. State	10. Zip
11. Home Phone Number ( )	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female		13. Are you a Citizen of the United States? (If NO, of which Country are you a citizen?) <input type="checkbox"/> YES <input type="checkbox"/> NO		
14. Business Entity Name (If Applicable)					
15. Business Entity Address (Physical Location)		16. P. O. Box	17. City	18. State	19. Zip
20. Business Phone Number ( )	21. Business Fax Number ( )	22. Business E-Mail Address		23. Business Website Address	
24. Fictitious Name or Alias (If Any)					
<b>Viatical Settlement Broker/ Business Entity Affiliations</b>					
25. List your Viatical Settlement Broker or Entity Affiliation: (Complete only if the applicant engages in the business of viatical settlements under the name of, or will otherwise be affiliated or associated with, a business entity).					
Name of Business Entity _____					
26. Account for all time for the past five years. Give all employment experience starting with your present employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time positions. Attach a separate sheet if necessary.					
Name _____		From _____ To _____		Position Held _____	
City _____		State _____		Reason for Separation _____	
Name _____		From _____ To _____		Position Held _____	
City _____		State _____		Reason for Separation _____	
Name _____		From _____ To _____		Position Held _____	
City _____		State _____		Reason for Separation _____	
Name _____		From _____ To _____		Position Held _____	
City _____		State _____		Reason for Separation _____	

VBL-01 (Individual) Rev. 07-31-02

**Background Information**27. The applicant **MUST READ** the following very carefully and **ANSWER EVERY QUESTION:**

- A. Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?  YES  NO

“CRIME” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations, summary offenses and juvenile offenses. “CONVICTED” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine. “CHARGED” includes, but is not limited to, pending criminal charges that have not been subject to a final adjudication or disposition and any charges that are pending completion of an accelerated rehabilitative disposition program or any other similar program.

If you answer yes, you must attach to this application:

- i. a written statement explaining the circumstances of each incident,
- ii. an official, certified copy of the charging document, and
- iii. a certified copy of the official document which demonstrates the resolution of the charges or any final judgment or disposition related to the charges.

- B. Have you or any business in which you are or were an owner, partner, officer, director, stockholders owning 10% or more interest, or manager, or any business over which you had a material influence of its activities ever been involved in an administrative proceeding regarding any professional or occupational license?  YES  NO

“INVOLVED” means having a license censured, suspended, revoked, canceled, terminated; or being assessed a fine, or any monetary penalty, placed on probation or supervision or surrendering a license to resolve an administrative action or investigation. “INVOLVED” also means being named as a party to an administrative or arbitration proceeding that is related to a professional or occupational license. “INVOLVED” also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee. “LICENSE” includes any license, certificate, permit, certification, qualification, or designation issued by any federal, state or local governmental entity, administrative board, regulatory body or any other public or private entity, the issuance of which permits or authorizes a person to engage in a profession or occupation or perform specific activities relating to a profession or occupation.

If you answer yes, you must attach to this application:

- i. a written statement identifying the type of license, the license number and the issuing body, and explaining the circumstances of each incident,
- ii. an official, certified copy of the Notice of Hearing or other document that states the charges or allegations, and
- iii. an official, certified copy of the document that demonstrates the resolution of the charges or any final judgment or disposition entered in relation to the charges or allegations.

- C. Are you currently, or have you ever, held a license related to the business of insurance or securities?  YES  NO

“BUSINESS OF INSURANCE OR SECURITIES” includes acting as an insurance producer, agent, broker, third party administrator, bail bondsman, motor vehicle physical damage appraiser, securities dealer or broker, or under any other individual or business entity license issued by the Department or any other state or federal insurance or securities regulator.

If you answer yes, you must attach to this application a written statement identifying the type of license, the license number (including any national license number if applicable) and the issuing body.

- D. Has any demand been made or judgment rendered against you for overdue monies by an insurer, insured, insurance producer, or a viatical settlement or securities entity or client, or have you ever been subject to a bankruptcy proceeding?  YES  NO

If you answer yes, you must attach to this application a written statement summarizing the details of the indebtedness and arrangements for repayment, and/or type, date, and location of the bankruptcy, as well as official, certified copies of any court documents pertaining to such demand, judgment or bankruptcy.

