

PENNSYLVANIA BULLETIN

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The Courts
Delaware River Basin Commission
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Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
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Insurance Department
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Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Barber Examiners
State Board of Funeral Directors
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors
State Board of Veterinary Medicine
State Employees' Retirement Board

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**Latest Pennsylvania Code Reporter
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No. 340, March 2003

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2003.

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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

March 4, 2003

Whereas, on November 26, 2002, then-Governor Mark Schweiker extended the Proclamation of Disaster Emergency that was issued on September 11, 2001, in response to the acts of terrorism in New York City, New York, Arlington, Virginia, and Somerset County, Pennsylvania; and

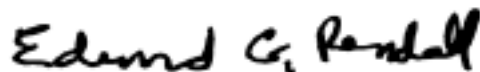
Whereas, the Federal government, through the Departments of Homeland Security and Justice, has asked all state and municipal governments to commit additional resources, in the form of National Guard, law enforcement personnel, emergency management personnel, and other resources, in order to provide additional emergency response, security and law enforcement capabilities in the ongoing fight against terrorism; and

Whereas, in response to the request from the Federal government to commit additional resources, in the form of National Guard, law enforcement personnel, emergency management personnel, and other resources, and because there is a need to provide such assistance in order to protect the health, safety and welfare of the citizens of Pennsylvania from possible future acts of terrorism;

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

1. The period of the state of disaster emergency is extended from March 4, 2003, through April 30, 2003;
2. I hereby transfer an additional \$600,000.00 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for emergency assistance and personnel expenses incurred by state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. Section 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516;
3. I hereby direct that the other operational provisions of the September 11, 2001 Proclamation that remain applicable to the current emergency circumstances in Pennsylvania shall continue in full force and effect; and
4. This Proclamation amendment shall take effect immediately from the date of this amendment.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this fourth day of March in the year of our Lord, two thousand and three and of the Commonwealth, the two hundred and twenty-seventh.



Governor

[Pa.B. Doc. No. 03-439. Filed for public inspection March 14, 2003, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 4]

Order Amending Rules 141, 430, 454, 461 and 462, and Revising the Comment to Rule 460; No. 292 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the amendments to Rules of Criminal Procedure 141, 430, 454, 461, and 462, and the revision of the Comment to Rule 460. The rule changes 1) clarify an issuing authority may issue an arrest warrant when a defendant fails to appear for the execution of sentence, 2) establish a procedure for the waiver of the stay of execution of sentence in summary cases by a defendant who is represented by counsel, or who has waived counsel, and 3) clarify when an appeal for a trial de novo in a summary case or a contempt adjudication is taken, the case remains in the court of common pleas for the execution of any sentence and collection of any fines and restitution, and collection of any costs. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 28th day of February, 2003, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 29 Pa.B. 4348 (August 14, 1999) and 29 Pa.B. 4860 (September 18, 1999), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 734), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- 1) Rules of Criminal Procedure 141, 430, 454, 461, and 462 are amended; and
- 2) the Comment to Rule 460 is revised, all in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART D. Procedures Implementing 42 Pa.C.S. §§ 4137, 4138, 4129: Criminal Contempt Powers of District Justices, Judges of the Pittsburgh Magistrates Court, and Judges of the Traffic Court of Philadelphia

Rule 141. Appeals from Contempt Adjudications by District Justices, Pittsburgh Magistrates Court Judges, or Philadelphia Traffic Court Judges.

* * * * *

(F) Upon the filing of the transcript and other papers by the issuing authority, the case shall be heard de novo by the appropriate division of the court of common pleas as the president judge shall direct.

(1) If the judge assigned to hear the matter finds contempt and imposes punishment, the case shall remain in the court of common pleas for execution of any punishment, including the collection of any fines or costs.

(2) If the appellant fails to appear for the de novo hearing, the judge [assigned to hear the matter] may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.

(3) If the appellant withdraws the appeal, the judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.

Comment

* * * * *

Paragraph (F) makes it clear that the judge assigned to conduct the de novo hearing may dismiss an appeal of the action of an issuing authority in a contempt proceeding when the judge determines that the appellant is absent without cause from the de novo hearing. If the appeal is dismissed, the judge should enter judgment and order execution of any punishment imposed by the issuing authority. **The procedures set forth in Rule 462 (Trial De Novo) for a trial de novo in a summary case should be followed when a contempt adjudication is appealed to the common pleas court.**

Once punishment for a contempt adjudication is imposed, paragraph (F)(1) makes it clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any fine and costs, and the case may not be returned to the issuing authority.

Official Note: Rule 31 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 141 and Comment revised March 1, 2000, effective April 1, 2001; **amended February 28, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the February 28, 2003 amendments concerning contempt appeals published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART D. Arrest Procedures in Summary Cases

PART D(1). Arrests With a Warrant

Rule 430. Issuance of Arrest Warrant.

(A) A warrant for the arrest of the defendant shall be issued when:

(1) the defendant fails to respond to a citation or summons that was served upon the defendant personally or by certified mail return receipt requested; [or]

(2) the citation or summons is returned undelivered; [or]

(3) the issuing authority has reasonable grounds to believe that the defendant will not obey a summons[.]; or

(4) the defendant has failed to appear for the execution of sentence as required in Rule 454(E)(3).

* * * * *

Comment

Personal service of a citation under paragraph (A)(1) is intended to include the issuing of a citation to a defendant as provided in Rule 400(A) and the rules of Chapter 4, Part B(1).

An arrest warrant may not be issued under paragraph (A)(1) when a defendant fails to respond to a citation or summons that was served by first class mail. See Rule 451.

Rule 454 provides that the issuing authority is to direct any defendant who is sentenced to a term of imprisonment to appear for the execution of sentence on a date certain following the expiration of the 30-day stay required by Rule 461. Paragraph (A)(1)(d) was added in 2003 to make it clear that an issuing authority should issue a warrant for the arrest of any defendant who fails to appear for the execution of sentence.

* * * * *

Official Note: Rule 75 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 430 and amended March 1, 2000, effective April 1, 2001; **amended February 28, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the February 28, 2003 amendments adding paragraph (A)(1)(d) published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

PART E. General Procedures in Summary Cases

Rule 454. Trial in Summary Cases.

* * * * *

(E) At the time of sentencing, the issuing authority shall:

* * * * *

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period, **and advise that, if the defendant fails to appear on that date, a warrant for the defendant's arrest will be issued;** and

* * * * *

Comment

* * * * *

As the judicial officer presiding at the summary trial, the issuing authority controls the conduct of the trial generally. When an attorney appears on behalf of the Commonwealth[,] or on behalf of a municipality pursuant to paragraph (C), the prosecution of the case is under the control of that attorney. When no attorney appears at the summary trial on behalf of the Commonwealth or a municipality, the issuing authority may ask questions of any witness who testifies, and the affiant may request the issuing authority to ask specific questions. In the appropriate circumstances, the issuing authority may also permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the issuing authority.

* * * * *

When a defendant has waived the stay of the sentence of imprisonment pursuant to Rule 461 the issuing authority may fix the commencement date of the sentence to be the date of conviction, rather than after the 30-day stay period has expired. The defendant, of course, would still be able to pursue an appeal under Rules 460—462.

For the statutory authority to sentence a defendant to pay a fine, see 42 Pa.C.S. § 9726.

* * * * *

Official Note: Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; **amended February 28, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the February 28, 2003 amendments published with the Court's Order at 32 Pa.B. 1326 (March 15, 2003).

PART F. Procedures in Summary Cases Under the Vehicle Code

Rule 460. Notice of Appeal.

* * * * *

Comment

* * * * *

See Rule 461 for the procedures for executing a sentence of imprisonment when there is a stay.

"Entry," as used in this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the district justice computer system.

* * * * *

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; **Comment revised February 28, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

* * * * *

NEW RULE 460:

* * * * *

Final Report explaining the February 28, 2003 Comment revision cross-referencing Rule 461 published with the Court's Order at 33 Pa.B. (March 15, 2003).

Rule 461. Stays.

* * * * *

(C) A defendant who is represented by counsel, or a defendant who has waived counsel as provided in Rule 121, may waive the stay. The waiver must be in writing, signed by the defendant and defendant's counsel, if any, and made a part of the record.

[(C)] (D) * * *

[(D)] (E) * * *

Comment

This rule is derived from former Rule 86(B) and (C).

The stay of the sentence of imprisonment in summary cases recognizes the limited length of the terms of imprisonment. However, there may be situations when the defendant would want the sentence to begin to run immediately following the conviction, and forego the benefits of the stay. To accommodate these extraordinary cases, this rule was amended in 2003 to permit a defendant who is represented by counsel, or who has waived counsel, to waive the stay of the execution of sentence. The waiver of the stay in no way is to be construed as a waiver of the right to appeal.

When a defendant has waived the stay of execution of sentence under this rule, the issuing authority has discretion to determine the date to set for the beginning of the sentence of imprisonment.

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Official Note: Formerly Rule 86(B) and (C), adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (B) and (C) replaced by Rule 461. New Rule 461 adopted March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003.

Committee Explanatory Reports:

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NEW RULE 461:

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Final Report explaining the February 28, 2003 amendment concerning the addition of paragraph (C) published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Rule 462. Trial De Novo.

* * * * *

(H) After sentence is imposed by the trial judge, the case shall remain in the court of common pleas for the execution of sentence, including the collection of any fine and restitution, and for the collection of any costs.

Comment

* * * * *

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial de novo. If the appeal is dismissed, the trial

judge should enter judgment and order execution of any sentence imposed by the issuing authority.

Pursuant to paragraph (G), if the defendant is convicted, the trial judge must impose sentence, and advise the defendant of the payment schedule, if any, and the defendant's appeal rights. See Rule 704(A)(3).

Once sentence is imposed, paragraph (H) makes it clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any costs, and the case may not be returned to the district justice. The execution of sentence includes the collection of any fines and restitution.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003.

Committee Explanatory Reports:

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NEW RULE 462:

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Final Report explaining the February 28, 2003 amendments published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

FINAL REPORT¹

Amendments to Pa.Rs.Crim.P. 141, 430, 454, 461, and 462, and Revision of the Comment to Rule 460

WARRANTS OF ARREST FOR FAILURE TO APPEAR FOR EXECUTION OF SENTENCE IN SUMMARY CASES; WAIVER OF STAY OF EXECUTION; CASES ON APPEAL FOR TRIAL DE NOVO REMAINING IN COURT OF COMMON PLEAS FOR EXECUTION OF SENTENCE

On February 28, 2003, effective July 1, 2003, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules of Criminal Procedure 141 (Appeals From Contempt Adjudications by District Justices, Pittsburgh Magistrates Court Judges, or Philadelphia Traffic Court Judges), 430 (Issuance of Arrest Warrant), 454 (Trial in Summary Cases), 461 (Stays), and 462 (Trial de Novo), and approved the revision of the Comment to Rule 460 (Notice of Appeal). These changes 1) clarify an issuing authority may issue an arrest warrant when a defendant fails to appear for the execution of sentence, 2) establish a procedure for the waiver of the stay of execution of sentence in summary cases by a defendant who is represented by counsel, or who has waived counsel, and 3) clarify when an appeal for a trial de novo in a summary case or a contempt adjudication is taken, the case remains in the court of common pleas for

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

the execution of any sentence and collection of any fines and restitution, and collection of any costs.

I. INTRODUCTION

The Committee received correspondence from several individuals asking whether:

- an issuing authority can issue a warrant of arrest when a defendant fails to appear for the execution of sentence in a summary case
- a defendant can waive the stay of execution of sentence under Rule 461
- the court of common pleas judges should “remand back” to the district justices for the execution of sentence, including the collection of any fine, restitution, or other costs, a summary case or a contempt case that is appealed for a trial de novo

The correspondence pointed out there is no uniformity among the judicial districts in how these issues are handled; for example, in some judicial districts, following the disposition of the trial de novo, the court of common pleas judges remand the case to the district justices for the execution of sentence, and in some judicial districts, the court of common pleas retains the case following the trial de novo. In view of these questions, and in furtherance of the Court’s goal to promote uniform, statewide procedures, the Committee reviewed the summary case rules in Chapter 4 of the Criminal Rules and agreed that some changes to the summary case rules are necessary.

II. DISCUSSION

A. Rules 430, 454, and 460: Warrants of Arrest for Failure to Appear for Execution of Sentence in a Summary Case Following Expiration of Appeal Period

1. Discussion

The Committee reexamined the arrest warrant rules in response to correspondence pointing out some district justices are confused concerning the procedures when a sentence of imprisonment has been imposed and a defendant fails to appear on the date set for the execution of sentence in a summary case. Rule 454(E)(3) provides the procedures for trial in summary cases and requires at the time of sentencing the issuing authority is to advise the defendant he or she must appear before the issuing authority on a specified date, which is to be a date that follows the expiration of the 30-day stay period,² for the execution of a sentence of imprisonment. The confusion concerning the procedures when a defendant fails to appear for the execution of sentence in a summary case arises because neither Rules 430 (Issuance of Arrest Warrant) nor 454 (Trial in Summary Cases) specifically authorize the issuing authority to issue an arrest warrant for the defendant. Since district justices are trained to be constrained by the parameters of the rules, and in some cases, are constrained even more by the limitations placed upon their independent actions by the AOPC’s District Justice Computer System, some think they are not authorized to issue a warrant in these cases because the rules do not provide for such a warrant.³

Although the Committee agreed there is no reason why the issuing authority should not issue a warrant in cases in which a defendant has failed to appear for the execution of a sentence of imprisonment when they are

authorized to issue warrants in other cases of failure to appear, see, e.g., Rule 430 (B), in view of the persisting confusion among members of the minor judiciary, the Committee agreed that the rules should be amended to clarify that an issuing authority may issue an arrest warrant when a defendant fails to appear for the execution of sentence.

2. Proposed Rule Changes

Rule 430 governs the procedures for the issuance of arrest warrants in summary cases. Rule 430 has been amended by the addition of paragraph (A)(4) providing the failure to appear for execution of sentence will result in the issuance of a warrant. Because the failure to appear for execution of sentence occurs post-conviction, and 1) the defendant has been informed that a warrant will issue for failure to appear, see Rule 454, and 2) there is a greater likelihood a defendant will not respond to other less intrusive forms of notice, the Committee agreed this situation should come within the mandatory warrant section of Rule 430. The Rule 430 Comment also has been revised to elaborate on the connection between Rule 430 and the Rule 454 execution of sentence provision.

Rule 454(E) sets forth the post-conviction requirements in summary cases. Paragraph (E)(3) requires the issuing authority to advise the defendant to appear on a date certain for execution of a sentence of imprisonment. This paragraph has been amended to require that in addition to directing the defendant to appear, the issuing authority must advise the defendant that failure to appear on the date scheduled for execution of sentence will result in the issuance of an arrest warrant, thereby ensuring the defendant is apprised fully of his or her responsibilities and the consequences of failing to comply.

Finally, the Rule 460 Comment has been revised by the addition of a cross-reference to Rule 461 to highlight the Rule 461 stay provisions.

B. Rule 461: Waiver of Stay of Execution of Sentence

1. Discussion

The Committee undertook a review of the Rule 461 (Stays) stay of execution provisions in response to correspondence we received pointing out the rules do not provide any guidance in those instances in which a defendant wants to waive the 30-day stay to start serving a sentence of imprisonment immediately upon conviction, such as when the defendant is currently incarcerated on other charges, and the new sentence would run concurrently with the other sentence. As with the issue concerning the procedures when a defendant fails to appear for the execution of sentence discussed above, the Committee was aware that because the rules do not specifically address waivers of stays, some district justices think they do not have the authority to permit a waiver. Furthermore, the AOPC’s District Justice Computer System, in implementing the Rule 461(A) stay provisions, sets the date for the execution of sentence to occur after the expiration of the 30-day appeal period, without any provision for a waiver.

After reviewing the rule history and the practicalities of such a procedure raised in the correspondence, the Committee agreed it makes sense to permit the minor judiciary to exercise some discretion in the area of commencement of sentences. How to accomplish this presented some concerns. We considered the potential for abuse with a procedure that provides the district justices with the discretion to grant a waiver of the stay, such as “unwary” defendants being pressured to waive the 30-day stay and begin serving their sentences immediately,

² Pursuant to Rule 461(A), the district justice must stay a sentence of imprisonment during the 30-day appeal period.

³ In addition, the correspondence noted this situation is not encompassed by Rule 140 (Contempt Proceedings Before District Justices, Pittsburgh Magistrate Court Judges, and Philadelphia Traffic Court Judges) or the statutory provisions for summary case contempt, so there is no authority for the district judges to issue a warrant in these cases based on their contempt powers.

thereby abrogating the purpose of a stay provision. We also were concerned that, if the rules provide for a waiver of the Rule 461 stay, this might be interpreted as a waiver of the right to appeal. The Committee agreed that any procedure to permit a waiver of the stay must also address these issues. In view of these points, Rule 461 has been amended, and the Comments to Rules 454 and 460 have been revised, 1) to establish procedures for permitting a defendant to waive the stay of execution of sentence in a summary case, but only if the defendant is represented by counsel or has waived counsel, and 2) to make it clear that a waiver of the stay does not affect the defendant's right to appeal the conviction.

2. Proposed Rule Changes

Rule 461 (Stays) has been amended by including as new paragraph (C) a waiver of the stay provision. As a means of protecting against potential abuses, the waiver provision is limited to those defendants who are represented by counsel, or who have waived counsel pursuant to Rule 121 (Waiver of Counsel). The Committee strongly believes the waiver of stay should be permitted only for defendants who are represented, but we also recognize the reality of summary case proceedings in which many defendants elect to proceed without counsel, even when there is a likelihood of a sentence of imprisonment. The defendants who proceed pro se, therefore, are given the same benefits of a waiver of a stay as represented defendants, but only in those cases in which it is clear the defendant has waived counsel under Rule 121.

The amendment also requires the waiver of the stay to be in writing, signed by the defendant and defendant's counsel, if any, and made a part of the record. This requirement is included because the minor judiciary courts are not courts of record, and we agreed it is important to have a written record of all waivers to provide a means to monitor waivers and as a further check on abuses.

The Rule 461 Comment elaborates on the situations when it would be appropriate for a defendant to waive the stay, and makes it clear that the waiver of stay does not affect the defendant's right to appeal. The Comment also makes it clear that the issuing authority is given the discretion to determine the date for the defendant to begin serving the sentence which could be any time from the date of conviction.

C. Rules 141 and 462: Trial de novo: Case Remains in Court of Common Pleas for Execution of Sentence and Collection of any Costs

1. Discussion

When the Committee was working on the first two parts of this proposal, we received correspondence concerning whether the rules contemplate the practice in some judicial districts in summary cases and summary contempt adjudications that had been appealed to the court of common pleas for a trial de novo of returning the case to the district justice for execution of sentence and collection of costs. This practice is "encouraged" by the existence of the AOPC's JCP-generated form "Common Pleas Notification Request" form that includes, when specifically indicated, a directive the "district justice office is to collect remaining fines/costs."

The Committee reviewed Rules 141 (Appeals From Contempt Adjudications by District Justices, Pittsburgh

Magistrates Court Judges, or Philadelphia Traffic Court Judges) and 462 (Trial de Novo) and the history of those rules, and concluded the intent of the rules is once a summary case or contempt adjudication is in the court of common pleas for a trial de novo, the case remains in the common pleas court through execution of sentence, and the judge may not return the case to the district justice for the execution of sentence or collection of costs. Under the current practice, once the appeal is taken, the district justice forwards all the case documentation to the clerk of courts. Therefore, it does not make sense nor does it enhance judicial economy to return the case to the district justice. The Committee also was concerned about the possible mischief that could result, including cases being lost in the transfer and the unnecessary delays in the execution of sentence and collection of costs, when a case is returned to the district justice following the trial de novo. Accordingly, Rules 141 and 462 have been amended to clarify the intention of the rules when a summary case or contempt adjudication is appealed to the court of common pleas for a trial de novo, the case remains in the court of common pleas for execution of sentence and collection of any fines and restitution, and the collection of any costs, and the case is not to be "remanded" to the district justice for such purpose.