- E. Have you been notified by any jurisdiction in Pennsylvania of any delinquent tax obligation that is not the subject of a repayment agreement?

YES  NO

If you answer yes, you must attach to this application a written statement identifying the jurisdiction(s) to which delinquent taxes are owed and the amount(s) owed.

- F. Are you currently a party to, or have you ever been found liable, or adjudged guilty in, any lawsuit, arbitration or other civil, criminal or administrative proceeding involving allegations or charges of fraud, misappropriation, improper commingling or conversion of funds, misrepresentation or breach of trust or fiduciary duty?  YES  NO



VBL-01 (Individual) Rev. 07-31-02

*If you answer yes, you must attach to this application:*

- i. a written statement summarizing the details of each incident,
- ii. an official, certified copy of the Petition, Complaint or other document that commenced the lawsuit, r arbitration or legal proceeding, and
- iii. an official, certified copy of the documents that demonstrate the resolution of the allegations or charges or any final judgment.

G. Have you or any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?  YES  NO

*If you answer yes, you must attach to this application:*

- i. a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a viatical settlement license, and
- ii. copies all relevant documents.

H. Are you the subject of a child support related subpoena or warrant?  YES  NO

I. Do you have a child support obligation in arrearage?  YES  NO

*If you answer yes, you must attach to this application a statement identifying the number of months and the amounts that you are in arrearage.*

Applicant must complete Certification and Attestation.  
Please include any attachments that need to accompany this application.

**28. The Applicant must read the following very carefully.**

1. I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. I further certify that I grant permission to the Insurance Department to verify or investigate any information included in, or related to, this application or any attachment with any federal, state or local government agency, current or former employer, or any insurance, securities or viatical settlement related entity.
3. I further certify that, under penalty of perjury, either a.) I have no child-support obligation, or b.) I have a child-support obligation and I am currently in compliance with that obligation.
4. I authorize the Insurance Department to give any information concerning me, as permitted by law, to any federal, state or local agency, or any other organization and I release the Insurance Department and any person acting on its behalf from any and all liability of whatever nature by reason of furnishing such information.
5. I acknowledge that I am familiar with and agree to comply with the applicable insurance and viatical settlement laws and regulations of the Commonwealth of Pennsylvania.

\_\_\_\_\_  
Month      Day      Year

\_\_\_\_\_  
Original Applicant Signature (No photocopies or stamps allowed)

\_\_\_\_\_  
Full Legal Name (Typed or Printed)

# LIQUOR CONTROL BOARD

## Expiration of Leases

The Liquor Control Board seeks the following new site:

Northampton County, Wine & Spirits Shoppe #4808, Bethlehem Township, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,500 to 6,000 net useable square feet of new or existing retail commercial space located within 1 mile of the intersection of Route 33 and Freemansburg Avenue, Bethlehem Township.

*Proposals due:* December 27, 2002, at 12 a.m.

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

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 02-2202. Filed for public inspection December 6, 2002, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code § 3.381 (relating to the applications for transportation of property, household goods in use and persons). Each protest should indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 30, 2002. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary from 8 a.m. to 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin* operating as *common carrier* for transportation of *persons* as described under the application.**

**A-00119401. Joyce Joyner Puckett** (35 Blackburn Road, Quarryville, Lancaster County, PA 17566)—persons in paratransit service, whose personal convictions prevent them from owning or operating a motor vehicle, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa.

**Application of the following for approval of the right to *begin* to operate as a *broker* for the transportation of *persons* as described under the application.**

**A-00119402. Gary and Sarah Hock t/d/b/a G & S Tours Representatives** (1278 Black Gap Road,

Fayetteville, Franklin County, PA 17222)—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania.

## Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Atlantic Limousine Services Inc.; Doc. No. A-00117753C02*

## COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Atlantic Limousine Services, Inc., respondent, maintains its principal place of business at 250 Beverly Blvd., Apt. E 107, Upper Darby, Pennsylvania 19082.