2. Proposed Rule Changes

a. Rule 462

Rule 462 provides the procedures for the trial de novo. Rule 462 has been amended by adding as new paragraph (H) the language, "After sentence is imposed by the trial judge, the case shall stay in the court of common pleas for the execution of sentence, including the collection of any fine and restitution, and for the collection of any costs."

The Rule 462 Comment has been revised by 1) adding a cross-reference to Rule 704(A)(3) concerning the sentencing procedures following a determination of guilt at a trial de novo in the court of common pleas, and 2) adding a paragraph emphasizing the case remains in the court of common pleas after the imposition of sentence.

b. Rule 141

Rule 141 has been amended to make it clear that if a defendant is found in contempt following an appeal of a finding of contempt pursuant to Rule 140, the case remains in the court of common pleas for execution of sentence, including collection of any fines or costs (see new paragraph (F)(1)). In addition, to conform Rule 141 with the appeal provisions in Rule 460, Rule 141(F) has been amended by the addition of a subparagraph (3) to provide if the defendant withdraws the appeal, the judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.

The Comment has been revised to 1) cross-reference Rule 462 and explain that when a contempt adjudication is appealed, the procedures in Rule 462 should be followed, and 2) further emphasize that upon imposition of punishment following a trial de novo for a contempt adjudication, the case may not be returned to the issuing authority.

[Pa.B. Doc. No. 03-440. Filed for public inspection March 14, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 21]

Lifetime Licensure

The Department of Agriculture (Department), under the authority of the Dog Law (act) (3 P. S. §§ 459-101—459-1205), amends Chapter 21 (relating to general provisions; kennels; licensure; dog-caused damages) to read as set forth in Annex A.

Authority

The Department has the power and authority to amend and adopt these regulations. This authority includes:

(1) The general duty to implement the policy of the act set forth in section 101 of the act (3 P. S. § 459-101), which states this is an act "... relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs ... providing for the abandonment of animals" and "providing for ... liability of the owner of keeper of dogs for such damages." The Department has a duty to assure the proper and humane licensure of dogs, to allow for the proper identification of dogs and a means by which a person may obtain reimbursement for certain dog-caused damages.

(2) The specific authority conferred by section 201 of the act (3 P. S. § 459-201) grants the Department the power to promulgate regulations regarding the lifetime licensure of dogs.

(3) The specific authority to impose and enforce penalty provisions of the act set forth in Articles II—IX of the act (3 P. S. §§ 459-201—459-911-A).

Need for the Regulations

The current lifetime licensure regulations in Chapter 21 became effective October 12, 1985. The act was amended and the amendments became effective December 11, 1996. The amendments to the act included amendments to the licenses, tags and kennels provisions in Article II of the act (3 P. S. §§ 459-200—459-219), which contain the lifetime license provisions at section 201(b) of the act. The lifetime licensure provisions of the current regulations require that a dog be tattooed with a number assigned by the county treasurer. While these regulations were consistent with the requirements set forth by the Legislature, those requirements were changed by the 1996 amendments to the act. The act now allows for the lifetime licensure of dogs through the implantation of a microchip. The amendments to the lifetime licensure regulations will allow the use of a microchip as an alternative to the tattoo identification. The regulations must be amended to set forth the procedure for obtaining a lifetime license when a microchip is implanted in the dog. The Department also amended the tattoo provisions to clarify the lifetime licensure process. The amendments to § 21.51 (relating to lifetime dog license issuance) required the Department to revise § 21.1 (relating to definitions).

Additionally, the Department amended §§ 21.4, 21.52 and 21.57 (related to penalties; recordkeeping for lifetime dog licenses; and kennel tags) to make them consistent with the act and the amended regulations. The amendments to § 21.4 were necessary to make it consistent

with the same penalty provision in section 903 of the act (3 P. S. § 459-903), which had been amended. The Department originally proposed to repeal the section of the regulations relating to penalties because the penalties were set forth in the act. However, after receiving numerous comments from the regulated community requesting that all the penalty provisions set forth in the act be consolidated in the regulations, the Department decided to reiterate and consolidate the penalty provisions. This will accommodate the regulated community and the courts by providing an easy reference to penalty provisions that apply to specific areas of the act. It will also aid the Department in enforcement of the act and the regulations.

Section 21.53 (relating to transfer of lifetime dog licenses) was amended to clarify the process required when the ownership of a dog with a lifetime license is transferred or the dog is moved to a new address.

Comments

Notice of proposed rulemaking was published at 32 Pa.B. 66 (January 5, 2002) and provided for a 30-day public comment period. Under section 902 of the act (3 P. S. § 459-902), the Department held a public hearing on December 14, 2000, with regard to the proposed rulemaking. Notice of the public hearing was published at 30 Pa.B. 5543 (October 28, 2000). In addition, members of the Dog Law Advisory Board (Board) and other known interested parties, such as those who regularly attend public meetings of the Board, were notified by regular mail. An official record of the public hearing is available for public inspection.

The Department received numerous comments regarding the proposed rulemaking and made extensive revisions to the proposed rulemaking based on those comments. The Department decided to distribute the revised regulations to all commentators for their review prior to submitting the revised regulations into the final-form rulemaking process. The Department received additional comments and those comments are included in this section of the Preamble.

Comments were received from the Independent Regulatory Review Commission (IRRC), the Honorable Raymond Bunt, Jr., Majority Chairperson, Agriculture and Rural Affairs Committee; the Honorable Peter J. Daley, Minority Chairperson, Agriculture and Rural Affairs Committee; Virginia S. Richardson, President, Pennsylvania Association of County Treasurers (PACT); Dotsie Keith, Legislative Chairperson, Pennsylvania Federation of Dog Clubs (PFDC), Incorporated; Johnna L. Seeton, Chairperson, Pennsylvania Legislative Animal Network (PLAN); Anne Irwin, President, Federated Human Societies of Pennsylvania and Executive Director of Bucks County Society for the Prevention of Cruelty to Animals (BCSPCA); Jeff Steed, DVM (Dog Law Board Member) Manheim Pike Veterinary Hospital, Incorporated (MPVH); James R. Rummel, VMD, President, Pennsylvania Veterinary Medical Association (PVMA); Hannis Stoddard III, DVM, President and Founder, Avid Identification Systems Incorporated. The Department thanks all of those who commented on these regulations. The comments were insightful and helped the Department clarify the regulations and develop regulations that meet the parameters of the act and fit the needs of the regulated community.

*Comments Received**Category**A. Economic and Fiscal Impact**IRRC*

1. IRRC commented concerning question #18 on the Regulatory Analysis Form. IRRC commented, the Department stated this rulemaking will not impose any compliance costs on local governments. However, county treasurers assert they will incur costs for updating computer programs to accommodate both the lifetime license number and the microchip number. IRRC stated the Department should include an analysis of the costs for counties to update their computer programs when it submits the final-form regulation.

2. IRRC pointed out that subsection (d)(3) of the proposed rulemaking refers to a 50¢ issuance fee, while section 200(b) of the act (3 P. S. § 459-200(b)) authorizes a \$1 fee. IRRC has asked the Department to remedy this inconsistency in the final-form rulemaking.

PACT

1. PACT commented that because the microchip number and the lifetime license number will be two different numbers, their computer programs would need to be modified. PACT believes these expenses should be the responsibility of the Department.

2. PACT commented that § 21.51(d)(3) states "The 50¢ issuance fee shall be retained by the county treasurer for his service in forwarding the refund." The issuance fee set by the act is now \$1. PACT asked if the Department intended to decrease the county treasurer's fee?

Response

In response to the previous concerns regarding the cost associated with recording both the lifetime license tag number and the microchip number, in the Regulatory Analysis Form submitted with the final-form rulemaking the Department will include an analysis of the need and cost for counties to upgrade their computer programs to comply with the recordkeeping requirements of the proposed rulemaking. In addition, the Department does not believe any extensive upgrading of county treasurers' systems will be necessary. Under section 200(e) of the act, the Department is responsible for supplying the forms on which the dog license records are kept. The Department will work with the county treasurers to devise a form, which will not require an extensive upgrade of their computer systems. The format could be as simple as requiring the county treasurer to differentiate the two numbers by placing a dash or slash between them. With regard to the county treasurers' assertion that any expenses involved with the upgrade should be the responsibility of the Department, the act, specifically in sections 1001(b) and 1002(b) (3 P. S. §§ 459-1001(b) and 459-1002(b)), sets forth the parameters for expenditure of funds from the Dog Law Restricted Account. Any compensation would have to fit into one of the criteria delineated in those sections of the act.

With regard to concerns expressed by IRRC and PACT about the level of compensation for county treasurers and agents, set forth in § 21.51(d), this was an oversight on the part of the Department when amending the current regulations. The language set forth in the proposed rulemaking is the same language that appears in the current regulations. The 1996 amendments to the act changed the level of compensation for processing of dog licenses to \$1. The Department has added language

throughout the final-form regulations referring to the "appropriate fees, as set forth at sections 201 and 200(b) of the Act." This should address PACT's concern and make the compensation level for county treasurers and agents processing dog licenses consistent with those set forth in section 200(b) of the act.

*B. Application and Issuance Process—Clarity, Consistency with Statute**IRRC*

1. IRRC agreed with several commentators that the procedure set forth in the proposed rulemaking is too complicated with regard to the issuance of lifetime licenses for microchipped dogs. IRRC further agrees the process should be more streamlined and concurs with other commentators' suggestions that the dog owner should be able to have a microchip implanted in his dog prior to obtaining a lifetime license number and tag from the county treasurer or agent. Commentators suggest the owner could have a microchip implanted in the dog and then take a microchip verification or certificate to the office of the county treasurer or agent, at which point, the microchip identification number could be recorded and the lifetime license and tag issued.

2. IRRC suggested subsections (b)(2) and (7) and (c)(1) of the proposed rulemaking should be amended to clarify that the lifetime license number will be assigned by the county treasurer. In instances where a microchip is used as the permanent means of identification, the county treasurer will record the microchip number, as well as the assigned lifetime license number, on the license certificate.

3. IRRC suggested subsection (c) of the proposed rulemaking should be amended to address the process to be followed by: (1) dog owners who had their dog microchipped before the effective date of the regulation; and (2) new dog owners of previously microchipped dogs. The final-form rulemaking should address the process for these parties to obtain lifetime dog licenses.

4. IRRC believed subsection (c)(3) is confusing. IRRC suggested the sentence "... person implanting the microchip shall record the identifying number of the microchip on the tattoo/microchip license certificate" should be amended to clarify the intent of this provision.

5. IRRC commented that subsection (d)(1) contains a requirement that the lifetime license applicant must remit the "appropriate fee," set forth in act, to the county treasurer or agent. IRRC believed this paragraph should also contain a cross-reference to the fees established in section 201(b) of the act.

6. IRRC questioned whether the reference to "microchip-license number" in subsection (d)(2) of the proposed rulemaking should be changed to "lifetime license number."

7. IRRC commented that in subsection (e), the phrase "... with the county treasurer's copy behind filed in sequence", was confusing and requested that the Department clarify this phrase in the final-form rulemaking.

PFDC

1. The PFDC pointed out the Department appears to assume the current method and procedures being utilized for the lifetime licensure of dogs concerning tattoos as the means of permanent identification of dogs can be utilized for microchips. The PFDC stated microchips already have a manufacturer's number embedded in them and therefore it is impossible for a county treasurer to assign a

number for the microchip itself. The PFDC suggests it will be necessary to "... rewrite these rules and regulations to reflect the two different methods, tattooing and micro chipping ..."

2. The PFDC suggested—with regard to the process for microchipping—"... the county treasurer would have to have a system whereby the dog would be assigned a state or county number that would appear on both the paper work and the license tag itself and then the microchip number would also appear on the paper work in order to identify the dog by cross referencing the two numbers."

PLAN

1. PLAN commented that microchips are already numbered when they are manufactured and therefore the number assigned by a county treasurer or an agent for a lifetime license—where a microchip will be used as the permanent means of identification—must be linked to the implanted microchip number to allow the two different numbers to be cross-referenced. PLAN stated, "[T]hus, a dog with a lifetime microchip-license will carry two numbers for identification. The same dog will wear two tags, one with the lifetime license number, and the other with the actual microchip number. ..."

2. PLAN commented that provisions must be added to the regulations to allow for the processing of dogs that already have microchips implanted. PLAN suggested proof of microchipping should be mandatory before an application for a lifetime license can be issued and the process initiated.

3. PLAN requested the addition of the word "altered" to the identifying license certificate so the applicant or county treasurer can check a box as to whether the dog has been spayed or neutered (second sentence of old § 21.51(b)). PLAN wanted to assure applicants and county treasurers identify the dog properly as an "intact" male or female or a "spayed, neutered or altered" male or female.

BCSPCA

1. The BCSPCA pointed out that microchips are already numbered when they are manufactured and therefore the number assigned by a county treasurer or an agent for a lifetime license—where a microchip will be used as the permanent means of identification—must be linked to the implanted microchip number to allow the two different numbers to be cross-referenced. The number on the lifetime tag issued by the county treasurer will be different from the number on the microchip.

2. The BCSPCA stated, "[B]ecause of how microchips are manufactured and distributed there will need to be some differences between how lifetime licenses are issued for microchips and how they are issued for tattoos."

3. The BCSPCA commented that provisions must be added to the regulations to allow for the processing of dogs that already have microchips implanted. The BCSPCA suggested that owners of dog, already having microchips implanted, should be able to present proof of microchipping, "... either in the form of the original paperwork from the vet or animal shelter, showing the chip number and manufacturer, or in the form of a verification from a vet or animal shelter that the animal is microchipped ..." and identifying the microchip number and manufacturer.

MPVH, Jeff Steed, D.V.M. (Dog Law Advisory Board Member)

1. The MPVH commented that the regulations, as written, might accomplish the intended results. However,

the MPVH agreed with other commentators who stated the proposed regulations are confusing and more complicated than necessary. The MPVH's biggest concern was the confusion arising over the assignment of a microchip-license number. The microchip number is different from the lifetime license number that will be issued by the county treasurer. The MPVH felt the two different numbers are easily confused as the regulations currently read and that the Department needs to make it clear they are two different numbers. The MPVH suggested the language of the final-form regulations should be worded more clearly to reflect the fact that a microchip already has a unique encoded I.D. number and therefore the number assigned by a county treasurer or an agent for a lifetime license—where a microchip will be used as the permanent means of identification—will be different from the microchip number. The number on the lifetime tag issued by the county treasurer will be different from the number on the microchip. The MPVH suggested the county treasurer or agent and the Department should keep a record of both numbers and use the lifetime license number to cross reference the microchip number and visa-versa.

2. The MPVH commented that the procedure for obtaining a lifetime license when a microchip will be used as the means of permanent identification, should be simplified. The MPVH suggests the owner of the dog should be allowed to obtain a certificate or verification that a microchip has been implanted in the dog. The certificate or verification would set forth the unique I.D. number of the microchip. The dog owner could then take the certificate or verification of microchipping to the county treasurer or agent and apply for a lifetime license. This would also address the problem where dogs were microchipped prior to the regulations being promulgated.

3. The MPVH stated the Commonwealth database must include the unique microchip I.D. number and its associated lifetime license number for the process to work as intended.

PVMA

1. The PVMA commented that the regulations presented several points of confusion. The first point of confusion was the incorrect assumption—brought about by the current wording of the regulations—that the "microchip number" must be preassigned by the county treasurer or agent and have the two digit county code placed in front of it. The PVMA pointed out that each microchip has a unique, unalterable number. The PVMA would like the Department to clarify the language, in the final-form regulation, to reflect the fact that a distinct number, separate from the microchip number, will be issued by the county treasurer or agent and two separate numbers—the microchip number and the lifetime license number issued by the county treasurer or agent will be recorded. These numbers will cross-reference one another. The PVMA suggests a possible language change to address the confusing the issue. The PVMA stated that using the term "microchip number" instead of the term "microchip identification number" might simplify and clarify the regulations.

2. The PVMA commented that the Department should clarify the procedure for issuing a lifetime license where the dog has previously had a microchip implanted. The PVMA believed the Department should clearly state that, in this case, the dog owner could present verification of microchipping, such as a receipt from the veterinarian that implanted the microchip, to the county treasurer or agent.

3. The PVMA would like the Department to include a provision that would allow the application for the lifetime license to be completed after the microchip was implanted instead of requiring the dog owner to complete the lifetime license application prior to the implantation of a microchip.

*Honorable Raymond Bunt, Jr., Majority Chairperson,
Agriculture and Rural Affairs Committee*

1. The Honorable Raymond Bunt, Jr. agreed with other commentators that amendments must be made to the language of the proposed rulemaking to clearly identify the process of assigning a lifetime license number to a dog that has been or will be permanently identified with a microchip.

Response

Although the substantive content and intent of the proposed rulemaking has not changed, the Department, based on the numerous comments regarding clarity of the proposed rulemaking, has done an extensive revision to the structure of the proposed regulation. The revisions include breaking § 21.51 of the final-form regulation down into various new subsections to add clarity to the application process and adding language and new subsections to § 21.53 of the final-form rulemaking to clarify the process to be followed when a dog with a lifetime license is transferred to a new owner or relocated outside the county in which the lifetime license was issued.

Section 21.51 of the final-form rulemaking includes separate subsections setting forth the licensure procedure to be followed when using a tattoo as the means of permanent identification versus the licensure procedure to be followed when using a microchip as the means of permanent identification. In addition, the duties of the license applicant and the county treasurer or agent have, for the most part, been set forth in separate subsections. Furthermore, § 21.51 of the final-form rulemaking allows an owner to have a microchip implanted in his dog prior to obtaining an application for a lifetime license. A dog owner may have a microchip implanted and then take a microchip verification form or certificate to the office of the county treasurer or agent, at which point, the microchip identification number will be recorded and the lifetime license and tag issued. The final-form rulemaking makes a clear distinction between the microchip number, which will be recorded by the county treasurer and the lifetime license number, which will be assigned by the county treasurer. The county treasurer will then record both numbers for its records. The two numbers will act as a cross-reference to allow the dog to be identified by either number. The Department also established a separate subsection addressing the procedure to be followed by the owner of a dog which had a microchip implanted prior to these regulations taking effect.

There were other comments submitted regarding § 21.51, which the Department considered but which did not result in revisions to the final-form rulemaking. One comment concerned the issuance of two tags for dogs receiving a lifetime license. Contrary to the statement by the commentator that the dog will wear two tags, the dog will only wear one tag—the lifetime license number issued by the county treasurer or agent. The microchip number will be recorded by the county treasurer or agent and will act as a cross-reference to the lifetime license number assigned by the county treasurer. Requiring a second tag would add an additional unnecessary cost and would not give the dog any additional protection. The microchip is implanted in the dog and where necessary to

identify the dog—such as where the dog has lost its collar with the lifetime license tag number on it—the microchip number can be ascertained by scanning the dog. Another commentator suggested the Department should make verification of implantation of a microchip mandatory prior to the initiation of the application process. The Department will not require that a dog be microchipped before an application for a lifetime license can be issued and the process initiated. Most commentators wanted more flexibility in the process. The process set forth in the final-form rulemaking allows the dog owner to obtain an application prior to or after a microchip is implanted in the dog. However, the final-form regulation does require proof of microchipping prior to the county treasurer or agent actually issuing the lifetime license and tag number. Another commentator suggested the addition of the word “altered” to the identifying license certificate to be issued, so that the applicant or county treasurer can check a box as to whether the dog has been spayed or neutered. The commentator wanted to ensure applicants and county treasurers identify the dog properly as an “intact” male or female or a “spayed, neutered or altered” male or female. The application for a dog license or lifetime dog license already requires this type of information. The information is necessary to determine the proper cost of the license and becomes part of the records of the county treasurer or agent.

C. Transfer of Lifetime Dog Licenses—Further Define to Add Clarity

IRRC

1. IRRC commented that § 21.53 does not specify a time period within which an owner must notify the county that issued the lifetime license of a change in address or ownership of the dog.

2. IRRC commented that the regulation is unclear as to what information is necessary for the owner to provide to the county treasurer or agent as part of the transfer application.

3. IRRC commented that section 205(a) of the act (3 P. S. § 459-205(a)) specifies a \$1 fee for transfer of a license. IRRC suggested the \$1 fee should be cross-referenced or set forth in this section of the rulemaking.

4. IRRC commented that the regulation is silent with regard to the process to be utilized by a dog owner moving to this Commonwealth from another state with a dog that has already been tattooed or implanted with a microchip in the former state of residence.

PACT

PACT commented that the Department should add a provision to the regulation which would delineate the lifetime licensing procedure for a person moving in from another state who already has his dog microchipped. The concern is the Department would require a new microchip to be implanted in the dog.

BCSPCA

The BCSPCA commented that adding more specific language to § 21.53 would help to clarify the current regulations. The BCSPCA suggested the Department should address how much time the owner of a dog has to contact the county treasurer or agent after a change in address or a change in ownership of the dog, what information needs to be provided by the dog owner in each case and the fee for the transfer.

Honorable Raymond Bunt, Jr., Majority Chairperson, Agriculture and Rural Affairs Committee

Representative Bunt commented that he agreed with the comment submitted by the BCSPCA regarding § 21.53. Representative Bunt stated, “Sections 205(a) and (b) of the law do establish fees for license transfer. If no fee is proposed for recording a new residence for a lifetime license owner, then perhaps that could be stated in the regulation.”

Response

In response to comments received concerning the process to be followed when a dog with a lifetime license is transferred to another owner or permanently relocated to another county, the Department added language to § 21.53 of the final-form rulemaking and broke that section down into separate subsections addressing ownership transfers and residence changes within a county and ownership transfers and residence changes to places outside the county in which the lifetime license was issued. The new language and separate subsections in § 21.53 of the final-form rulemaking clarify the process to be followed in each case.

The Department added language to the final-form rulemaking to address comments concerning the lack of a specific time limit, in the act or the proposed regulation, within which the dog owner, transferee, or both, must notify the county treasurer or agent of a transfer of ownership or change of address. The Department believes, to assure protection of the dog and the general public, it is reasonable to require a dog owner or transferee, or both, to notify the county treasurer or agent and complete the necessary process either immediately prior to or within 10 days after the actual transfer of ownership or change of address takes place. In addition, the final-form regulation clarifies the type of information the dog owner or transferee, or both, must submit.

With regard to transfer fees that must be paid, section 205 of the act clearly establishes those fees and the final-form regulation restates the \$1 transfer fee. Section 205(b) of the act makes it clear that even where a dog is moved to a new county and a new license and tag must be issued, the fee is still \$1. Therefore, the Department cannot change the fee or require payment of an additional fee through regulation.

The Department received comments regarding clarifying the lifetime license process to be followed by a person moving into this Commonwealth from another state. The commentators were concerned that if a person owned a dog that already had a microchip implanted, the person would have to have another microchip implanted in the dog. The Department believes the changes made to § 21.51 of the final-form rulemaking, which address the lifetime license process to be followed when a dog already has a microchip implanted, address this issue. With regard to the issue of a dog owner moving into this Commonwealth from another state and obtaining a Commonwealth lifetime license, that person would merely follow the same process as any Commonwealth resident wishing to purchase a Commonwealth lifetime license. There are no provisions in the act that provide for the transfer of an out-of-State license. A dog license issued in another state is not valid for a dog permanently transferred into this Commonwealth.

D. Penalties—Clarity

IRRC

IRRC commented on the Department’s proposed deletion of § 21.4. IRRC commented this provision contains

the penalties for violations of this chapter. IRRC suggested for clarity, that even though the penalties are set forth in the act, the Department should consider replacing the content of the penalty section with a cross-reference to the section relating to penalties contained in section 201(c) of the act.

PLAN

PLAN commented that it strongly opposes the proposed deletion of § 21.4. PLAN notes the Department originally intended to amend the language of the penalty provision set forth in § 21.4 so that the language of the regulation mirrored the language in section 903 of the act. PLAN believed that having the penalties included in the regulations will clarify the regulations for judges, kennel owners and all those who read them.

BCSPCA

The BCSPCA commented that it opposes the proposed deletion of § 21.4. The BCSPCA stated, “[W]e believe raising the level of offense to misdemeanor of the third degree for a third or subsequent violation under this act within 1 year of conviction for the first and second violations is both reasonable and necessary. Summary penalties are clearly not meaningful or effective if they do not deter someone from committing a third or subsequent offense less than a year after being convicted for a similar offense.”

Response

In response to the comments submitted regarding the Department’s proposed deletion of the one penalty provision contained in the current regulations, the Department has decided to amend the “penalty” provisions, in § 21.4, to include all penalties set forth in the act. The current regulations contain only one penalty provision. That penalty provision is a restatement of the penalty in section 903 of the act. However, the act itself contains numerous penalty provisions. Some of the provisions relate to a specific article of the act and other penalty provisions apply to the entire act. In addition, because of amendments to the act—specifically to section 903 of the act—the penalty provision set forth in the current regulations was not consistent with the penalty provision in section 903 of the act. Therefore, the Department felt the regulations, were potentially confusing. The Department, in the proposed regulations, was attempting to eliminate the potential problems and confusion arising from providing only one penalty in the regulations when the act provides for numerous penalties. The Department, wishing to avoid redundancy, decided to eliminate any reference to penalties in the regulations and simply allow the act to control. However, based upon the response of the regulated community’s and the regulated community’s desire to have the penalties actually set forth in the regulations, the Department has included all of the penalty provisions delineated in the act in the final-form rulemaking. In addition, to add further clarity, the Department has broken the penalty provisions down by article and subject matter.

E. Recordkeeping for Lifetime Dog Licenses—Need and Clarity

IRRC

1. IRRC commented that some of the language contained in § 21.52 was redundant. IRRC stated that this section repeats the language contained in § 21.51(e) of the proposed rulemaking. IRRC suggested the Department should eliminate one of the repetitious provisions.

2. IRRC pointed out that while the recordkeeping provisions of the proposed regulations required the county

treasurer or agent to retain records for 20 years, there is no provision regarding how long the Department is going to retain lifetime dog licenses.

Response

In the final-form rulemaking, the Department has corrected the redundant language contained in §§ 21.51(e) and 21.52 of the proposed rulemaking.

With regard to IRRC's comment concerning the length of time the Department will retain lifetime license records, the Department will maintain the records for the same amount of time as the county treasurers' or agents' (that is, 20 years). Because regulations are not intended to regulate the actions of the regulated body, the Department does not believe it is necessary to promulgate a specific provision within the regulation setting forth the time period for retention of records by the Department.

F. Definitions—Need

IRRC

IRRC commented that the addition of the term "releasing agency" to the definitions section of the proposed rulemaking is unnecessary because the term does not appear elsewhere in the proposed rulemaking. IRRC suggests the term should be deleted from the final-form rulemaking.

PLAN

PLAN commented that the addition of the term "releasing agency" is not necessary because the term does not appear elsewhere in the proposed rulemaking.

Response

In response to the comments regarding the definition of "releasing agency," the Department has removed the definition from the final-form rulemaking.

G. Requiring Scanners

Honorable Peter J. Daley, Minority Chairperson, Agriculture and Rural Affairs Committee

1. Representative Daley commented that the proposed regulation does not require pet shelters that might receive stray animals to have a scanning device to detect microchips. Representative Daley was concerned, unless the Department requires shelters to have scanning devices or requires scanning of dogs prior to euthanasia, a dog owner could lose a pet at a shelter that fails to scan the dog prior to euthanasia. Representative Daley states, "... there clearly is an implied promise of security for one's pet when a microchip license is purchased, and that promise will fail if there is not widespread distribution of the microchip wands." In addition, Representative Daley realized a regulatory requirement could impose a cost on shelters if the scanning devices were not provided free of charge. Therefore, Representative Daley suggested the final-form rulemaking should require shelters to have scanning devices so long as they are available at no cost to the shelter.

Representative Daley's comment received two responses; one from the veterinary industry and one from the microchip industry.

The first response came from the PVMA. The PVMA responded that it shares the "... desire to encourage the scanning of all animals prior to admitting them into a shelter, before they are adopted and prior to euthanasia." However, the PVMA stated that while it would strongly support a statute (or statutory provision) requiring the scanning of an animal before it is euthanized, it does not believe the lifetime licensure regulation should be delayed

in its implementation while awaiting the writing and approval process for a mandatory scanning regulation. In addition, the PVMA addressed the issue of the cost of scanning devices for shelters. The PVMA informed the Department that 5 years ago it entered into a contract with the AVID Microchip Company (AVID). Among other things, the contract allowed the PVMA to distribute the AVID microchip scanners free of charge to any legitimate animal control facility that made a formal request. The PVMA further states that AVID has assured the PVMA it intends to continue to honor the contract with the PVMA and will provide scanners free of charge to facilities that do not presently have a scanner. The PVMA suggest the Department contact the PFHS and ask the PFHS to poll its members. The PVMA would be willing to provide the necessary information to permit this facility to qualify for a complimentary reader.

The second response came from AVID. AVID stated it has been its policy to provide scanning devices free of charge to facilities that process stray and lost animals. AVID has a contract with the PVMA to provide scanning devices free of charge to animal shelters and humane organizations throughout this Commonwealth. AVID has two requirements that must be met in order for it to continue to provide scanning devices free of charge in this Commonwealth. First, because having a scanning device does not assure a shelter or stray animal facility will utilize the device and because the Commonwealth has no law requiring animals to be scanned prior to admission, adoption or euthanasia, the facility receiving the free scanning device must enter into a written agreement with AVID promising it will scan animals prior to admission and prior to adoption or euthanasia. The second requirement is that AVID must be able to continue to generate sales of microchips to Pennsylvania veterinarians and shelters. AVID would support legislation requiring the scanning of all animals prior to admission to shelters or other animal control facilities and prior to adoption or euthanasia.

Response

The Department, after much discussion and consideration of the comment related to requiring the use of scanning devices in the final-form regulation, has decided the mandatory use of scanning devices absent an agreement with the industry to provide scanners free of charge to all facilities that accept, hold and euthanize or adopt dogs, has the potential of imposing undue costs and expenses on that industry. While the Department believes the intent of the comment is laudable, also believes the topic is one that requires additional discussions and assurances before it is implemented. As pointed out by the PVMA, many persons in the industry have eagerly anticipated the promulgation of this regulation and there is a need to move it forward as soon as possible. In addition, many facilities accepting, holding, euthanizing and adopting dogs already have scanners. Furthermore, the mandatory requirement of possessing a scanning device, absent a law requiring the scanning of every dog prior to euthanasia and appropriate recordkeeping requirements, will not ensure the intent of the comment is met. The Department and the industry is very willing to endorse and encourage every facility accepting, holding and euthanizing or adopting dogs to possess a scanner and to scan every dog received by that facility prior to it being euthanized or adopted.

H. *Miscellaneous*

Honorable Raymond Bunt, Jr., Majority Chairperson, Agriculture and Rural Affairs Committee

Representative Bunt commented that the "Background" section of the Preamble to the proposed rulemaking contained two references to the implantation of a microchip as a "more humane" method of identification. Representative Bunt opined these references are not accurate and infer that tattooing is inhumane. Representative Bunt strongly encouraged the Department to remove these references to the humane treatment of dogs in the final-form preamble.

PACT

PACT commented that the first sentence of § 21.51(c) states, "[T]he owner shall arrange to have the dog tattooed or a microchip implanted at the owner's expense with the number assigned by the county treasurer in the manner prescribed by subsection (b)." PACT interprets the amendments made by the proposed regulations to delete § 21.51(b).

Response

The Department agrees with Representative Bunt's comment and has removed the language "more humane" from the preamble of the final-form rulemaking.

The amendments set forth in the proposed rulemaking do not have the effect of deleting § 21.51(b). In addition, the modification of the regulation in its final-form makes this point of contention mute.

Additional Comments Received After Department Revisions to the Regulations and Reissuance to First Round Commentators

Because of extensive revisions made to the regulations as a result of the comments received during the proposed stage of rulemaking the Department—after making revisions based on those comments and prior to submitting the revised regulation for final rulemaking—reissued the revised regulation to all persons who commented during the proposed stage of rulemaking for additional comments on the revised draft. The Department received additional comments from IRRC, the PFDC, PLAN and PACT. The comments received were section specific and therefore are set forth in that manner as follows.

Category

A. *Section 21.4 Penalties.*

IRRC

1. IRRC questioned whether it was necessary to "... reiterate the penalty provisions of the Act in the regulations, rather than just cross-referencing the penalty provisions?"

Response

For clarity and based on comments received during the proposed stage of rulemaking and discussions with commentators, the Department feels that consolidating and delineating the actual penalties in the regulations is necessary. Establishing the penalties in the regulations and consolidating the penalties under the various articles of the act assists the regulated community, the district justices and the Bureau and streamlines compliance and adjudicatory matters by not requiring those persons to cross-reference the act and by clarifying which penalties pertain to violations of the provisions of each article. The need for this is made even more evident by PLAN's comment regarding this regulation. PLAN states, "[W]hat

a super job the Department has done with the penalty section. That's one of the most comprehensive penalty sections on the books! Thank you for organizing all those references in such a concise manner."

B. *Section 21.51 Lifetime Dog License Issuance.*

Issue 1: 10 Day Time Limit for Tattooing of a Dog

IRRC

1. IRRC commented that it believed the 10-day time period requirement set forth in subsections (d)(7) and (9) and (g)(2) was not enough time to allow a dog owner to get a dog tattooed and return the verification form to the county treasurer or agent. It noted the proposed version of the regulations gave a dog owner 60 days, plus an additional 30 days to reapply if the 60-day time frame was not met.

PFDC

2. The PFDC commented that the 10-day time period requirement set forth in the revised regulations is "... much too short a time period, especially if the dog owner is doing it by mail." The PFDC suggested that a more reasonable time period would be 30 days and suggested the time period for having a dog either tattooed or microchipped should be the same.

PACT

3. PACT commented that the 10-day time period requirement set forth in the revised regulations "... should be changed to read 30 to 60 days." It pointed out that the busy schedule of most people today only allow them to carry out these duties on the weekend or their days off.

Response

The Department agrees with these comments and has changed the time period in the final-form regulation to 30 days. The Department originally reduced the time period from the 60 days, plus an addition 30 days to reapply, to make the recordkeeping and tracking of the license applications easier for the county treasurers and agents and to assure the process was completed in a timely manner, thereby better protecting the health and safety of the dog. It is imperative that the licensure process be completed in a timely manner because an unlicensed dog, which has escaped its owner or has been found running at large, has no identification for purposes of contacting the owner and may be euthanized by a shelter within 48 hours of arrival at the shelter. Therefore, after reviewing the comments the Department agrees a 30-day time period is more appropriate and reasonable.

Issue 2: Violation for Not Tattooing or Microchipping the Dog Within the Time Period Set Forth in the Regulations.

IRRC

1. IRRC commented on the language in subsection (d)(9) regarding a violation of the act for not complying with the 10-day tattooing provision. IRRC questioned what provision of the act would be violated if a person did not meet the time frame set forth in the regulations regarding the tattooing of a dog. In addition, IRRC pointed out there was no similar provision contained in the microchip sections of the rulemaking.

Response

The act, in section 201, requires "... the owner of any dog, three months of age or older ... shall apply to the county treasurer in his respective county or an agent ... for a license for such dog." Thus all dogs 3 months of age or older must be licensed. Section 200(b) of the act

regarding lifetime licenses requires the same licensure, except a lifetime license holder will not be required to renew a license on an annual basis. The regulations provide a timeline for completion of the licensure process (application to permanent identification and actual tag and license issuance). An applicant that violates this requirement does not have his dog properly licensed and therefore violates the licensure provisions of the act. The Department in response to comments regarding the reasonableness of the timeline has changed the time period to complete the process from 10 days to 30 days. In addition, the Department has set forth the same timeline in the microchip sections of the regulations for completion of the lifetime licensure process regarding the implantation of a microchip.

Issue 3: Clarification of the reference to implantation of a microchip as opposed to scanning of the microchip.

IRRC

1. IRRC questioned whether the reference in the last sentence in subsection (f)(3) to "the person implanting the microchip number" should be changed to "the person scanning the microchip number," since that subsection addresses dogs that were previously microchipped.

Response

The Department agrees that the language of the sentence should be changed. In the final-form rulemaking, the Department has replaced all references to "implanted" or "implanting" in this subsection with the words "scanned" or "scanning."

Issue 4: Typo in subsection (g)(2).

IRRC

IRRC pointed out an apparent typo in subsection (g)(2). It stated the word "fees" should be changed to "fee."

Response

The Department corrected this typographical error in the final-form rulemaking.

Issue 5: Redundancy relating to subsections (f) and (g).

IRRC

IRRC stated that subsections (f) and (g) appear to repeat the same information and inquired as to whether these two subsections could be combined into one subsection.

Response

Subsection (f) sets forth the procedures for owners of previously microchipped dogs to follow when applying for a lifetime license. Subsection (g) sets forth the process and procedures the county treasurers or agents must follow when issuing a lifetime license. Subsection (g) sets forth the procedures the county treasurers and agents must follow when the means of permanent identification is a tattoo, microchip or previously microchipped dog. While some of the language may appear repetitive, the Department feels it is necessary to separate the procedures of the dog owner and the county treasurers and agents for clarity. In fact, this is a change to the proposed regulations and was implemented because of comments stating the proposed regulations were confusing because there was not a clear distinction between the duties and responsibilities and processes of the dog owner and the county treasurers and agents. Therefore, the Department believes the two subsections are necessary and should not be combined.

Issue 6: Limiting the Persons Who May Apply a Permanent Means of Identification.

PFDC

1. The PFDC stated that the act contains no reference to who may apply the permanent means of identification. The PFDC objected to the Department limiting the application of a tattoo or microchip to veterinarians or a person approved by the Department. The concern of the PFDC was that this language could impose a severe restriction on breeders with regard to where a breeder could go to have a dog tattooed or microchipped.

PACT

PACT commented with regard to the language in the regulations requiring a tattoo or microchip to be applied by a licensed veterinarian or other person approved by the Department. PACT commented that to properly enforce this requirement the Department would have to provide PACT with both a list of people approved by the Department to tattoo dogs and those approved to implant microchips in dogs.

Response

It is not the intent of the Department to limit or restrict the persons available to breeders to either tattoo or implant a microchip in a dog as a means of permanent identification. The act provides that the Department is responsible for assuring the health and safety of dogs. The provisions requiring the permanent identification to be applied by a veterinarian or other person approved by the Department were intended to protect the dog from injury and unnecessary stress and to provide veracity. The Department has made two changes to the wording of the final-form regulations in response. First, the Department, after consulting with veterinarians at the Department, determined that the application of a tattoo should be limited to a licensed veterinarian. The tattoo must be applied to the right inner thigh of the hind leg of the dog. To effectuate this the dog must be laid on its side, the thigh held in the air and the tattoo applied. Dogs often object to the procedure while awake and could be harmed in the process. Therefore, it was the opinion of the veterinarians that dogs should, in most situations where a tattoo is being applied, be anesthetized or at the very least be in a controlled atmosphere where anesthesia is an available option and the proper techniques and controls can and will be used during the tattooing process. Second, the Department changed the wording of the microchip sections to read "a licensed veterinarian or a licensed kennel owner." The fact that the person applying the microchip must be licensed adds veracity and integrity to the process and addresses the PACT concern regarding knowledge of who is approved by the Department to apply a tattoo or microchip. Persons holding a license have an incentive to perform in a manner that will not jeopardize the license and the Department can provide a list of licensed kennels to PACT. In addition, the wording is less restrictive on breeders, because it clarifies who is approved to perform applications and most breeders are licensed kennels and therefore could apply microchips to their own dogs and others. Also, breeders have a veterinarian they rely on for the health care needs of their dogs; therefore, a breeder that prefers to have their dogs tattooed as the permanent means of identification can utilize the services of their veterinarian.

Issue 7: Addition of the Word "Altered" to the Identifying License Certificates, Forms and Anywhere the Regulations Require Information About the Breed, Date of Birth, Sex, Color and Markings of the Dog.