2. That respondent was issued a certificate of public convenience by this Commission on October 19, 2001, at Application Docket No. A-00117753.

3. That respondent, on May 14, 2002, at approximately 5:00 p.m., at Philadelphia, Philadelphia County, Pennsylvania, permitted a certain 1995 Lincoln Limousine bearing Pennsylvania License No. LM22169, Vehicle Identification No. 1LNLM81W4SY645625, to be operated.

4. That the vehicle described in Paragraph 3 of this complaint was inspected by Enforcement Officer Ralph G. Kane, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 3 and the following violation was disclosed:

(a) No trip sheet.

5. That respondent, by failing to have a driver log sheet or a trip sheet in its vehicle, violated 52 Pa. Code § 29.335(a). Penalty is \$50.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Atlantic Limousine Services, Inc., the sum of fifty dollars (\$50.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

## VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman

## NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2203. Filed for public inspection December 6, 2002, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday December 19, 2002, for Project #02-125.P, Purchase of 12 Steel Doors and Hardware (without installation). The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available Tuesday, December 10, 2002. PRPA is an equal opportunity em-

ployer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 02-2204. Filed for public inspection December 6, 2002, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #02-119.9, maintenance dredging at five marginal berths and Ro/Ro berth, Packer Avenue Marine Terminal (PAMT) until 2 p.m. on Thursday, December 19, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on December 10, 2002. The cost of the bid documents is \$35.00 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

The mandatory prebid meeting will be held on December 12, 2002, at 10 a.m. at the PRPA office previously listed. PRPA will consider only those bids received from parties who attend the prebid meeting.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 02-2205. Filed for public inspection December 6, 2002, 9:00 a.m.]

## STATE BOARD OF EDUCATION

### Approval of Standards of the Department of Education Necessary to Comply with the No Child Left Behind Act of 2001

Section 2603-B(d)(10)(i) of the Public School Code of 1949, added by section 31 of the act of June 29, 2002 (P. L. 524, No. 88) (Act 88), empowers the State Board of Education (Board) to:

Approve or disapprove standards proposed by the [D]epartment [of Education] in order to comply with the provisions of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) to maintain the eligibility of this Commonwealth to receive Federal funding for education programs. The [State B]oard shall approve or disapprove the standards within 30 days of submission to the [State B]oard's office or at its next scheduled meeting, whichever is sooner. Failure of the board to approve or disapprove the standards within the time established under this section shall be deemed an approval of the standards.

24 P. S. § 26-2603-B(d)(10)(i). The standards proposed by the Department of Education (Department) and approved or deemed approved by the State Board under § 2603-B(d)(10)(i) must be deposited with the *Pennsylvania Bulletin* for publication. See 24 P. S. § 26-2603-B(d)(10)(ii). However, as provided by Act 88, standards promulgated by the Department under § 2603-B(d)(10) are exempt from the following laws:

(A) Sections 201 through 205 of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law.

(B) Section 204(b) of the act of October 15, 1980 (P. L. 950, No. 164), known as the Commonwealth Attorneys Act.

(C) The act of June 25, 1982 (P. L. 633, No. 181), known as the Regulatory Review Act.

See 24 P. S. § 26-2603-B(d)(10)(iii).

On November 13, 2002, the Department presented to the State Board two sets of proposed standards necessary to comply with the provisions of the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. At its meeting held November 14, 2002, the State Board approved both sets of proposed standards. The resolutions adopted by the State Board reflecting its approval of the Department standards appear as follows. The State Board expects the Department to deposit the approved standards for publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,  
*Acting Executive Director*

#### RESOLUTION

*Whereas*, The United States Congress passed the No Child Left Behind Act of 2001 (NCLB) (P. L. 107-110, 115 Stat. 1425), which was signed into law by President George W. Bush on January 8, 2002; and

*Whereas*, NCLB, inter alia, amends Title I of the Elementary and Secondary Education Act of 1965 (P. L. 89-10, 79 Stat. 27) (Improving the Academic Achievement of the Disadvantaged), 20 U.S.C. § 6301 et seq.; and