PLAN

PLAN commented the word "altered" should be added to the identifying license certificates, forms and anywhere the regulations require information about the breed, date of birth, sex, color and markings of the dog. PLAN states this will "... facilitate information concerning dogs, especially females, who are not returned to their owners and are offered for adoption. The Department is aware of many female dogs who have had needless surgery because their guardians did not know they had been spayed."

Response

The Department has added the phrase "and whether the dog has been spayed or neutered" to all of the provisions of § 21.51 that refer to information about the breed, date of birth, sex, color and markings of the dog. The Department will make the necessary changes to the appropriate forms.

Issue 8: Allowing Agents to Sell Lifetime Licenses.

PACT

PACT commented that the regulations mention "appropriate agent" in many different places. PACT did not agree with its "sub agents" selling lifetime dog licenses. PACT suggested the agents may hand out the application for a lifetime license, but the county treasurer must issue the number and keep all the lifetime records.

Response

The act does not distinguish, with regard to the role of agents, between the sale of annual dog licenses and the sale of lifetime dog licenses. Section 201(b) of the act relating to the sale of lifetime licenses, states, "[T]he owner of a dog three months of age or older which has been permanently identified may apply to the county treasurer of his respective county or an agent under Section 200(a), on a form prescribed by the department for a lifetime license for a dog (3 P. S. §§ 459-200(a) and 459-201(b))." The role of the agent would remain the same as that set forth in Article II of the act. Nothing in the regulation can or does alter or change that authority or role of the agent. These amended regulations do not alter the meaning of language already set forth in the lifetime licensure regulations currently in place. The lifetime licensure regulations currently in place in § 21.51 allow the county treasurer or an agent to accept lifetime dog license applications, assign tattoo numbers, complete the tattoo certificate and collect the appropriate fees. The county treasurer still keeps the records and makes the appropriate reports to the Department, just as under the current regulations.

Issue 9: Allowing Dog Owners to Obtain and Complete a Lifetime License Application by Mail.

PACT commented it is not in favor of allowing the dog owner to apply by mail. PACT questioned "[W]ho is going to pay the postage on the mail?"

Response

The act, in section 200(b), addresses compensation to county treasurers. Section 200(b) of the act states in part, "[F]or services rendered in collecting and paying over dog license fees, agents . . . may collect and retain a sum of \$1 for each dog license sold, which amount shall be full compensation for services rendered by them under this

act. The compensation shall . . . cover, among other things, the cost of processing and issuing dog licenses, postage, mailing . . ." Therefore, any postage fee should be covered by the \$1 compensation allowed by the act. However, it should be noted that the Department, at its discretion, has in the past helped the county treasurers "promote" license sales by supplying the county treasurers with postage paid return envelopes to mail the license and tag back to the dog owner. The Department will continue to assist the county treasurers in any manner allowed by the act and within its budgetary limits; however, the compensation and postage issue is already addressed by the act and cannot be changed by regulation.

Issue 10: Requirement that the Verification of Tattoo Form Set Forth Certain Information.

PACT

PACT commented that the requirement that the verification of tattoo form set forth the exact number tattooed on the dog, identify the dog by breed and delineate the dog's date of birth, sex, color and markings may be too onerous and confusing for dog owners. PACT stated, "[S]ome people cannot remember the age of their dog and unless the dog is registered people probably will not know the dog's date of birth. They might know the age."

Response

The purpose of this information is to allow for better identification of the dog. The act does not allow for the transfer of tags or licenses between dogs. The date of birth helps the Department to determine the age of the dog. The Department needs to have this information, including the date of birth, to assure the dog wearing the tag is the actual dog licensed. The Department will agree to only requiring the age, as that is what is required by section 201(b) of the act. Changes have been made to all sections of the regulations which used to require the "date of birth" of the dog.

Issue 11: Holding of Issuance Fee By County Treasurer Where Dog Owner Fails to Comply With the Provisions of the Regulations.

PACT

PACT commented with regard to § 21.51(d)(9) of the rulemaking. That section states, in part, that a dog owner who fails to have the dog tattooed and return the completed verification of tattoo form within 30 days shall be in violation of the licensure provisions of the act and the regulations and the lifetime license shall be void. It instructs the county treasurer or agent to return the lifetime license fee to the dog owner and record and report the noncompliance to the Department. PACT believed the county treasurer should retain the issuance fee for the services rendered as in § 21.51(g)(2) and (g)(3).

Response

The Department believes the provisions set forth in § 21.51(g)(2) and (3) are adequate and do not need to be repeated in § 21.51(d)(9). However, this is a small change and would add some clarity for PACT. Therefore, the Department has added the language regarding retention of the issuance fee to § 21.51(d)(9).

Issue 12: Allowing the Lifetime License Application to be Obtained and Completed Either Prior to or After Implantation of a Microchip.

PACT

1. PACT commented that allowing the dog owner to obtain a lifetime license application after implantation of

a microchip in the dog might lead dog owners to believe the mere implantation of the microchip is the license and meets the licensure requirements of the act. It believed more discussion was necessary on this issue.

Response

The Department amended the proposed regulations to allow dog owners to obtain a lifetime license application after the implantation of a microchip because of comments and concerns expressed by the general public and IRRC during the proposed stage of rulemaking. The regulations now address the process to be utilized when the dog has already been microchipped prior to the dog owner obtaining an application for a lifetime license and prior to the effective date of these regulations. While the Department agrees that some dog owners may become confused, the Department believes most dog owners realize the microchip is not the actual license. In addition, a dog owner must have his dog microchipped by a licensed veterinarian or a licensed kennel owner and he must fill out a verification of microchip form. The form will include further instructions and a disclaimer that it does not constitute a lifetime license. Furthermore, the veterinarians and the kennel owners are knowledgeable with regard to the provisions of the act and the regulations and will be able to inform the dog owner that the verification form must be taken to the county treasurer or agent to receive a lifetime license. Therefore, the Department believes dog owners should be allowed to have the dog microchipped prior to obtaining a lifetime license. This process provides the most flexibility and thereby encourages license sales.

Issue 13: Recording and Transmittal of Voided Lifetime License Numbers.

PACT

PACT commented that it believes it should be allowed to inform the Department of any voided lifetime license numbers at the same time it files its monthly reports.

Response

The Department agrees that the county treasurers may transmit any lifetime licenses they voided during the previous month at the same time they file their monthly reports. The regulations allow for this by stating in § 21.51(d)(9) and (e)(9) that, "[T]he issuing county treasurer or agent shall return the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth at § 21.52." Section 21.52 relates to recordkeeping and states, "[T]he county treasurer or agent shall record each lifetime license issued or voided. The county treasurer or agent shall mail or electronically transmit a monthly record of lifetime licenses information to the Department." The Department felt the best way to further clarify this would be to add language to § 21.51(g)(2) and (3) that is identical to § 21.51(d)(9) and (e)(9). The Department has done this in the final-form rulemaking.

Issue 14: Tracking and Recording Microchip Numbers.

PACT

PACT questioned, "Who is going to track and keep the records of the Microchip numbers?"

Response

As set forth in the regulations, the county treasurers and agents are responsible for cross-referencing the microchip number that corresponds with the lifetime license number issued for that dog. The microchip number and the lifetime license number are recorded and cross-

referenced at the time the lifetime license is given to the dog owner. That information shall then be transmitted to the Department. Therefore, the county treasurers and the Department will have a database that delineates the lifetime license number issued to a particular dog and the corresponding microchip number. If a microchipped dog is found running at large and without a tag, the dog and the dog's owner could still be identified through the microchip number. The cross-reference should not require any additional paperwork or computer problems for the Department or the county treasurers because cross-referencing the numbers can be as simple as placing the two numbers side by side with a dash or slash between them.

C. Section 21.53 transfers of lifetime dog licenses.

Issue 1: Change of Address or Ownership or Change of Ownership or Possession. Repetition of Information in subsections (a) and (b).

IRRC

1. IRRC commented that § 21.53(a)(1) addressed the change of address or ownership and § 21.53(b)(1) addressed change of ownership or possession. IRRC questioned if there was a difference.

2. IRRC commented § 21.53(a) and (b) appear to repeat the same information and questioned whether the two could be combined into one subsection.

Response

In response to IRRC's first comment, the Department intended to address only the transfer of ownership in § 21.53(b)(1) and the Department has changed the language of § 21.53(b)(1) to reflect that intent.

In response to IRRC's second comment concerning combining the two sections, the Department was seeking to clarify the issues surrounding the duties and requirements of dog owners and the process dog owners and county treasurers and agents must follow when a dog owner changes his address or transfers ownership of the dog to another person. The process is generally outlined in section 205 of the act. Section 21.53(a) of act sets forth the general duties of the dog owner and the county treasurer or agent in specific situations. Section 21.53(b) details the transfer process that must be followed to comply with the transfer requirements of the act and the regulations. The Department believes this provides the clarity the general public and IRRC were seeking in their comments during the proposed stage of rulemaking. Therefore, the Department disagrees with combining these two sections.

Issue 2: Time Period for a Dog Owner to Notify the County Treasurer of a Change of Address or Ownership.

IRRC

IRRC commented that § 21.53(a)(1) and (2) give the dog owner 10 days to notify the county treasurer of a change of address or ownership. IRRC questioned how the Department determined 10 days was the appropriate time period and stated, "it seems too short?"

Response

In arriving at the 10-day time period for notification, the Department considered the health and safety of the dogs as well as the onerous nature of the notification process detailed in the regulations. The health and safety issue for the dog, where there is a transfer of address or ownership, is that the records of the current or new county will not reflect the proper address or owner of the dog if that dog becomes lost or is found running at large after the transfer of address or ownership has occurred.

This could result in the dog not being returned to its proper owner and in some cases in the eventual euthanizing of the dog. On the other hand, the notification process is simple and straightforward with regard to the dog owner. In addition, there is nothing that prevents the dog owner from notifying the county treasurers in advance of a transfer of address or ownership. Therefore, the Department believes the 10-day notification time period is appropriate and essential to the health and safety of the dog.

Issue 3: Process for Transferring a Lifetime License Number Where the Dog Being Transferred Has a Tattoo as a Permanent Means of Identification.

IRRC

IRRC commented that § 21.53(b)(2) states that when ownership is transferred to a person outside the issuing county, a new lifetime licensed number will be issued and the original license number will be voided. IRRC questioned how this process will work when the dog in question has a tattoo as the permanent means of identification and therefore, the tattoo number is the same as the original lifetime license number as required under § 21.51(d)(4). The same question applied to § 21.53(b)(4) relating to change of residence to another county.

Response

In response to this comment and in an effort to solve the dilemma presented by this comment, the Department amended the language of § 21.53(b)(2) and (4) as well as the language of § 21.53(c). The Department felt the only plausible solution to the problem was to amend the language of the subsections to require the county to which the dog was transferred to record and cross-reference the old tattoo number to the new lifetime license number issued by that county, just as the county would cross-reference an existing microchip number and a new lifetime license number. The language of § 21.53(b)(2) and (4) and (c) has been changed to effectuate this process.

Issue 4: Typographical Error.

IRRC

IRRC commented that § 21.53(b)(2) contains a typographical error. It questioned whether the word "on" in a certain sentence was intended to be "one."

Response

The word "on" was intended to be "one." The Department made the correction to the final-form rulemaking.

D. Section 21.57. Kennel Tags.

Issue 1: Typographical Error.

IRRC

IRRC commented the word "dog" should appear between the words "State" and "warden."

Response

The Department made this change to the final-form rulemaking.

Fiscal Impact

Commonwealth

This final-form rulemaking will impose minimal costs and have minimal fiscal impact upon the Commonwealth. This final-form rulemaking will not increase or decrease the regulatory workload. The Department will have to organize a databank to maintain a record of lifetime license holders.

Political Subdivisions

This final-form rulemaking will impose minimal costs and have a minimal fiscal impact upon political subdivisions. The recording of both the lifetime license number and the microchip number is necessary to carry out the intent of the act and should not require the county treasurers to change their computer programs. Additionally, the county treasurers currently transmit a monthly record of all dog licenses sold, including lifetime licenses sold, therefore the requirement to transmit a record of lifetime licenses sold or voided will not impose an additional burden on the county treasurers. The county treasurers already keep a record of lifetime licenses for 15 years; the proposed amendments extend this requirement to 20 years. The expanded provisions of § 21.53 simply clarify language and duties already set forth at section 205 of the act.

Private Sector

This final-form rulemaking will impose no additional costs on private sector organizations or individuals. Purchasing a lifetime license is voluntary and the regulations endeavor to streamline and provide as much flexibility to the process as is possible.

General Public

This final-form rulemaking will impose no additional costs and have no fiscal impact on the general public. Dog owners that wish to have a lifetime license are already required to have the dog tattooed. This final-form rulemaking allows the use of a microchip as an alternative form of identification.

Paperwork Requirements

This final-form rulemaking will not result in an appreciable increase in paperwork. The Department will be required to maintain a databank of lifetime license holders, will have to amend some of its current forms and will have to design an additional verification of tattoo and microchip form.

Contact Person

Further information is available by contacting Rick Burd, Department of Agriculture, Bureau of Dog Law Enforcement, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4833.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.15(a)), the Department submitted a copy of the notice of proposed rulemaking published at 32 Pa.B. 66, to IRRC and to the Chairpersons of the House Agricultural and Rural Affairs Committee and the Senate Agricultural and Rural Affairs Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing this final-form rulemaking, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 11, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 21, 2002, and approved this final-form rulemaking.

Findings

The Department finds the that:

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

(2) A public comment period was provided as required by law and all comments received were considered.

(3) The modifications that were made to these regulations in response to comments received do not enlarge the purpose of the proposed regulations published at 32 Pa.B. 66.

(4) A public hearing was held as required by section 902 of the act. Notice of the public hearing was published at 30 Pa.B. 5543 (October 28, 2000).

(5) The modifications that were made to these regulations in response to testimony presented at the public hearing do not enlarge the purpose of the proposed regulations published at 32 Pa.B. 66.

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

Order

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

(a) The regulations of the Department, 7 Pa. Code Chapter 21, are amended by amending §§ 21.1, 21.4, 21.51—21.53 and 21.57; and by deleting § 21.55 to read as set forth in Annex A.

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

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

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

DENNIS C. WOLFE,
Acting Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 6016 (December 7, 2002).)

Fiscal Note: Fiscal Note 2-135 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 7. AGRICULTURE****PART II. DOG LAW ENFORCEMENT BUREAU****CHAPTER 21. GENERAL PROVISIONS; KENNELS;
LICENSURE; DOG-CAUSED DAMAGES****GENERAL PROVISIONS****§ 21.1. Definitions.**

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

Account—The Dog Law Restricted Account under section 1001 of the act (3 P. S. § 459-1001).

Act—The Dog Law (3 P. S. §§ 459-101—459-1205).

Agent—A district justice or other person within the county authorized by the county treasurer or the Department to process and issue dog license certificates and tags, as set forth under section 200(a) of the act (3 P. S. § 459-200(a)).

Attending veterinarian—A person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education or has a Certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, and who is either a licensed doctor of veterinary medicine in accordance with the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.33) or the holder of a valid temporary permit to practice veterinary medicine issued under authority of that act, and who has received training or experience in the care and management of dogs, and who is familiar with the relevant aspects of the kennel or kennel procedures with respect to which that person renders an opinion.

Department—The Department of Agriculture of the Commonwealth.

Domestic fowl—Chickens, turkeys, ducks, geese and guinea fowl.

Employee of the Department—An employee of the Department who is assigned responsibility in regard to enforcement of the act, including a State dog warden.

Housing facility—Any land, premises, shed, barn, building, trailer or other structure or area housing or intended to house dogs.

Licensed veterinarian—A licensed doctor of veterinary medicine as defined in section 901-A of the act (3 P. S. § 459-901-A).

Microchip—A passive transducer encapsulated in a biocompatible material activated by a 125-kilohertz scanner, or any similar device approved by the Department.

Primary conveyance—The main method of transportation used to convey dogs from origin to destination, such as a motor vehicle.

Primary enclosure—A structure used to immediately restrict a dog to a limited amount of space, such as a room, pen, run, cage, crate or compartment.

Rest board—A waterproof or water resistant platform that dogs may use to recline on, positioned off the floor of the kennel.

Sanitize—To make physically clean and to remove and destroy, to a practical minimum, agents injurious to the health of a dog.

Secretary—The Secretary of the Department or a person to whom authority has been delegated by the Secretary.

§ 21.4. Penalties.

The act establishes penalties for violations of the various articles of the act and this part. The Department may impose the following penalties individually or in combination. Section 903 of the act (3 P. S. § 459-903) provides the penalty for illegal or unlawful activities enumerated in the act or violations of the act for which specific criminal penalty provisions have not been enumerated. It may be applied in addition to civil penalties provided for in the act.

(1) *Article II penalty provisions.* Article II of the act (3 P. S. §§ 459-200—459-219) contains provisions regarding licensure of dogs and kennels and provides the following penalties:

(i) *Agent violation.* Consistent with section 200(j) of the act (3 P. S. § 459-200(j)), an agent who violates section 200 of the act commits a summary offense and upon conviction shall be sentenced to pay a fine of not less than \$300 nor more than \$500 and in addition may have his agency recalled at the discretion of the Secretary. Each day of violation or each illegal act constitutes a separate offense.

(ii) *Failure of an individual to comply with licensure provisions.* Consistent with section 201(c) of the act (3 P. S. § 459-201(c)), an individual who violates section 201 of the act commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not less than \$25 nor more than \$300 for each unlicensed dog.

(iii) *Failure of a kennel to comply with licensure provisions.* Consistent with section 207(a.1) of the act (3 P. S. § 459-207(a.1)), it is unlawful for a kennel to operate without first obtaining a license. The Secretary may file suit in Commonwealth Court to enjoin the operation of a kennel that violates any of the provisions of the act or this part and may seek the imposition of a fine of not less than \$100 nor more than \$500 for every day the kennel has operated in violation of the act or regulations.

(iv) *Revocation, suspension or denial of a kennel license.* Consistent with section 211 of the act (3 P. S. § 459-211), the Secretary may revoke, suspend or refuse to issue a kennel license or an out-of-State dealer license if the person holding or applying for a license has done any of the following:

- (A) Made a material misstatement or misrepresentation in the license application.
- (B) Made a material misstatement or misrepresentation to the Department or its personnel regarding a matter relevant to the license.
- (C) Been convicted of any violation of the act.
- (D) Failed to comply with any regulation promulgated under the act.
- (E) Been convicted of any law relating to cruelty to animals.

(v) *Seizure of dogs.* Consistent with section 211(c) of the act (3 P. S. § 459-211(c)), the Department may seize and impound, and direct forfeiture of ownership of a dog for the following reasons:

(A) Upon revocation, suspension or denial of a kennel license or an out-of-State dealer license, the Department may seize and impound any dog in the possession, custody or care of the person whose license is revoked, suspended or denied if there are reasonable grounds to believe that the dog's health, safety or welfare is endangered. The person from whom the dog was seized and impounded shall pay for reasonable costs of transportation, care and feeding of the dog.

(B) The Department will not take physical possession or custody of the dog when there are no reasonable grounds to support the belief that the health, safety or welfare of the dog is endangered or when the person whose license is revoked, suspended or denied has provided satisfactory evidence or assurances the dog will receive adequate care.

(C) Upon proper notice and opportunity for an administrative hearing, as set forth in section 211(c)(5) of the act (3 P. S. § 459-211(c)(5)), the Secretary may direct the forfeiture of ownership of a dog which has been seized and impounded.

(2) *Article V and V-A penalty provisions.* Articles V and V-A of the act (3 P. S. §§ 459-501—459-507-A) contains provisions regarding offenses of dogs and provides the following penalties:

(i) *Harboring a dangerous dog.* A person found guilty of harboring a dangerous dog, as set forth in section 502-A of the act (3 P. S. § 459-502-A), shall be guilty of a summary offense.

(ii) *Control of dog during dangerous dog court proceedings.* A person that violates section 502-A(d) of the act, regarding disposition of a dog during court proceedings, shall be guilty of a summary offense and shall pay a fine of at least \$200.

(iii) *Failure to register and restrain a dangerous dog.* Consistent with section 505-A(a) of the act (3 P. S. § 459-505-A(a)), a person that fails to properly register a dangerous dog, secure and maintain the liability insurance coverage required under section 503-A of the act (3 P. S. § 450-503-A), maintain the dog in the proper enclosure or fails to have the dog under proper physical restraint when the dog is outside the enclosure or dwelling of the owner shall be guilty of a misdemeanor of the third degree. In addition, a State dog warden or a police officer shall immediately confiscate a dangerous dog upon the occurrence of any of these violations.

(iv) *Attacks by a dangerous dog.* Consistent with section 505-A(b) of the act, when it is found that a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacked a human or a domestic animal, the dog's owner shall be guilty of a misdemeanor of the second degree and the dangerous dog shall be immediately confiscated by a State dog warden or police officer, placed in quarantine for the proper length of time and thereafter humanely killed. The costs of quarantine and destruction shall be borne by the dog's owner.

(v) *Attacks by a dangerous dog causing severe injury or death.* Consistent with section 505-A(c) of the act, when it is found that a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, aggressively attacked and caused severe injury to or death of a human, the dog's owner shall be guilty of a misdemeanor of the first degree. The dangerous dog shall be immediately confiscated by a State dog warden or a police officer, placed in quarantine for the proper length of time and thereafter humanely killed. The costs of quarantine and destruction shall be borne by the dog's owner.

(3) *Article VI penalty provisions.* Article VI of the act (3 P. S. §§ 459-601—459-603) contains provisions regarding injury to dogs and provides the following penalties:

(i) *Poisoning of a dog.* Consistent with section 601(b) of the act (3 P. S. § 459-601(b)), a person convicted of placing poison or a harmful substance of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by a dog, shall be guilty of a summary offense.

(ii) *Intentional poisoning of a dog.* Consistent with section 601(b.1) of the act, a person convicted of placing poison or a harmful substance of any description in any place, on his own premises or elsewhere, with the intent that the poison or substance be eaten by a dog, shall be guilty of a misdemeanor of the second degree and shall be sentenced to pay a fine of not less than \$1,000 nor more than \$2,000 or imprisonment for not more than 2 years, or both. A subsequent conviction under this subsection shall constitute a felony of the third degree.

(iii) *Abandonment of a dog.* Consistent with section 601(c) of the act, a person convicted of abandoning or

attempting to abandon a dog within this Commonwealth shall pay a fine of not less than \$300 dollars and not more than \$1,000, plus costs.

(iv) *Taunting law enforcement dogs.* Consistent with section 602(a) of the act (3 P. S. § 459-602(a)), it is unlawful for a person to willfully and maliciously taunt, torment, tease, beat, kick or strike any dog, including a search and rescue or accelerant detection dog, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of the department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with a dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or the officer or member or supervised handler. A person convicted of violating any of the provisions of this subsection shall be guilty of a felony of the third degree.

(v) *Torturing certain dogs.* Consistent with section 602(b) of the act, it is unlawful for a person to willfully and maliciously torture, mutilate, injure, disable, poison or kill any dog, including a search and rescue or accelerant detection dog used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of the department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with a dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or the officer or member or supervised handler. A person convicted of violating any of the provisions of this subsection shall be guilty of a felony of the third degree.

(vi) *Denial of facilities or service due to police dog use.* Consistent with section 602(c) of the act, it is unlawful for the proprietor, manager or employee of a theatre, hotel, motel, restaurant or other place of entertainment, amusement or accommodation to, either directly or indirectly, refuse, withhold from or deny, any of the accommodations, advantages, facilities or privileges of those places to a person due to the use of a working police dog used by any State or county or municipal police or sheriff's department or agency. A person convicted of violating any of the provisions of this subsection shall be guilty of a misdemeanor of the third degree.

(4) *Article VII penalty provisions.* Article VII of the act (3 P. S. §§ 459-701—459-706) contains provisions regarding dog caused damages. Section 704 of the act (3 P. S. § 459-704) provides that the owner or keeper of a dog found to be causing damages and which is the subject of an order from the Secretary shall have 10 days to comply with the order. Failure of the owner or keeper to comply with the order, upon summary conviction, shall result in a fine of not less than \$100 and not more than \$500.

(5) *Article IX penalty provisions.* Article IX of the act (3 P. S. §§ 459-901—459-907) contains general enforcement and penalty provisions and provides the following penalties:

(i) *Catch all criminal penalty provision.* Consistent with section 903 of the act (3 P. S. § 459-903), unless specifically provided for, a person found to be in violation of any provision of Article II—Article VIII of the act (3 P. S. §§ 459-201—459-802), or this chapter shall be guilty of a summary offense for the first violation and for a

second and subsequent violation, of any provision, which occurs within 1 year of sentencing for the first violation shall be guilty of a misdemeanor of the third degree.

(ii) *Alteration of permanent identification.* Consistent with section 904 of the act (3 P. S. § 904), a person convicted of defacing or altering any form of permanent identification of a dog shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of \$300 or to imprisonment for not less than 90 days, or both.

(b) *Article IX-A penalty provisions.* Article IX-A of the act (3 P. S. §§ 459-901-A—459-911-A) relates to the sterilization of dogs and cats. Failure to comply with Article IX-A or the related regulations shall, consistent with section 911-A of the act (3 P. S. § 459-911-A), constitute a summary offense.

LICENSURE

§ 21.51. Lifetime dog license issuance.

(a) *Eligibility.* The owner of a dog 3 months of age or older may apply to the county treasurer or agent, on a form prescribed by the Department for a lifetime license.

(b) *Lifetime license requirement.* A lifetime license shall consist of the following:

(1) A lifetime license number issued by the county treasurer or agent and a tag bearing that lifetime license number.

(2) A tattoo or microchip permanently identifying the dog.

(c) *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo or the implantation of a microchip as the means of permanent identification for the dog. The person applying for a lifetime license is responsible for having the dog tattooed or a microchip implanted to permanently identify the dog.

(d) *Tattoo as permanent identification.* If the applicant chooses to have the dog tattooed as a means of permanent identification, the following rules and procedures apply:

(1) Prior to having the dog tattooed, the dog owner shall obtain and complete a lifetime license application from the county treasurer or agent of his respective county. The dog owner shall obtain and complete the lifetime license application in person or by mail and shall return the completed lifetime license application to the county treasurer or agent. The dog owner shall include the appropriate fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act (3 P. S. §§ 459-200(b) and 459-201(b)), with the completed lifetime license application.

(2) Upon receipt of a completed lifetime license application the county treasurer or agent shall follow the procedures in subsection (g). If the lifetime license application is determined to be complete, the county treasurer or agent shall issue a lifetime license number as set forth in subsection (g) and issue a verification of tattoo form, prescribed by the Department.

(3) Upon receiving the lifetime license number and verification of tattoo form issued by the county treasurer or agent, the dog owner shall have the dog tattooed in accordance with this chapter.

(4) The tattoo number applied to the dog shall be the same number as the lifetime license number issued by the county treasurer or agent.

(5) The tattoo shall be applied by a licensed veterinarian and shall be on the right hind leg on the inner part of

the upper thigh of the dog. The dog owner may have the letters "PA" tattooed on the dog immediately preceding the tattoo number.

(6) The dog owner and the veterinarian applying the tattoo shall complete, date and sign the verification of tattoo form for the dog receiving the tattoo and return it to the county treasurer or agent that issued the lifetime license number and tag. The verification of tattoo form shall set forth the exact number tattooed on the dog, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it shall contain the name, address and phone number of the dog's owner and the name, business address and phone number of the veterinarian applying the tattoo. The veterinarian shall set forth his veterinary practice license number on the form.

(7) The dog owner shall have 30 days from receipt of a lifetime license number and verification of tattoo form to have the dog tattooed and return the verification of tattoo form to the county treasurer or agent that issued the lifetime license number.

(8) Upon receiving the completed verification of tattoo form, the county treasurer or agent shall issue the lifetime license and tag to the dog owner.

(9) A dog owner who fails to have the dog tattooed and return the completed verification of tattoo form to the issuing county treasurer or agent within 30 days after receiving a lifetime license number and verification of tattoo form shall be in violation of the licensure provisions of the act and this chapter and subject to the penalties prescribed therein. In addition, the lifetime license number and tag shall be void. The issuing county treasurer or agent shall return the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth in § 21.52 (relating to recordkeeping for lifetime dog licenses. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act.

(e) *Microchip as permanent identification.* If the applicant chooses to have a microchip implanted in the dog as a means of permanent identification, the following rules and procedures apply:

(1) The dog owner shall have a microchip implanted in the dog by a licensed veterinarian or a licensed kennel owner. The microchip implanted shall be of a type consistent with the definition of "microchip" in § 21.1 (relating to definitions) and shall be implanted in accordance with the manufacturer's specifications.

(2) The dog owner shall obtain and complete both a lifetime license application and a verification of microchip form prescribed by the Department.

(3) The dog owner shall obtain a lifetime license application from the county treasurer or agent of his respective county. The dog owner may obtain the lifetime license application in person or by mail.

(4) The lifetime license application may be obtained and completed either prior to or after implantation of a microchip in the dog. The application and a verification of microchip form shall be completed and signed prior to the issuance of a lifetime license and tag. The final packet submitted by the dog owner to the county treasurer or agent shall contain the properly completed lifetime license application and verification of microchip form and the appropriate fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act.

(5) If the dog owner obtains a lifetime license application prior to having a microchip implanted in the dog, the dog owner may request and the county treasurer or agent shall issue a verification of microchip form along with the lifetime license application. If the dog owner has not yet applied for a lifetime license prior to implantation of the microchip, the licensed veterinarian or kennel owner implanting the microchip shall supply the verification of microchip form. A licensed veterinarian or kennel owner shall obtain the verification form from the Department.

(6) The dog owner and the person implanting the microchip shall complete, date and sign the verification of microchip form for the dog in which the microchip is implanted. The completed verification of microchip form shall set forth the identifying number of the microchip implanted, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it shall contain the name, address and phone number of the dog's owner and the name, business address and phone number of the person implanting the microchip. If a veterinarian implants the microchip, the veterinarian shall set forth his veterinary practice license number.

(7) The dog owner shall complete the lifetime license application and take or mail the completed lifetime license application and verification of microchip form to the county treasurer or agent of his respective county.

(8) Upon receiving a properly completed lifetime license application and verification of microchip form, as well as the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, the county treasurer or agent shall issue a lifetime license number and tag as set forth in subsection (g).

(9) A dog owner who fails to have the dog microchipped and return the completed verification of microchip form to the issuing county treasurer or agent within 30 days after receiving a lifetime license number and verification of microchip form shall be in violation of the licensure provisions of the act and this chapter and subject to the penalties prescribed therein. In addition, the lifetime license number and tag shall be void. The issuing county treasurer or agent shall return the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act.

(f) *Dog previously microchipped.* If a person has already had a microchip implanted in his dog and seeks to obtain a lifetime license for the dog, the applicant is not required to have a new microchip implanted in the dog as a means of permanent identification. Instead the applicant shall:

(1) Obtain and complete both a lifetime license application and a verification of microchip form prescribed by the Department. The lifetime license application may be obtained and completed either prior or subsequent to having the dog scanned for a microchip as set forth in this subsection. The verification of microchip form shall be filled out at the same time the dog is scanned.

(2) Have a licensed veterinarian or kennel owner, scan the dog to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

(3) The dog owner and the licensed veterinarian or kennel owner shall complete, date and sign the verification of microchip form for the dog in which the microchip

was scanned. The verification of microchip form shall set forth the identifying number of the microchip scanned, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it shall contain the name, address and phone number of the dog's owner and the name, business address and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his veterinary practice license number on the verification of microchip form.

(4) The dog owner or licensed veterinarian or kennel owner may obtain a verification of microchip form.

(i) The dog owner may obtain a verification of microchip form, along with a lifetime license application, from the county treasurer or agent in his respective county of residence prior to scanning of the dog for an existing microchip. If the dog owner has not yet applied for a lifetime license, the licensed veterinarian or kennel owner shall supply the verification of microchip form.

(ii) A licensed veterinarian or kennel owner shall obtain verification of microchip forms from the Department.

(5) The dog owner shall deliver to the county treasurer or agent, in person or by mail, the properly completed lifetime license application and verification of microchip form and the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act.

(6) Upon receiving a properly completed lifetime license application and verification of microchip form, as well as the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, the county treasurer or agent shall issue a lifetime license number and tag as set forth in subsection (g).

(g) *County treasurer or agent procedure for issuance of lifetime license.*

(1) *General.*

(i) *One lifetime license per lifetime license application.* A lifetime license application shall be completed for each dog for which a lifetime license is requested. The county treasurer or agent shall issue only one lifetime license and tag for each properly completed lifetime license application. The county treasurer or agent shall collect the applicable fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, for the lifetime license before issuing the lifetime license and tag.

(ii) *Assignment of lifetime license number.* The lifetime license shall list a number. The county treasurer or agent shall assign a lifetime license number for each dog for which a properly completed lifetime license application has been submitted and approved. The county treasurer or agent shall issue the lifetime license number on the lifetime license certificate and tag. The number shall be at least six digits with the first two digits designating the county. For example, Adams County number shall begin with 01; York County, with 67. The county number shall be followed by at least four digits assigned by the county treasurer or his agent. For example, the lifetime license number assigned by York County for the first dog licensed would be 670001.

(2) *Tattoo procedure.* If the dog owner intends to tattoo the dog as the means of permanent identification the dog owner shall complete a lifetime license application and pay the applicable fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act,

prior to the county treasurer or agent issuing a lifetime license and tag. The county treasurer or agent, upon receipt of a properly completed lifetime license application and the applicable fees, shall complete the lifetime license from information on the lifetime license application. The county treasurer or agent shall assign a lifetime license number as set forth in paragraph (1)(ii) and shall issue a verification of tattoo form, prescribed by the Department, to the dog owner. The dog owner shall have 30 days from receipt of a lifetime license number and verification of tattoo form to have the dog tattooed and return a completed verification of tattoo form to the issuing county treasurer or agent. If the dog owner fails to return the verification of tattoo form within the 30 day time period, the issuing county treasurer or agent shall void the lifetime license, refund the lifetime license fee, record and designate the lifetime license number as void and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act. The lifetime license number may not be reissued to future applicants other than the original applicant.

(3) *Microchip procedure.* If the dog owner intends to use a microchip as the means of permanent identification, the dog owner may have a microchip implanted in the dog prior to completing an application for a lifetime license. The dog owner shall complete a lifetime license application and verification of microchip form and pay the applicable fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, prior to the county treasurer or agent issuing the lifetime license and tag. The county treasurer or agent shall, upon request of the dog owner, issue a lifetime license application and a verification of microchip form. Upon receiving a completed lifetime license application, verification of microchip form and the applicable fees, the county treasurer or agent shall complete the lifetime license from information on the lifetime license application and verification of microchip form, assign a lifetime license number as set forth in paragraph (1)(ii) and issue the lifetime license and tag. The county treasurer or agent may not issue a lifetime license and tag until the dog owner has properly completed both the lifetime license application and the verification of microchip form. The county treasurer or agent shall record both the lifetime license number issued and the microchip number set forth on the verification of microchip form. The dog owner shall have 30 days from receipt of a verification of microchip form to have a microchip implanted in the dog or have a currently microchipped dog scanned and return a completed verification of microchip form to the issuing county treasurer or agent. If the dog owner fails to return the verification of microchip form within the 30 day time period, the issuing county treasurer or agent shall void the lifetime license, refund the lifetime license fee, record and designate the lifetime license number as void and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act. The lifetime license number may not be reissued to future applicants other than the original applicant.

§ 21.52. Recordkeeping for lifetime dog licenses.

The county treasurer or agent shall record each lifetime license issued or voided. The county treasurer or agent shall mail or electronically transmit a monthly record of lifetime licenses information to the Department. The

county treasurer or agent shall keep a record of all lifetime dog licenses issued or voided for 20 years.

§ 21.53. Transfer of lifetime dog licenses.

(a) *General.*

(1) *Change of address or ownership within the issuing county.* The issuance of a new lifetime license and tag is not required when transferring a lifetime dog license to a new owner within the same county or when the owner changes his residence within the same county. If the change of address or transfer of possession or ownership of the dog is within the county where the lifetime license was issued and is permanent, the dog owner shall notify the county treasurer or agent of the change of address or ownership. The notice shall be given either prior to or within 10 days of the actual change of address or transfer of ownership of the dog. The county treasurer or agent shall record, in accordance with § 21.52 (relating to recordkeeping for lifetime dog licenses), the change of address or transfer of ownership or both. The issuing county treasurer or agent may charge and retain \$1 for recording the change of address or transfer.

(2) *Change of address or ownership outside the issuing county.* If the change of residence or transfer of ownership or possession of the dog is permanent and outside the county in which the lifetime license was issued the transfer or change in residence shall be recorded by the dog owner with the issuing county treasurer or agent and by the county treasurer or agent in the county to which the dog is being moved or transferred. The notice shall be given by the dog owner either prior to or within 10 days of the actual change of address or transfer of ownership of the dog. The county treasurer or agent that issued the original lifetime license may charge and retain \$1 for the transfer. The county treasurer or agent issuing the new lifetime license in the county to which the dog is moved shall, upon payment of a \$1 fee by the dog owner, issue a new lifetime license number and tag for that county and record the lifetime license number and cross-reference it to the existing tattoo or microchip number in accordance with this section and § 21.52.

(3) *Temporary change of address or possession.* When the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, boarding and training, trial or show in this Commonwealth, neither notice nor a new lifetime license, or the transfer of a lifetime license already secured, is required.

(b) *Transfer process and information required.*

(1) *Transfer of ownership within the issuing county.* Whenever the ownership of a dog is permanently transferred from one person to another within the same county, the lifetime license of the dog shall be transferred. The dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by a bill of sale or affidavit from the dog owner stating that ownership of the dog is to be transferred. The bill of sale or affidavit shall set forth the breed, sex, age, color and markings of the dog being transferred, the lifetime license number and microchip or tattoo number of the dog, year of issuance of the lifetime license, and the name, address and telephone number of the person transferring ownership of the dog and the person to which ownership of the dog is being transferred.

(2) *Transfer of ownership outside the issuing county.* Whenever the ownership of a dog is permanently transferred from one person to another outside the issuing county, the lifetime license number of the dog shall be voided in the issuing county and a new lifetime license

number and tag issued by the county treasurer or agent in the county to which the dog is moved. The dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by a bill of sale or affidavit from the dog owner stating that ownership of the dog is to be transferred. The bill of sale or affidavit shall set forth the breed, sex, age, color and markings of the dog being transferred, the lifetime license number and microchip or tattoo number of the dog, the year of issuance of the lifetime license, and the name, address and telephone number of the person transferring ownership of the dog and the person to which ownership of the dog is being transferred. Upon receiving the application the issuing county treasurer or agent shall certify the lifetime license to the county treasurer or agent in the county to which the dog is being moved and shall void the lifetime license number originally issued. The original lifetime license number may not be reissued to future applicants. The county treasurer or agent in the county to which the dog is being moved, upon receiving certification from the county treasurer or agent of the issuing county and payment of a fee of \$1 from the owner of the dog, shall issue a new lifetime license number and tag, for that county. The new lifetime license number and tag shall be issued in the manner set forth in § 21.51(g) (relating to lifetime dog license issuance) except that if the dog has been permanently identified by means of a tattoo, the existing tattoo number of the dog shall be cross referenced to the new lifetime license number issued.

(3) *Change of residence within the same county.* Whenever, the owner of a dog with a lifetime license changes residence within the county which issued the lifetime license, the dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by an affidavit from the dog owner stating the dog will be moved to a new residence and setting forth the address of the new residence. The affidavit shall identify the breed, sex, age, color and markings of the dog and the lifetime license number and microchip or tattoo number.

(4) *Change of residence to another county.* Whenever a dog licensed in one county is permanently moved to another county, the dog owner shall apply to the county treasurer or agent where the dog license was issued. The application shall set forth the name and address of the dog owner and the address of the residence to which the dog will be moved. Upon receiving the application the issuing county treasurer or agent shall certify the lifetime license to the county treasurer or agent in the county to which the dog is being moved and shall void the lifetime license number originally issued. The original lifetime license number may not be reissued to future applicants. The county treasurer or agent in the county to which the dog is being moved, upon receiving certification from the county treasurer or agent of the issuing county and payment of a \$1 fee from the owner of the dog, shall issue a new lifetime license number and tag, for that county. The new lifetime license number and tag shall be issued in the manner set forth in § 21.51(g) except that if the dog has been permanently identified by means of a tattoo, the existing tattoo number of the dog shall be cross referenced to the new lifetime license number issued.