*Whereas*, The purpose of Title I is to ensure that all children have the opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State achievement standards and academic assessments; and

*Whereas*, Section 1119 of Title I (20 U.S.C. § 6319 (relating to qualifications for teachers and paraprofessionals)) provides that each local educational agency receiving assistance under the act must ensure that all teachers hired after the first day of the first school year after the date of enactment of the NCLB are highly qualified; and

*Whereas*, Section 1119 of Title I further provides that each state educational agency receiving assistance under the act must ensure that all teachers teaching in core academic subjects within the state are highly qualified by the end of the 2005-2006 school year; and

*Whereas*, Section 9101 of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. § 7801 (relating to definitions)), as amended by NCLB, defines a highly qualified elementary teacher (grades K-6) as a teacher who has a bachelor's degree and who has passed a rigorous state test in reading, writing, mathematics, and other basic parts of elementary school curriculum; and

*Whereas*, Section 9101 of the ESEA defines a highly qualified middle or secondary school teacher as a teacher who has a bachelor's degree and has either passed a core content area test or has an academic major, graduate degree, or coursework equivalent to an undergraduate major in the subject area to be taught; and

*Whereas*, Teachers fully certified in Pennsylvania are highly qualified with the exception of teachers teaching grades seven and eight without a content area certification; and

*Whereas*, Pennsylvania currently has approximately 5200 teachers teaching with emergency certification who may not be highly qualified; and

*Whereas*, It is likely that Pennsylvania will face highly qualified teacher shortages due to the aging teacher workforce and retention and recruitment trends; and

*Whereas*, State and local educational agencies must comply with the requirements of NCLB in order to maintain eligibility for continued funding under Title I; and

*Whereas*, The Pennsylvania Department of Education (Department) solicited recommendations for meeting NCLB requirements for highly qualified teachers; and

*Whereas*, The Committee of Practitioners established under section 1903(b) of Title I, added by NCLB (20 U.S.C. § 6573(b)(relating to committee of practitioners)), recommends that Pennsylvania allow certified teachers to obtain additional instructional certification by demonstrating competency on a subject area test in the area to be certified; and

*Whereas*, The Committee of Practitioners further recommends that Pennsylvania's interstate reciprocity agreement be modified to allow teachers who are fully certified in other states and who have a qualifying score on an appropriate subject matter test to be certified in Pennsylvania without meeting additional academic and testing requirements, provided the teacher has completed three years of teaching experience within the prior seven years, all of which has been satisfactory, and satisfies the basic certification requirements of the Public School Code of 1949 (Public School Code) (see 24 P. S. §§ 12-1202 (relating to State certificates) and 12-1209 (relating to disqualifications)), such as having good moral character, being at least 18 years old, and having a bachelor's degree; and

*Whereas*, The Department, under 22 Pa. Code § 49.91 (relating to criteria for eligibility), has the authority to certify teachers who have completed a Department approved intern program in Pennsylvania and have satisfactory achievement on required assessments; and

*Whereas*, Pursuant to this authority, the Committee of Practitioners agrees with the continued use of the existing intern program to provide a flexible and accelerated pedagogical training program for teachers who have demonstrated subject area competency, provided that the first year of teaching includes intensive supervision by an approved institution; and

*Whereas*, The Secretary of Education (Secretary) has the authority under 22 Pa. Code § 49.18 (relating to testing) to develop an assessment program for candidates for certification; and

*Whereas*, Pursuant to this authority, the Committee of Practitioners agrees that the student teaching semester be structured to include assessment of the pedagogical skills of teachers in lieu of the Principals of Learning (PLT) assessment currently required for teacher certification in Pennsylvania; and

*Whereas*, The Committee of Practitioners further recommends that teachers successfully completing other national teacher training programs that require a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness, including the American Board and Teach for America programs and such other programs as approved by the State Board of Education, be certified to teach in Pennsylvania without meeting further academic and testing requirements, provided the teacher satisfies the basic

certification requirements of the Public School Code (see 24 P. S. §§ 12-1202 and 12-1209), such as having good moral character, being at least 18 years old, and having a bachelor's degree; and