(c) *Recordkeeping and reporting.* The issuing county treasurer or agent shall record the transfer of ownership or change in residence and where applicable the voiding of the lifetime license number. The county treasurer or agent in the county to which a dog is being transferred shall, upon receipt of the proper certification of transfer from the county treasurer or agent of the issuing county

and payment of a \$1 fee from the owner of the dog, issue a new lifetime license number and tag, for that county and record the new lifetime license number issued and the cross-referenced tattoo or microchip number of the dog, in the manner set forth in this section and § 21.52. The county treasurer or agent in both counties shall mail or electronically transmit a record of the transfer or change in residence, and if applicable, the new lifetime license number issued and cross-referenced tattoo or microchip number of the dog to the Department. Both county treasurers and agents shall keep a record of the transfer or change in residence for 20 years.

§ 21.55. (Reserved).

§ 21.57. Kennel tags.

The Department will issue a maximum of ten kennel tags to a kennel owner or operator unless the State dog warden for the county recommends that a higher quantity is required.

[Pa.B. Doc. No. 03-441. Filed for public inspection March 14, 2003, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CH. 49]

Exemption from Licensure Examination

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends § 49.15 (relating to exemption from licensure examination) to read as set forth in Annex A. The final-omitted rulemaking authorizes a professional counselor license to be issued without examination to an applicant who demonstrates that he holds the Master Addiction Counselor Credential from the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) and has passed the examination for Master Addiction Counselors (MAC) given by NAADAC.

Background and Need for Final-Omitted Rulemaking

A final-omitted rulemaking published at 32 Pa.B. 1197 (March 2, 2002) implemented the act of December 21, 1998 (P. L. 1017, No. 136). Section 49.15 states that a license will be issued without examination to applicants who, among other requirements, are certified as addiction counselors by various credentialing agencies.

The NAADAC has informed the Board that recognition of its MAC credential was inadvertently omitted from the recognized credentials utilized by the Board for purposes of exemption from professional counseling licensure examinations. The Board has determined that it had intended to include the NAADAC credentials for purposes of licensure examination exemption for professional counselors. During the rulemaking process at 32 Pa.B. 1197, the Board consulted with addiction specialists in this Commonwealth, including the NAADAC. The Board had determined to include this group in its list of recognized

credentials. However, the Board inadvertently omitted the NAADAC from the list. This final-omitted rulemaking will correct that omission.

Public notice of intention to amend § 49.15 under procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. The deadline for filing an application for license by exemption is February 19, 2003. Accordingly, recognition of NAADAC for purposes of licensure by exemption must be perfected as quickly as possible. Public comment is unnecessary because comment had already been received in response to the proposed rulemaking published at 31 Pa.B. 1571 (March 24, 2001).

Statutory Authority

This final-omitted rulemaking is authorized by section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1906(2)).

Fiscal Impact and Paperwork Requirements

The final-omitted rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions, nor will it impose any additional paperwork requirements.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on January 29, 2003, the Board submitted copies of this final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, this final-omitted rulemaking was approved by the HPLC on February 11, 2003, and deemed approved by the SCP/PLC on February 11, 2003. Under section 5.1(e) of the Regulatory Review Act, on February 27, 2003, IRRC met and approved this final-omitted rulemaking. A copy of the material is available to the public upon request.

Additional Information

Interested persons are invited to submit inquiries regarding this final-omitted rulemaking to Board Administrator, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

Findings

The Board finds that:

(1) Public notice of intention to amend the regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL is, in this circumstance, unnecessary.

(2) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 49, are amended by amending § 49.15 to read as set forth in Annex A.

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

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

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

THOMAS F. MATTA, Ph.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 1423 (March 15, 2002).)

Fiscal Note: 16A-696. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS

LICENSE

§ 49.15. Exemption from licensure examination.

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 49.12 (relating to general qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by February 19, 2002. *(Editor's Note: The act of February 13, 2002 (P. L. 83, No. 4) extended the deadline for the filing of an application by 1 year.)*

(4) Demonstrated proof of practice of professional counseling for at least 5 of the 7 years immediately prior to the date of application for license.

(5) Have successfully met one of the following educational requirements:

(i) Holds a doctoral degree in professional counseling from an accredited educational institution.

(ii) Holds a doctoral degree in a field closely related to the practice of professional counseling from an accredited educational institution.

(iii) Holds a master's degree of at least 48 semester hours or 72 quarter hours in professional counseling or a

field closely related to the practice of professional counseling from an accredited educational institution.

(iv) Holds a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in professional counseling or a field closely related to the practice of professional counseling and has within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

(A) Master's level difficulty.

(B) Excludes courses in office management or practice building.

(C) Any course approved by NBCC, CRC, CBMT, AATA, ADTA, the Pennsylvania Certification Board (PCB) or NADT, or which is approved for continuing education credit for licensed psychologists or licensed social workers, and which does not include a course in office management or practice building.

(6) Demonstrated holding one of the following:

(i) The National Certified Counselor (CC) certification from NBCC and having passed the National Counselor Examination given by the NBCC.

(ii) CRC certification from the CRCC and having passed the CRC Examination given by the CRCC.

(iii) The Registered Art Therapist (ATR) certification from the ATCB and having passed the Board Certification Examination given by the ATCB.

(iv) The Academy of Dance Therapists Registered (ADTR) certification from the ADTA and having passed the National Counselor Examination given by the NBCC.

(v) The Music Therapist-Board Certified certification from CBMT and having passed the Board Certification Examination given by the CBMT.

(vi) The Registered Drama Therapist (RDT) certification from NADT and having passed the National Counselor Examination given by NBCC.

(vii) The Certified Clinical Mental Health Counselor (CCMHC) certification from the Academy of Certified Clinical Mental Health Counselors (ACCMHC) and having passed the credentialing examination given by ACCMHC.

(viii) The Nationally Certified Psychologist (NCP) certification from the NAMP, and having passed the Practice Exam of Psychological Knowledge given by NAMP.

(ix) The Certified Addictions Counselor Credential (CAC) from PCB, and having passed the Advanced Alcohol and Other Drug Abuse Counselor Examination given by the IC & RC/AODA.

(x) The Master's Addictions Counselor Credential from NBCC, and having passed the Examination for Master's Addictions Counselors given by NBCC.

(xi) The Master Addiction Counselor credential from the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) and having passed the examination for Master Addiction Counselors given by NAADAC.

[Pa.B. Doc. No. 03-442. Filed for public inspection March 14, 2003, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51, 91 AND 93]

Issuing Agents; Boating Safety Education Certificates

The Fish and Boat Commission (Commission) amends Chapters 51, 91 and 93 (relating to administrative provisions; general provisions; and boat registration and numbering). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect upon publication of the order adopting the amendments in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This final-form rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

Section 51.10 (relating to representation as issuing agent) is published under the authority of sections 2711(c) and 5304(d.1) of the code (relating to issuing agents; and issuing agents). The amendment to § 51.35 (relating to operation of issuing agency) is published under the authority of section 2711 of the code. The amendment to § 91.6 (relating to Boating Safety Education Certificates) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The amendment to § 93.13 (relating to issuing agents) is published under the statutory authority of section 5304(d.1) of the code.

D. *Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to issuing agents and Boating Safety Education Certificates. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

E. *Summary of Changes*

(1) *Sections 51.10 and 93.13.* Several regions of the Commission's Bureau of Law Enforcement reported that there had been problems with issuing agents for temporary boat registrations and notaries who are not Commission agents giving the public the impression that they have the ability to renew boat registrations. Accordingly, the Commission amended these sections as proposed.

(2) *Section 51.35.* Section 2711 of the code provides that the Commission may establish administrative fees for fishing license issuing agents. This section further provides that county treasurers and issuing agents active on or before January 1, 2000, shall be exempt from payment of administrative fees established by the Commission. Accordingly, the Commission amended its regulations to require new fishing license issuing agents to pay a one-time, nonrefundable fee of \$100 to help offset the Commission's costs. Last year, the Commission adopted a similar amendment requiring new issuing agents for

temporary boat registrations to pay a one-time, nonrefundable fee of \$100. The Commission amended § 51.35 as proposed.

(3) *Section 91.6.* One of the Commission's waterways conservation officers recently reported that he encountered an individual who was in possession of a Boating Safety Education Certificate that belonged to another person. This individual had not taken any boating course and had borrowed his cousin's certificate while operating a personal watercraft. The officer recognized the personal watercraft and the name on the certificate as someone he had cited a week earlier. The Commission suspects that this occurrence was not an isolated one.

Section 2705 of the code (relating to improper license use and false application) provides that a person may not alter, borrow, lend or transfer a license authorized under the code or give any false or misleading information to an issuing agent or to the Commission, its officers or agents in an application for a license. However, this provision speaks in terms of licenses and does not extend to Boating Safety Education Certificates. Accordingly, the Commission amended § 91.6, as proposed, to address this loophole.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment to § 51.35 will impose a one-time, nonrefundable fee of \$100 on new issuing agents only. The Commission anticipates that it will receive applications from approximately 30 new issuing agents each year. The final-form rulemaking will impose no new costs on the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 32 Pa.B. 4726 (September 28, 2002). The Commission did not receive any public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 51, 91 and 93, are amended by adding § 51.10 and by amending §§ 51.35, 91.6 and 93.13 to read as set forth at 32 Pa.B. 4726.

(b) The Executive Director will submit this order and 32 Pa.B. 4726 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 32 Pa.B. 4726 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-132 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 03-443. Filed for public inspection March 14, 2003, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 109]

[Correction]

Safe Drinking Water; Filter Backwash Recycling Rule (FBRR)

An error occurred in the preamble to the document which appeared at 33 Pa.B. 1234, 1237 (March 8, 2003). The date for comments to be received by the Environmental Quality Board was stated incorrectly. The correct version of the paragraph is as follows:

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by April 7, 2003. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

[Pa.B. Doc. No. 03-395. Filed for public inspection March 7, 2003, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 135 AND 147]

Lands and Buildings; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, proposed the following amendments:

Amend § 135.41 (relating to State game lands) to exempt those persons who may lawfully hunt without orange from the requirement to wear orange on State game lands (SGL) from November 15 through December 15; and § 147.701 (relating to general) to allow bobcat permit applications from applicants who have applied for bobcat permits in previous years to be included in the drawing until the applicant is successfully drawn.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Introduction

The Commission is proposing to amend §§ 135.41 and 147.701.

2. Purpose and Authority

New SGL regulations were promulgated in April 2002, which included the broad requirement for anyone present

on SGL from November 15 through December 15 to wear fluorescent orange. There are, however, open hunting seasons during that same time period that do not require hunters to wear fluorescent orange, duck hunting being one example. A conflict of regulations may be created in this circumstance, since some hunters are permitted by the regulations to hunt without wearing any fluorescent orange during certain open seasons, yet would be required to wear fluorescent orange while on SGL from November 15 through December 15. This proposed rulemaking is designed to remove this inconsistency by providing an exception to the requirement to wear fluorescent orange for those persons lawfully engaged in hunting. This exception would apply only to those persons lawfully hunting from November 15 through December 15 during an open season that does not require the wearing of fluorescent orange.

The proposed amendment to § 147.701 will provide for a preference for those applicants who have applied annually for a bobcat hunting/trapping permit, but have been unsuccessful in having their application drawn. Under this preference, those applicants who have applied in the previous year or previous consecutive years will have their prior years applications remain in the pool of applications from which successful applicants are drawn, thus accruing preference and increasing their chances of being drawn for a permit. For example, if a person has applied for the 5th consecutive year, but has not been successfully drawn during the previous 4 years, that person will have five chances to be drawn in the 5th year's drawing.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the Commission shall be under the sole control of the Director, and the Commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." Section 2102(a) of the code (relating to regulations) authorizes the Commission to "promulgate such regulations as it deems necessary and appropriate concerning . . . the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 135.41 was proposed under this authority.

Section 2901(b) of the code (relating to authority to issue permits) provides "The Commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendment to § 147.701 was proposed under this authority.

3. Regulatory Requirements

The proposed rulemaking will permit hunters who are lawfully hunting, during an open season that does not require the wearing of fluorescent orange, to hunt on SGL without wearing fluorescent orange and will allow bobcat permit applicants to accrue preference and increase their chances of being drawn for a permit by applying annually.

4. Persons Affected

Persons wishing to hunt on SGL and persons applying for bobcat permits will be affected.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-160. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

* * * * *

(c) **Additional prohibitions.** In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(21) Except on Sundays, be present on State game lands from November 15 through December 15 **inclusive when not engaged in lawful hunting or trapping** and fail to wear a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined or, in lieu thereof, a hat of the same colored material. The material shall be worn so it is visible in a 360° arc. Persons using shooting ranges are exempted from this requirement.

CHAPTER 147. SPECIAL PERMITS

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

* * * * *

(8) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the [**person's name**] **person's** name, address, special permit number, date of harvest, county and township of harvest, [**furbearer management zone**] **wildlife management unit** of harvest and method of harvest and attach the tag to the bobcat. The bobcat carcass shall remain intact, that is, with entrails, until examined and tagged by a Commission representative. The temporary carcass tag shall remain attached to the animal until it is tagged

with a numbered permanent interlocking tag. The person taking the bobcat may remove the pelt provided the pelt is kept with the carcass for examination and tagging.

* * * * *

(9) An applicant issued a bobcat hunting-trapping permit is not permitted to apply for another bobcat hunting-trapping permit the next license year. **Applications from applicants who have applied in previous years will be included in the drawing until the applicant is successfully drawn and issued a permit.**

* * * * *

[Pa.B. Doc. No. 03-444. Filed for public inspection March 14, 2003, 9:00 a.m.]

**[58 PA. CODE CH. 141]
Hunting and Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, proposed the following amendments:

Amend § 141.7 (relating to use of artificial lights) to make an editorial change to clarify reference to the concurrent antlered and antlerless deer season; § 141.25 (relating to early and late goose hunting seasons) to make an editorial change to bring regulations in compliance with season frameworks approved by the United States Fish and Wildlife Service (Service); and § 141.48 (relating to elk management areas) to provide fewer, but larger, management areas.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed amendments were made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend §§ 141.7, 141.25 and 141.48.

2. *Purpose and Authority*

With the advent of the concurrent antlered/antlerless deer season, there is no longer a need for the separate antlered deer season and antlerless deer season references in § 141.7(b). The proposed rulemaking will correct the language in § 141.7(b) to reflect current regulations.

The Service has made changes in Federal season frameworks. One change, regarding Canada goose hunting, removes the reference to "late goose hunting" from the Federal regulations. The proposed amendment to § 141.25 will also remove the reference to "late goose hunting season" to stay in compliance with the Federal regulations.

In April 2002, the elk management areas were revised to provide fewer, but larger, management areas. For the most part, this approved revision improved hunter opportunity and management capability, except in management area 11. This area, found in the vicinity of the community of St. Marys, is largely private agricultural and forestland with very limited public hunting access. Elk hunting

harvest success was only 17% in this area, as opposed to the average of 94% in all other areas last season. The proposed amendment to § 141.48 will combine elk management units 1 and 11 into a single unit in an effort to improve hunter success rates and provide additional opportunities for a hunter to be selected for an elk license in this area of the elk range.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides "The Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." These two provisions provide the statutory authority for the proposed amendment to § 141.7(b).

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons . . . and daily season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting . . ." Section 2102(a) of the code provides "The Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game . . ." These provisions provide the statutory authority for the proposed amendment to § 141.25.

Section 2705(15) of the code (relating to classes of licenses) provides that "To ensure sound management of Pennsylvania's wild elk population, the Commission may promulgate regulations to establish a limited number of licenses." Section 322(c)(4) of the code specifically authorizes the Commission to "Define geographic limitations or restrictions." Section 2102(a) of the code provides "The Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat . . ." These provisions provide the statutory authority for the proposed amendment to § 141.48.

3. *Regulatory Requirements*

The proposed rulemaking makes an editorial change to remove the reference to the concurrent antlered and antlerless deer season to reflect current regulations, makes an editorial change to remove the reference to "late goose hunting" to reflect current Federal waterfowl regulations and provides fewer but larger elk management units by combining elk management units 1 and 11 into a single unit.

4. *Persons Affected*

Persons wishing to spotlight during deer season, hunt Canada geese and hunt elk will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-161. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.7. Use of artificial lights.

* * * * *

(b) For the purpose of enforcing section 2311 of the act (relating to restrictions on recreational spotlighting), the terms "antlered deer rifle season" and "antlerless deer rifle season" mean that period of time from 12:01 a.m. on the first day of the [**antlered season**] **concurrent antlered and antlerless season** to 12 midnight on the last day [**of the antlerless season**] including Sundays.

Subchapter B. SMALL GAME

§ 141.25. Early [**and late**] goose hunting [**seasons**] **season.**

(a) *Early season and description.*

* * * * *

(3) [**Bag limits are as follows:**

(i) **There is a daily bag limit of five and a possession limit of ten in the area east of I-83 from the Maryland State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to the intersection of I-283, east of I-283 to I-83, east of I-83 to the intersection of I-81, east of I-81 to the intersection of I-80, and south of I-80 to the New Jersey State line.**

(ii) **There is a daily bag limit of three and a possession limit of six in the remainder of the State with the exception of the closed area in Crawford County.]**

Bag limit. There is a daily bag limit of five and a possession limit of ten geese with the exception of the closed area in Crawford County and Middle Creek Wildlife Management Area.

(b) [*Late season and description.*

(1) **Areas. Subject to approval of the United States Fish and Wildlife Service, there is a late Canada goose hunting season beginning on January 15 (except when Sunday, then January 16), and ending on February 15 (except when Sunday, then**

February 14) Statewide, with the exception of that area of Crawford County south of S. R. 198 from the Ohio line to the intersection of S. R. 18, to the intersection of U. S. Route 322/S. R. 18, to the intersection of S. R. 3013, south to the Crawford/Mercer County line and the area east of I-83 from the Maryland State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to intersection of I-283, east of I-283 to I-83, east of I-83 to intersection of I-81, east of I-81 to intersection of I-80, and south of I-80 to the New Jersey State line.

(2) **Bag limit.** There is daily bag limit of five and a possession limit of ten geese.

(c) **Shooting hours.** Shooting hours for goose hunting during the early [and late] goose hunting [seasons] season is 1/2 hour before sunrise to sunset.

(d) **Unlawful acts.** It is unlawful to hunt Canada geese during the early [or late] goose hunting [seasons] season inside the boundaries of the closed area.

Subchapter C. BIG GAME

§ 141.48. Elk management [areas] units.

(a) The divisional line between two or more elk management [areas] units shall be the center of the highway, natural water course or other natural boundary.

(b) The outline map of Pennsylvania sets forth elk management [areas] units. Elk management [area 12] unit 11 comprises all areas outside [Areas] units 1-[11] 10 inclusive. [See Appendix F.]

(See map of Pennsylvania Elk Management Units in Appendix F.)

APPENDIX F

(Editor's Note: As part of this proposal, the Commission is proposing to delete the map which appears at 58 Pa. Code page 141-29 (serial page 290367) and replace it with the following map. The map appears at 33 Pa.B. 1354 (March 15, 2003).)

[Pa.B. Doc. No. 03-445. Filed for public inspection March 14, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Rimfire Rifle

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, proposed the following amendments:

Amend §§ 141.1(d)(3) and (4) and 141.22(a)(4) (relating to special regulations areas; and small game) to permit the use of the new .17 caliber rimfire cartridge.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend §§ 141.1(d)(3) and (4) and 141.22(a)(4) to permit the use of the new .17 caliber rimfire cartridge.

2. *Purpose and Authority*

The Commission recently promulgated language making the .17 caliber rimfire legal for taking small game. Currently, however, the use of the .17 caliber rimfire cartridge is not permitted for taking small game, furbearing animals, crows or other wildlife in the special regulations areas or for dispatching an animal legally caught in a trap. The proposed rulemaking will make use of the .17 caliber rimfire cartridges lawful in all these situations.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(d) of the code authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to §§ 141.1(d)(3) and (4) and 141.22(a)(4) were proposed under these provisions of the code.

3. *Regulatory Requirements*

The proposed rulemaking does not impose any additional restrictions, but rather permits all hunters and furtakers to use the new .17 caliber rimfire cartridge.

4. *Persons Affected*

Persons wishing to hunt small game or dispatch furbearers will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-159. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

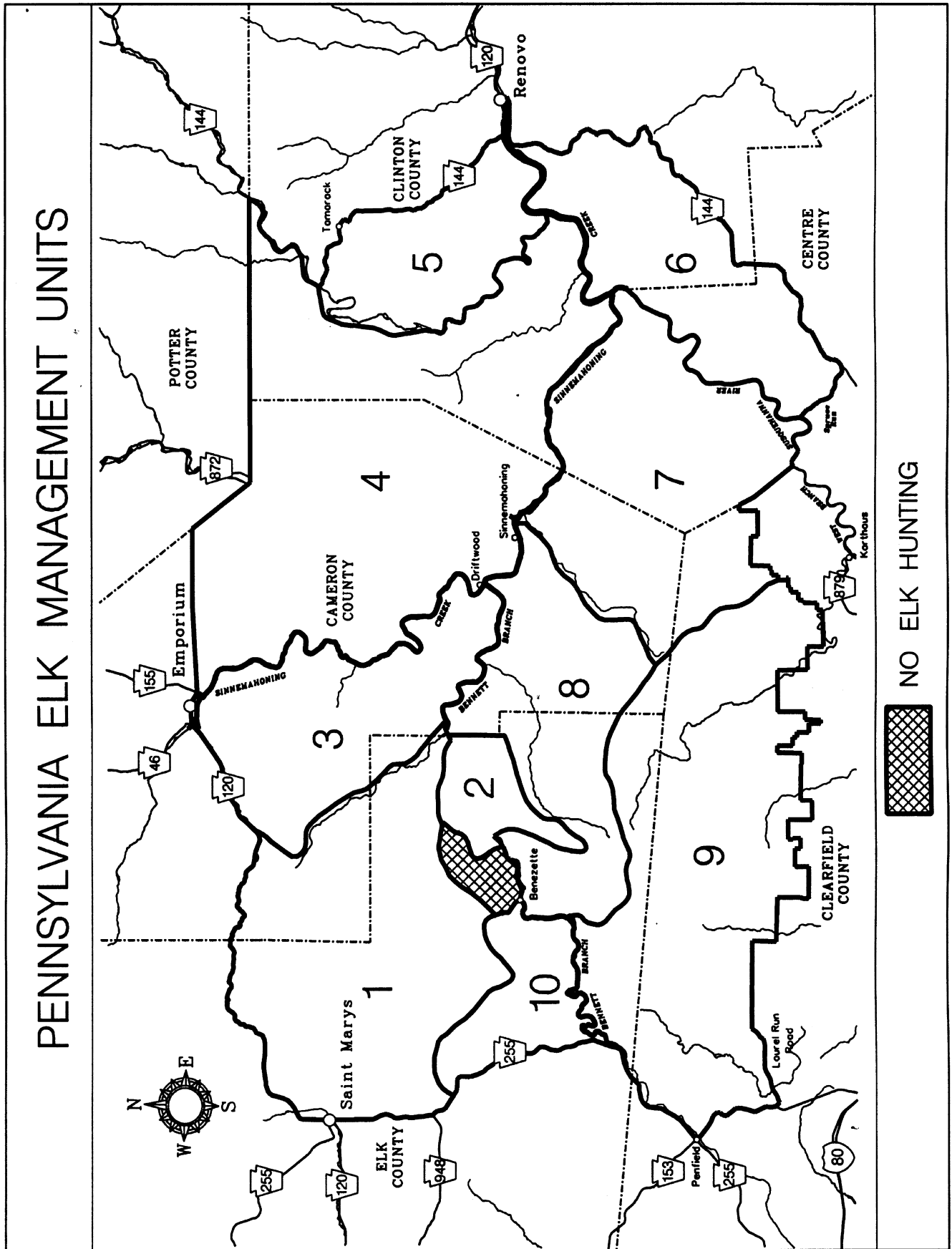
Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

(d) *Permitted acts.* It is lawful to:

* * * * *



(3) Take small game, furbearing animals, crows or wildlife with a manually operated [.22 caliber] rimfire rifle or handgun .22 caliber or less.

(4) Kill an animal legally caught in a trap with a manually operated [.22 caliber] rimfire rifle or handgun .22 caliber or less while trapping.

* * * * *

Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) Unlawful activities. It is unlawful to:

* * * * *

(4) Use or possess single projectile ammunition or use or possess single projectile ammunition designed for use in a firearm while hunting small game during the muzzleloading firearms deer or bear season, except for a [.22 caliber] rimfire rifle or handgun .22 caliber or less. This exception does not apply to the Southeast Special Regulations Area. See § 141.1(b)(2) (relating to special regulations areas).

* * * * *

[Pa.B. Doc. No. 03-446. Filed for public inspection March 14, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Shooting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, proposed the following amendment:

Amend Chapter 141 (relating to hunting and trapping) to add Appendix G to provide actual hunting hours by adding the table of shooting hours and the Pennsylvania meridian map.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed amendment is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed amendment was made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Introduction

The Commission is proposing to add Appendix G.

2. Purpose and Authority

Although § 141.4 (relating to hunting hours) provides that hunting hours are 1/2 hour before sunrise to sunset, the actual times are not stated in Chapter 141. Therefore, the Commission proposes the addition of a table of shooting hours and a Pennsylvania meridian map to Chapter 141 to clearly define the legal hunting hours and also make them available for reference.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modifications thereof." Section 2102(a) of the code (relating to regulations) authorizes the Commission to "promulgate such regulations as it deems necessary and

appropriate concerning game or wildlife and hunting . . ." Section 2102(b)(1) of the code authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting . ." These provisions provide the statutory authority for the proposed rulemaking.

3. Regulatory Requirements

The proposed rulemaking adds a table listing the legal shooting hours and an accompanying Pennsylvania meridian map to Chapter 141.

4. Persons Affected

Persons wishing to find a table of shooting hours in the regulations will be affected.

5. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

6. Effective Date

The proposed rulemaking will be effective on final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS, Executive Director

Fiscal Note: 48-158. No fiscal impact; (8) recommends adoption.

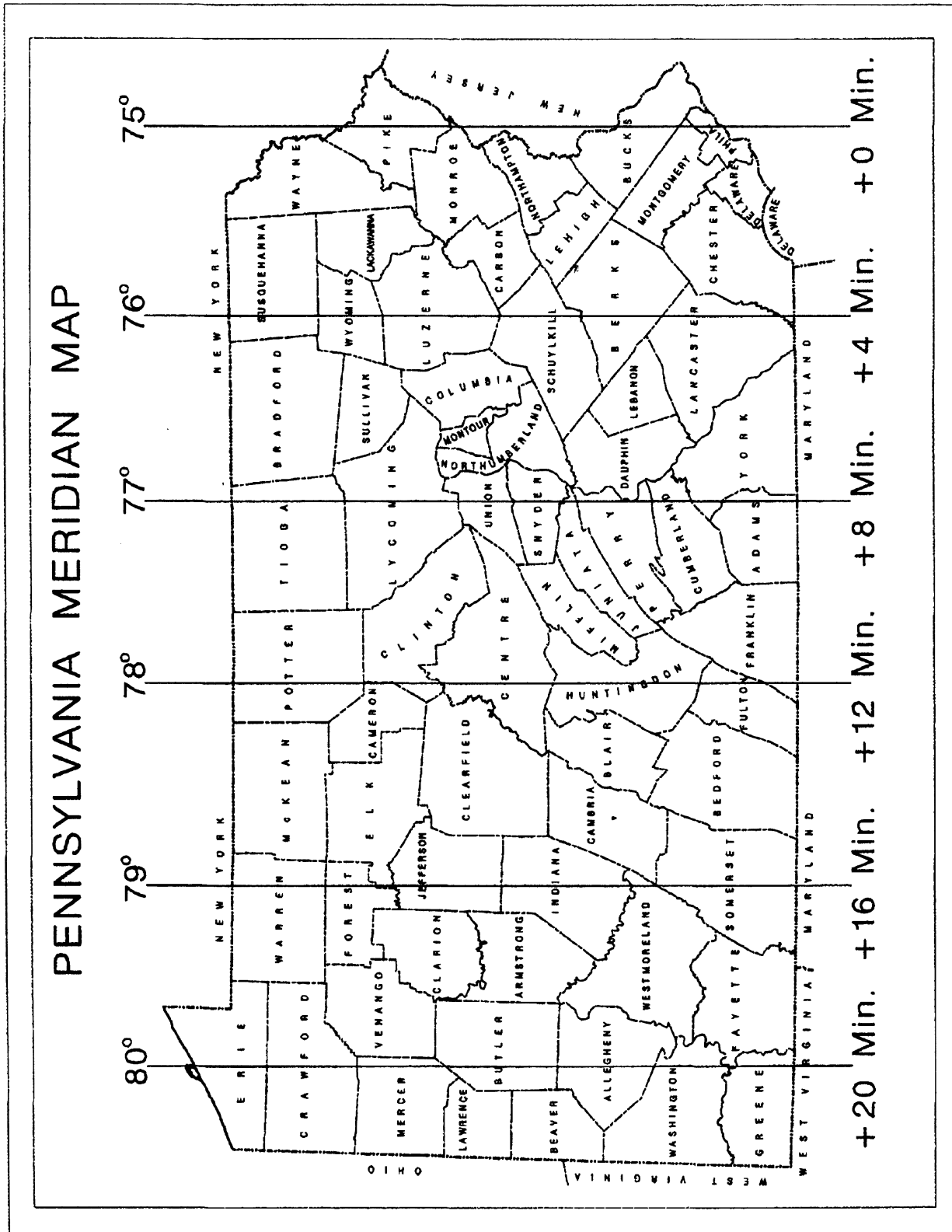
(Editor's Note: The Pennsylvania meridian map appears at 33 Pa.B. 1356 (March 15, 2003).)

Annex A

TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
TABLE OF HUNTING HOURS

Table with 3 columns: Dates, Begin a.m., End p.m. listing hunting hours for various date ranges from June 29 to Dec 27.

APPENDIX G



<i>Dates</i>	<i>Begin a.m.</i>	<i>End p.m.</i>
Dec. 28—Jan. 3	6:52	4:45
Jan. 4—Jan. 10	6:53	4:52
Jan. 11—Jan. 17	6:51	4:59
Jan. 18—Jan. 24	6:48	5:08
Jan. 25—Jan. 31	6:43	5:16
Feb. 1—Feb. 7	6:37	5:24
Feb. 8—Feb. 14	6:29	5:32
Feb. 15—Feb. 21	6:20	5:41
Feb. 22—Feb. 28	6:11	5:48
Feb. 29—Mar. 6	6:01	5:55
Mar. 7—Mar. 13	5:51	6:02
Mar. 14—Mar. 20	5:40	6:10
Mar. 21—Mar. 27	5:29	6:17
Mar. 28—Apr. 3	5:13	6:23
Apr. 4—Apr. 10	6:06	7:31
Apr. 11—Apr. 17	5:57	7:38
Apr. 18—Apr. 24	5:45	7:45
Apr. 25—May 1	5:36	7:52
May 2—May 8	5:26	7:59
May 9—May 15	5:19	8:06
May 16—May 22	5:13	8:13
May 23—May 29	5:08	8:18
May 30—June 5	5:04	8:24
June 6—June 12	5:02	8:28
June 13—June 19	5:02	8:31
June 20—June 26	5:03	8:33
June 27—July 3	5:05	8:33

[Pa.B. Doc. No. 03-447. Filed for public inspection March 14, 2003, 9:00 a.m.]

[58 PA. CODE CHS. 141 AND 143]

Hunting and Trapping; Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, proposed the following amendments:

Amend § 141.43(a)(3) and (4) (relating to deer) to remove the reference to flintlock muzzleloading season and replace it with firearms deer season and to delete subsection (d)(5) to remove inconsistency in the regulations. Amend § 143.84 (relating to application) by extending the date to apply for a flintlock muzzleloader license.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend § 141.43(a)(3) and (4) and delete subsection (d)(5) to remove inconsistency in the regulations and amend § 143.84 to extend the application date for a flintlock muzzleloader license.

2. *Purpose and Authority*

After implementing an early rifle season for qualified hunters and an early muzzleloader season that is no longer restricted to flintlock muzzleloaders, § 141.43(a)(3) and (4) must be amended to replace references to “flintlock muzzleloader season” with “firearms season.” These changes should remove any inconsistency in the regulations. For these same reasons, § 141.43(d)(5) must be deleted. Additionally, the Commission proposes to extend the purchase deadline for muzzleloader licenses from the current date of August 31 to November 15 to allow muzzleloader hunters more time to purchase a muzzleloader license.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to “promulgate such regulations as it deems necessary and appropriate concerning . . . the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.43(a)(3) and (4) and (d)(5) are proposed under this authority. Section 2722(g) of the code (relating to regulations) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendment to § 143.84 is proposed under this authority.

3. *Regulatory Requirements*

The proposed rulemaking will remove language regarding flintlock muzzleloader seasons that is inconsistent with recent amendments to the regulations and extend the date to apply for a muzzleloader license.

4. *Persons Affected*

Persons wishing to hunt during the muzzleloader seasons will be affected.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-157. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer.

(a) *Archery season.* It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:

* * * * *

(3) Move about or relocate during that portion of the archery deer season that is concurrent with any [**flintlock muzzleloading**] **firearms deer** season (antlerless only) that precedes the regular firearms season for deer or is concurrent with the fall turkey season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(4) Be on stand and stationary during that portion of the archery deer season that is concurrent with any [**flintlock muzzleloading**] **firearms deer** season (antlerless only) that precedes the regular firearms season for deer or is concurrent with the fall turkey season without placing a band containing a minimum of 100 square inches of daylight fluorescent orange-colored material, in lieu of the required 250 square inches, within 15 feet of their location so it is visible in a 360° arc.

* * * * *

(d) *Prohibitions.* While hunting deer during the flintlock muzzleloading season it is unlawful to:

* * * * *

[(5) **Hunt for or assist to hunt for deer during any flintlock muzzleloading season that precedes the regular firearms season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.**]

* * * * *

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter E. FLINTLOCK (MUZZLELOADER) DEER LICENSES

§ 143.84. Application.

(a) Application may be made when purchasing a regular hunting license, or any time prior to [**August 31**]

<i>Financial Status</i>	<i>Actual FY 00-01</i>	<i>Projected FY 01-02</i>	<i>Projected FY 02-03</i>	<i>Projected FY 03-04</i>	<i>Projected FY 04-05</i>	<i>Projected FY 05-06</i>	<i>Projected FY 06-07</i>
Beginning Balance	579,991	127,741	375,402	(25,656)	274,990	(232,810)	33,836
Revenue	71,750	841,646	49,200	841,646	49,200	841,646	49,200
Prior Year Returned Funds	0	0	74,742	0	0	0	0
Funds Available	<u>651,741</u>	<u>969,387</u>	<u>499,344</u>	<u>815,990</u>	<u>324,190</u>	<u>608,836</u>	<u>83,036</u>
Prior Year Expense	0	87,986	0	0	0	0	0
Expenses	<u>524,000</u>	<u>506,000</u>	<u>525,000</u>	<u>541,000</u>	<u>557,000</u>	<u>575,000</u>	<u>592,000</u>
Remaining Balance	127,741	375,402	(25,656)	274,990	(232,810)	33,836	(508,964)

As the chart indicates, a deficit of almost \$26,000 is projected at fiscal year ending June 30, 2003, a deficit of over \$230,000 is projected at fiscal year ending June 30,

November 15, upon presentation of the regular hunting license.

* * * * *

[Pa.B. Doc. No. 03-448. Filed for public inspection March 14, 2003, 9:00 a.m.]

STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

Renewal Fee

The State Board of Funeral Directors (Board) proposes to amend § 13.12 (relating to fees) by raising the biennial renewal fee to read as set forth in Annex A.

Effective date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*, beginning with renewal for the 2004-2006 biennial renewal period.

Statutory Authority

The proposed amendment is authorized under section 18.1 of the Funeral Director Law (act) (63 P. S. § 479.18.1).

Background and Need for the Amendment

The Board is required by law to support its operations from revenue it generates from fees, fines and civil penalties and to periodically review its expenditures and revenue streams to assure that revenues meet or exceed expenses. The Board was last required to increase its biennial renewal fees in 1992.

At its March 6, 2002, meeting, the Board reviewed the following summary of its revenues and expenses prepared by the Bureau of Professional and Occupational Affairs Revenue Office and the Bureau of Finance and Operations.

2005, and a deficit of over \$500,000 is projected at fiscal year ending June 30, 2007. The Board must generate revenues of about \$1.1 million to meet its anticipated

expenditures in fiscal years 2003-04 and 2004-05, in addition to recovering the anticipated deficit of June 30, 2003.

The Board raises virtually all its revenues through fees. The biennial license renewal fee is the most substantial revenue-generating fee of the fees charged by the Board. Section 18.1(a) of the act requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

The Board proposes to begin recovering that deficit during the 2004-06 biennial period. The Board anticipates that the proposed new fees and the increased user fees which have recently been promulgated would enable it to recapture the current deficit, meet its estimated expenditures for the upcoming fiscal years and generate a surplus of approximately \$160,000 at the end of fiscal year 2004-05.

Description of the Proposed Rulemaking

Section 13.12 would be amended to increase the biennial renewal fee from \$130 to \$185.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking would increase the biennial renewal fee for funeral directors and funeral establishments in this Commonwealth, but, otherwise, should have no adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Michelle DeMerice, Administrative Officer, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Reference No. 16A-4811 (renewal fee), when submitting comments.

JAMES O. PINKERTON, FD,
Chairperson

Fiscal Note: 16A-4811. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

LICENSURE

§ 13.12. Fees.

Following is the schedule of fees charged by the Board:

* * * * *

Biennial renewal § [130] 185

[Pa.B. Doc. No. 03-449. Filed for public inspection March 14, 2003, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Continuing Education Provider Approval

The State Board of Veterinary Medicine (Board) proposes to amend §§ 31.16 and 31.40 (relating to continuing education provider approval) to read as set forth in Annex A. The proposed rulemaking adds providers approved by the American Association of Veterinary State Boards (AAVSB) and included on the Registry of Approved Continuing Education (RACE) to the list of continuing education providers who are preapproved to offer courses for credit toward the biennial continuing education requirements for veterinarians and animal health technicians.

Effective Date

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

Statutory Authority

Section 18 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.18) authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship.

Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P. S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

Background and Need for Proposed Rulemaking

The AAVSB asked the Board to consider adding providers who are approved by the AAVSB and listed on the

RACE to the list of providers who are preapproved by the Board to provide continuing education required for biennial license renewal to this Commonwealth's licensed veterinarians and certified animal health technicians. After reviewing the information provided by the AAVSB, the Board found that courses are approved by the AAVSB for inclusion on the RACE in accordance with standards equivalent to the standards employed by the Board in approving continuing education courses. The Board concluded that RACE-listed courses are of consistently high educational quality and should have preapproved status.

Description of Proposed Rulemaking

The Board proposes to amend § 31.16(a), which lists those continuing education providers who are preapproved by the Board to offer courses to licensed veterinarians, by adding paragraph (8), which includes providers listed on the RACE. The Board proposes to amend § 31.40(a), which lists those continuing education providers who are preapproved by the Board to offer courses to certified animal health technicians, by adding paragraph (8), which includes providers listed on the RACE.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will relieve providers who are listed on the RACE from having to apply to the Board for approval of a continuing education course to be offered by the provider. This will save the providers \$35 per course, the fee assessed for approval of a continuing education program in § 31.41. The proposed rulemaking will also relieve the Board of the work involved in reviewing and approving the continuing education courses.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Robert Kline, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

BRIAN V. HARPSTER, V.M.D.,
Chairperson

Fiscal Note: 16A-5714. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

LICENSURE

§ 31.16. Continuing education provider approval.