*Whereas*, Section 2603-B(d)(10) of the Public School Code (24 P. S. § 26-2603-B(d)(10)), added by section 31 of Act 88 of 2002, provides that the State Board of Education shall have the authority and duty, within thirty days of submission to the State Board or at the next scheduled meeting (whichever is sooner), to approve or disapprove standards proposed by the Department in order to comply with the provisions of NCLB and to maintain eligibility for funding; and

*Whereas*, The Department submitted its proposed standards to the State Board on November 13, 2002; and

*Whereas*, On November 13, 2002, the special committee of the State Board established to work with the Department in the development and review of standards necessary to comply with NCLB (the NCLB Committee) conducted a public meeting to review and discuss the standards presented by the Department for approval by the State Board and to receive public comment on the proposals; and

*Whereas*, The NCLB Committee on November 13, 2002 approved a motion to recommend to the State Board that it approve the standards proposed by the Department; and

*Whereas*, At the regular business meeting of the State Board held November 14, 2002, the Secretary made a detailed presentation explaining the standards presented by the Department for approval by the State Board; and

*Whereas*, The State Board, at its November 14, 2002 meeting, publicly voted to approve the proposed standards presented by the Department.

*Now, Therefore, Be It*

*Resolved*: That certified teachers in Pennsylvania might add instructional certificate areas by passing content area tests in the areas to be certified; and be it further

*Resolved*: That the Department may continue to structure the Pennsylvania intern program to provide flexible and accelerated pedagogical training to teachers who have demonstrated competency in a subject area, provided that the first year of teaching includes intensive supervision by an approved institution; and be it further

*Resolved*: That the student teaching semester may be structured to include assessment of the pedagogical skills of teachers in lieu of the PLT assessment; and be it further

*Resolved*: That teachers certified to teach in other states who have completed three years of teaching experience within the prior seven years, all of which has been satisfactory, and have qualifying scores on appropriate subject matter tests, may be certified to teach in Pennsylvania without meeting further academic and testing requirements, provided the teacher satisfies the basic certification requirements of the Public School Code (see 24 P. S. §§ 12-1202 and 12-1209), such as having good moral character, being at least 18 years old, and having a bachelor's degree; and

*Resolved*: That teachers successfully completing other national teacher training programs that require a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness, including the American Board and Teach for America programs and such other programs as approved

by the State Board of Education, will be certified to teach in Pennsylvania without meeting further academic and testing requirements, provided the teacher satisfies the basic certification requirements of the Public School Code (see 24 P. S. §§ 12-1202 and 12-1209), such as having good moral character, being at least eighteen years old, and having a bachelor's degree.

#### RESOLUTION

*Whereas*, The United States Congress passed the No Child Left Behind Act of 2001 (NCLB) (P. L. 107-110, 115 Stat. 1425), which was signed into law by President George W. Bush on January 8, 2002; and

*Whereas*, NCLB, inter alia, amends Title I of the Elementary and Secondary Education Act of 1965 (P. L. 89-10, 29 Stat. 27) (Improving the Academic Achievement of the Disadvantaged), 20 U.S.C. § 6301 et seq.; and

*Whereas*, The purpose of Title I is to ensure that all children have the opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State achievement standards and academic assessments; and

*Whereas*, Because paraprofessionals play a critical, often daily, role in the education of children, NCLB includes these important educators as part of the staff quality improvement effort; and

*Whereas*, Section 1119(f) of Title I (20 U.S.C. § 6319(f) (relating to general requirement for all paraprofessionals)) requires all Title I funded instructional paraprofessionals to hold a high school diploma or GED; and

*Whereas*, Section 1119(c) of Title I (20 U.S.C. § 6319(c) (relating to new paraprofessionals)) requires all Title I funded instructional paraprofessionals hired after January 8, 2002 to hold an associate's degree, or have completed at least two years of study at an institution of higher education, or meet a rigorous standard of quality demonstrated through a state or local assessment; and

*Whereas*, Section 1119(d) of Title I (20 U.S.C. § 6319(d) (relating to existing paraprofessionals)) requires all Title I funded instructional paraprofessionals hired prior to January 8, 2002 to obtain an associate's degree, or complete at least two years of study at an institution of higher education, or meet a rigorous standard of quality demonstrated through a state or local assessment by January 8, 2006; and

*Whereas*, In furtherance of this purpose, NCLB provides grants to State education agencies and sub-grants to local education agencies (LEAs) for purposes of professional development of paraprofessionals; and

*Whereas*, State and local educational agencies must comply with the requirements of Title I, as amended by NCLB, in order to maintain eligibility for continued funding under Title I; and

*Whereas*, There are about 5,000 paraprofessionals working in Title I related programs; and

*Whereas*, Of the 5,000 paraprofessionals working in Title I related programs, about 4,000 do not meet the requirements of NCLB; and

*Whereas*, Approximately 2,000 of the paraprofessionals not meeting the requirements of NCLB are employed in the School District of Philadelphia; and

*Whereas*, Approximately 400 of the paraprofessionals not meeting the requirements of NCLB are employed in the Pittsburgh School District; and

*Whereas*, The School District of Philadelphia and the Pittsburgh School District have already developed local paraprofessional assessments for purposes of satisfying the requirements of NCLB; and

*Whereas*, The Pennsylvania Department of Education (Department) solicited recommendations for meeting the NCLB requirements related to Title I instructional paraprofessionals; and

*Whereas*, The Committee of Practitioners established under section 1903(b) of Title I, added by NCLB (20 U.S.C. § 6573(b) (relating to committee of practitioners)), agreed that a local assessment model allows for local control and flexibility while meeting the requirements of NCLB; and

*Whereas*, Title I instructional paraprofessionals may also meet the NCLB requirements by obtaining an associates degree or two years of study at an institution of higher education; and

*Whereas*, The phrase, "two years of study at an institution of higher education," is undefined and must have a meaning different from that of "an associates degree"; otherwise, the reference to "an associates degree" would have no meaning; and

*Whereas*, The Department has recommended as a standard the development of a process for reviewing local assessments to determine that they satisfy the requirements of NCLB; and

*Whereas*, The Department has determined that "two years of study at an institution of higher education" is satisfied upon completing 48 credits; and

*Whereas*, Section 2603-B(d)(10) of the Public School Code of 1949 (Public School Code) (24 P.S. § 26-2603-B(d)(10)), added by section 31 of Act 88 of 2002, provides that the State Board of Education (State Board) shall have the authority and duty, within thirty (30) days of submission to the State Board office or at the next

scheduled meeting (whichever is sooner), to approve or disapprove standards proposed by the Department in order to comply with the provisions of NCLB and to maintain eligibility for funding; and

*Whereas*, The Department submitted its proposed standards to the State Board on November 13, 2002; and

*Whereas*, On November 13, 2002, the special committee of the State Board established to work with the Department in the development and review of standards necessary to comply with NCLB (the NCLB Committee) conducted a public meeting to review and discuss the standards presented by the Department for approval by the State Board and to receive public comment on the proposals; and

*Whereas*, The NCLB Committee on November 13, 2002 approved a motion to recommend to the State Board that it approve the standards proposed by the Department; and

*Whereas*, At the regular business meeting of the State Board held November 14, 2002, the Secretary of Education (Secretary) made a detailed presentation explaining the standards presented by the Department for approval by the State Board; and

*Whereas*, The State Board at its November 14, 2002, meeting publicly voted to approve the proposed standards presented to it by the Department.

*Now, Therefore, Be It*

*Resolved*: That "two years of study at an institution of higher education" is satisfied upon completing 48 credits; and be it further

*Resolved*: That the Department will develop a process for reviewing local assessments to determine that they satisfy the requirements of NCLB.

[Pa.B. Doc. No. 02-2206. Filed for public inspection December 6, 2002, 9:00 a.m.]