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers:

* * * * *

(8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).

* * * * *

ANIMAL HEALTH TECHNICIANS AND NONCERTIFIED [EMPLOYES] EMPLOYEES

§ 31.40. Continuing education provider approval.

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers as long as the programs are specifically designed to increase the skills, knowledge and competency of certified animal health technicians:

* * * * *

(8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB) to offer courses for certified animal health technicians.

* * * * *

[Pa.B. Doc. No. 03-450. Filed for public inspection March 14, 2003, 9:00 a.m.]

STATEMENTS OF POLICY

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 204]

Additional Traffic-Control Devices in Highway Work Zones—Statement of Policy

The Department of Transportation (Department) adopts this statement of policy in response to the requirements of the act of December 23, 2002 (P. L. 1982, No. 229). These guidelines are designed to improve safety in highway work zones by requiring drivers to light their vehicles' headlights and by delineating those "active work zones" where motorists are exposed to increased penalties for moving violations due to the presence of workers. The signs and lights specified are in addition to the traffic-control devices required by Chapter 203 (relating to work zone traffic control) and apply to all construction, maintenance and utility operations on public highways within this Commonwealth.

Effective Date

This statement of policy shall be effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person is Arthur Breneman, Department of Transportation, Bureau of Highway Safety and Traffic Engineering, P. O. Box 2407, Harrisburg, PA 17105-2047, (717) 787-3620, fax: (717) 783-8012.

Authority

This statement of policy is adopted under the authority contained in section 21 of the act of December 23, 2002.

Order

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

(a) The regulations of the Department, 67 Pa. Code, are amended by adding a statement of policy at §§ 204.1—204.6 to read as set forth in Annex A.

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

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

ALLEN D. BIEHLER, P. E.,
Acting Secretary

Fiscal Note: 18-SOP-382. (1) Motor License Fund;

	<i>Highway Safety Improvements</i>	<i>Highway Maintenance</i>
(2) Implementing Year 2002-03 is	\$6,300,000	\$6,600,000
(3) 1st Succeeding Year 2003-04 is	\$6,300,000	\$6,200,000
2nd Succeeding Year 2004-05 is	\$6,300,000	\$6,200,000
3rd Succeeding Year 2005-06 is	\$6,300,000	\$6,200,000
4th Succeeding Year 2006-07 is	\$6,300,000	\$6,200,000
5th Succeeding Year 2007-08 is	\$6,300,000	\$6,200,000

Highway & Safety Improvements *Highway Maintenance* *Secondary Road—Maintenance & Resurfacing*

(4) 2001-02 Program—	\$196,750,000	\$662,650,000	\$61,870,000
2000-01 Program—	\$174,022,000	\$634,819,000	\$62,279,000
1999-00 Program—	\$175,000,000	\$621,406,000	\$59,974,000

(8) recommends adoption. A portion of the expected costs to the Highway Maintenance appropriation may be charged to the Secondary Road—Maintenance and Resurface appropriation. Also, the Department of Transportation expects to receive Federal funds which would offset these costs. It is estimated that annual costs to the Turnpike Commission for this program will be \$1,300,000.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 204. GUIDELINES TO IMPLEMENT ACT 229 OF 2002 ADDITIONAL TRAFFIC-CONTROL DEVICES IN HIGHWAY WORK ZONES—STATEMENT OF POLICY

§ 204.1. Purpose and application.

(a) This chapter is in response to the requirements of Act 229. Specifically, this chapter is designed to improve safety in highway work zones by requiring drivers to light their vehicles' headlights; and by delineating those "active work zones" where motorists are exposed to increased penalties for moving violations due to the presence of workers.

(b) The signs and lights specified in this chapter are in addition to the traffic-control devices required by Chapter 203 (relating to work zone traffic control), and apply to all construction, maintenance and utility operations on all public highways within this Commonwealth. Special attention is called to § 204.4 (relating to exemptions) because it makes the use of the signs and lights in § 204.3 (relating to general) discretionary for some construction, maintenance and utility operations.

§ 204.2. Definitions.

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

Active work zone—The portion of a work zone where construction, maintenance or utility workers are on the roadway or on the shoulder of the highway, and is adjacent to an open travel lane.

Act 229—The act of December 23, 2002 (P. L. 1982, No. 229).

Work zone—The area of a highway where construction, maintenance or utility work activities are being conducted, and which should have traffic-control devices installed in accordance with this title.

§ 204.3. General.

The following shall be done:

(1) Erect the WORK ZONE—TURN ON HEADLIGHTS Sign (R22-1) prior to each work zone. When used, erect as the first sign on each primary approach to the work zone, typically at a distance of 250 to 1,000 feet prior to the first warning sign as required by Chapter 203 (relating to work zone traffic control). Use smaller advance distances on low-speed highways and the larger advance distances on high-speed roadways including all expressways and freeways. Do not install flashing warning lights or orange flags on the R22-1 sign. This paragraph is effective on February 21, 2003.

(2) Delineate “active work zones” by signs and lights as defined in this chapter to establish those areas where double fines and other increased penalties apply. Do not consider a construction, maintenance or utility operation as an “active work zone” when either of the following exist:

(i) None of the work is on the roadway or shoulder.

(ii) All workers are protected by a concrete barrier and no ingress or egress to the work area is through an opening in the concrete barrier.

(3) Erect the ACTIVE WORK ZONE WHEN FLASHING Sign (W21-19) as close as practical to the beginning of the “active work zone.” Do not compromise motorists’ safety by erecting the sign within a transition or at a location where the sign could be especially distracting to motorists or could jeopardize the safety of motorists, or at a location where workers are put at risk when they may need to turn the light on and off. When a construction, maintenance or utility project has more than one active work zone and the active work zones are separated by a distance of more than 1 mile, erect signs for each active work zone.

(4) Attach a white flashing light to the upper portion of each ACTIVE WORK ZONE WHEN FLASHING Sign (W21-19). Activate the light only when workers are present, and turn off the flashing light when workers are not present for 60 minutes or more. The following additional guidance is provided, depending on the type of sign support:

(i) *Signs on temporary sign posts or Type III barricades.* These sign supports are generally used on long-term construction projects. When signs are installed on temporary sign posts or Type III barricades, any Department-approved Type B light with a clear bulb or white LEDs, and a clear lens may be used providing the light is mounted similar to other Type B lights (that is, in accordance with § 203.82(b)(iv) (relating to warning lights)).

(ii) *Signs on portable sign supports.* Do not use orange flags in these sign supports. The Department is developing specifications for these white flashing lights and will identify acceptable models in Section 901 (entitled “*Traffic Accommodation and Control*”) of the Department’s “*Bulletin 15: Approved Construction Materials*,” (which can be viewed at ftp://ftp.dot.state.pa.us/public/pdf/bulletin_15.pdf). Until approved white flashing lights are identified and published in Bulletin 15, any flashing white light may be used provided the light is visible for a minimum of 500 feet to an ordinarily observant person; and the light or the portion of the light attached to the sign stand weighs no more than 16 ounces and is physically attached to the sign stand so as not to come loose if impacted by an errant vehicle. Two interim options are:

(A) Use the white “High Visibility Warning Light” which fits into a flag tree, as distributed by the Pennsylvania Industry for the Blind and Handicapped, commodity code no. 9905-7000-200.

(B) Position any approved Type B light with a clear bulb or white LEDs, and a clear lens on the ground at the base of the sign stand.

(5) Install the END ACTIVE WORK ZONE Sign (W21-20) immediately at the end of each “active work zone,” except this sign is not necessary if either the END ROAD WORK Sign (G20-2a) or the END WORK AREA Sign (G20-3) is installed at the end of the active work zone.

(6) A portable changeable message sign (PCMS) may be used in lieu of the static signs to inform drivers that:

(i) Motorists must turn on headlights.

(ii) It is an active work zone and increased penalties apply.

(iii) It is the end of the active work zone. If a PCMS cannot accommodate nine-character words such as “INCREASED” and “PENALTIES,” use similar words such as “HIGHER PENALTY,” “HEAVY FINES,” and the like. PCMSs may be used in lieu of the “official traffic signs” described in this chapter, including the regulatory R22-1 sign. These PCMSs need not be exclusively dedicated to these messages, but may alternately be used to inform motorists of other messages such as “SLOW DOWN,” “LEFT LANE CLOSED AHEAD,” and the like.

(7) Install appropriate signs and lights identified in this section on side road approaches to the work zone if the side road is a numbered traffic route or a ramp from a freeway. If any of these side roads directly enters the active work zone, include all signs and lights as specified for the primary approaches to the work zone.

(8) On Interstate highway work zones with a project cost exceeding \$300,000, use a “speed display sign” on each approach to the work zone to advise motorists of their vehicles’ speed. The following guidance is provided:

(i) The Department does not currently have a list of approved speed display signs, but to facilitate future purchases, the Department will identify acceptable models and publish a list in Section 901 (“*Traffic Accommodation and Control*”) of the Department’s “*Bulletin 15: Approved Construction Materials*.” Until a list is published, use either a post-mounted or trailer-mounted model that:

(A) Has the capability of determining the speed of an approaching vehicle by radar and compensating for the “cosine affect.”

(B) Displays the motorist’s speed in numerals at least 18 inches in height using LED or some other type of illuminated numerals.

(C) When vehicles are not present or when the measured speed is more than 30 mph over the speed limit, the speed panel should go blank.

(ii) As an alternative, Department-approved portable changeable message signs (PCMSs) may be equipped with radar and programmed to display vehicles’ speeds. PCMSs may also flash appropriate messages such as “YOU ARE SPEEDING” or “SLOW DOWN.” Place the signs 1/2 to 1 mile in advance of the physical work area.

(9) Agencies administering highway construction, utility work and maintenance operations shall mandate the application of the following good management principles:

(i) Keep the work zones as short as practical to avoid long stretches with no work activity.

(ii) Minimize lane restrictions.

(iii) Remove all traffic-control devices as soon as practical after the construction, maintenance or utility operation is complete.

§ 204.4. Exemptions.

Although Act 229 is very specific in defining the need to install traffic-control devices, there are times when installing these devices would be extremely difficult and other times when it could be counterproductive from a safety perspective. Therefore, the Department has determined that in the interest of safety and in keeping with the legislative intent of the law, the installation of the R22-1, W21-19 and W21-20 signs and the flashing white lights are not required for any of the following situations:

(1) Moving operations, that is, work zones that move at an average speed of more than 1 mph (88 feet per minute).

(2) Work zones where the duration of the construction, maintenance, or utility operation is less than 2 hours.

(3) Work zones on roadways with a posted speed limit of 25 mph or less.

(4) Work zones on roadways with a posted speed limit

of 35 mph or less or a traffic volume less than 1,000 vehicles a day, when all traffic-control devices are removed at the end of the day.

(5) Work zones where the length of highway where the actual construction, maintenance or utility work operation is occurring is less than 250 feet, and all traffic-control devices are removed at the end of the day.

§ 204.5. Sign standards.

Standards for the following signs are included in Appendix A:

(1) WORK ZONE—TURN ON HEADLIGHTS Sign (R22-1)

(2) ACTIVE WORK ZONE WHEN FLASHING Sign (W21-19)

(3) END ACTIVE WORK ZONE Sign (W21-20)

§ 204.6. Questions.

Inquiries about this chapter may be referred to:
 Pennsylvania Department of Transportation
 Bureau of Highway Safety and Traffic Engineering
 P. O. Box 2047
 Harrisburg, PA 17105-2047
 (717) 787-3620
 Fax: (717) 783-8012

STATEMENTS OF POLICY

APPENDIX A

R22-1

WORK ZONE-TURN ON HEADLIGHTS SIGN

(a) Justification. The Work Zone-Turn on Headlights Sign (R22-1) shall be used in advance of work zones in accordance with Department guidelines. When used, the R22-1 sign should generally be installed as the first sign approaching the work zone.

(b) Size. The larger (1800 mm x 1200 mm) size should be used for long-term operations on expressways and freeways.



SIGN SIZE AxB	DIMENSIONS (IN MILLIMETERS)												MAR-GIN	BOR-DER	BLANK STD.
	C	D	E	F	G	H	J	K	L	M	N	P			
1200x900	53	150C	75C	65	150C	22	74	96	515	232	385	505	15	20	B5-1200900
1800x1200	67.5	2000	1000	100	2000	32.5	82	118	804	370	598	777*	15	20	—

* REDUCE SPACING 20%.

COLOR:

LEGEND AND BORDER:
BLACK (NON-REFLECTORIZED)

BACKGROUND:
TOP: ORANGE (REFLECTORIZED)

BOTTOM: WHITE (REFLECTORIZED)

APPROVED FOR THE

Date 2/10/03

Secretary of Transportation

By : Art Brenema
Chief, Traffic Engineering and Operations Division
Bureau of Highway Safety and Traffic Engineering

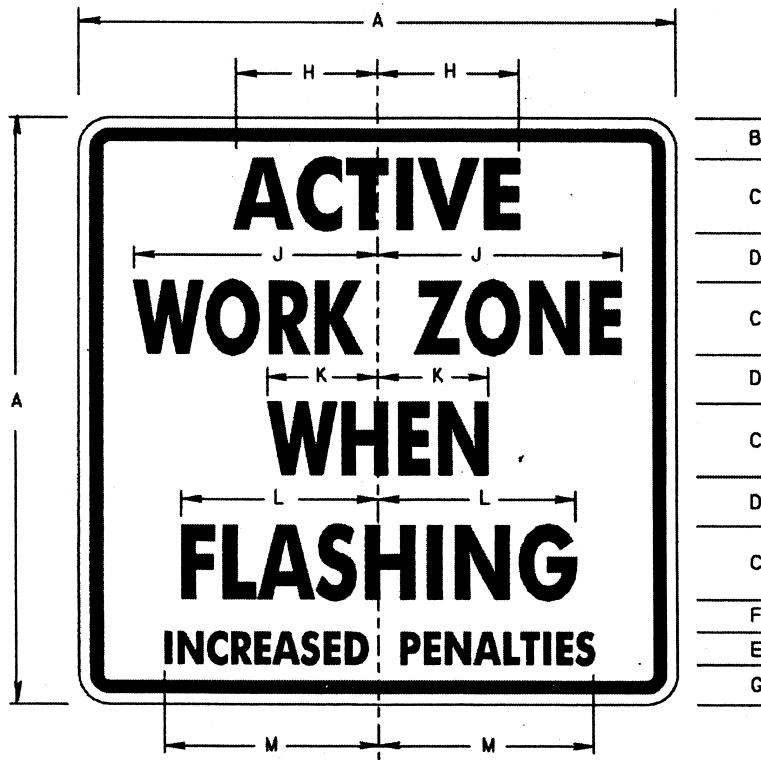
R22-1.DGN

W21-19

ACTIVE WORK ZONE WHEN FLASHING SIGN

(a) Justification. The Active Work Zone When Flashing Sign (W21-19) shall be used in advance of an "active work zone" in accordance with Department guidelines to advise motorists that construction, maintenance or utility workers are on the roadway, berm or shoulder, and that increased penalties apply. The W21-19 sign shall be equipped with a flashing white light that is activated when workers are present and when flashing shall be readily visible both day and night by an ordinarily observant person. When workers are not present for more than 60 minutes, the flashing light shall be turned off.

(b) Placement. When used, the W21-19 sign shall be erected as close as practical to the beginning of the active work zone, except motorists' safety should not be compromised by erecting the signs within transitions or at other locations where the sign could be especially distracting. When a work zone has more than one active work zone and the active work zones are more than 1 mile apart, each active work zone shall be signed individually with this sign.



SIGN SIZE AxA	DIMENSIONS (IN MILLIMETERS)											MAR- GIN	BOR- DER	BLANK STD.
	B	C	D	E	F	G	H	J	K	L	M			
900x900	62	113C	75	50C	50	61	212	367	165	296	322	15	20	B3-900
1200x1200	86	150C	88	75C	75	100	282	490	220	395	483	20	25	B3-1200

COLOR:

LEGEND AND BORDER:

BLACK (NON-REFLECTORIZED)

BACKGROUND:

ORANGE (REFLECTORIZED)

APPROVED FOR THE

Date 2/26/03

Secretary of Transportation

By : A.H. Brown
 Chief, Traffic Engineering and Operations Division
 Bureau of Highway Safety and Traffic Engineering

W21_19.DGN

W21-20

END ACTIVE WORK ZONE SIGN

The End Active Work Zone Sign (W21-20) should be installed immediately at the end of each "active work zone" when signs are erected at the beginning of the active work zone to advise of increased penalties. However, the W21-20 sign is not necessary if the End Road Work Sign (G20-2a) or the End Work Area Sign (G20-3) is located at this location.



SIGN SIZE AxA	DIMENSIONS (IN MILLIMETERS)								MAR- GIN	BOR- DER	BLANK STD.
	B	C	D	E	F	G	H	J			
900x900	246	88	125E	87	75	177	337	267	15	20	B3-900
1200x1200	295	113	150E	112	125	213	404	320	15	20	B3-1200

COLOR:
LEGEND AND BORDER:
BLACK (NON-REFLECTORIZED)
BACKGROUND:
ORANGE (REFLECTORIZED)

APPROVED FOR THE Date 2/20/03
Secretary of Transportation
By: *Art Brener*
Chief, Traffic Engineering and Operations Division
Bureau of Highway Safety and Traffic Engineering

W21_20.DGN

[Pa.B. Doc. No. 03-451. Filed for public inspection March 14, 2003, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, March 19, 2003. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's offices at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion include the Commission's Water Resources Program for 2003; a progress report on development of the basinwide plan and new Commission's comprehensive plan; a discussion about the Delaware River Basin Conservation Reserve Enhancement Program; a proposal to extend Doc. D-77-20 CP (Revision 5) (Amended) relating to New York City reservoir releases to protect tailwater fisheries; a proposal to amend the Commission's project review fees; a report on the coordinated Environmental Protection Agency, state and Commission approach to the staged PCB TMDL for the Delaware Estuary; and a discussion on proposed revision of the Commission's water quality standards for PCBs.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the dockets listed in this notice, a resolution extending Doc. D-77-20 CP (Revision 5) (Amended); a resolution amending Doc. D-77-110 CP by the addition of a "Designated Unit" to Table A (Revised); a resolution adopting the 2003 Water Resources Program; and a resolution to approve the Commission's budgets for the fiscal year ending June 30, 2004.

1. *New Jersey-American Water Company D-85-2 CP Renewal 3.* A renewal of a groundwater withdrawal project to continue withdrawal of 51.8 million gallons (mg)/30 days to supply the applicant's public water distribution system from existing Wells Nos. 3, 4 and 5 in the Kittatinny Formation. The project is located in Washington Township, Warren County, NJ.

2. *Borough of Roosevelt D-85-8 CP Renewal 2.* A renewal of a groundwater withdrawal project to supply up to 7 mg/30 days of water to the applicant's public water distribution system from existing Wells Nos. 3 and 4 in the Raritan Formation. No increase in the maximum allocation is proposed. The project is located in Roosevelt Borough, Monmouth County, NJ.

3. *Netcong Borough D-2000-41 CP.* A groundwater withdrawal project to supply up to 17.8 mg/30 days of water to the applicant's public water distribution system from existing Wells Nos. 1A and 2 in glacial deposits, Wells Nos. 5 and 6 in the Gneiss Formation and to limit the withdrawal from all wells to 17.8 mg/30 days. The project is located in Netcong Borough and Roxbury Township, Morris County, NJ.

4. *Hanah Country Inn D-2002-7 (Revised).* A project revision to improve and expand a 9,000 gallons per day (gpd) septic treatment system to treat 13,830 gpd at the applicant's 900 acre lodging facility located in the Town of Middletown, Delaware County, NY, within the drainage

area to the Commission's Special Protection Waters. The applicant had originally planned to provide a new subsurface discharge leach field but now plans to provide advanced treatment followed by discharge to a new percolation trench. The site is located on both sides of State Route 30, between County Route 38 (Arkville Road) and East Hubbell Road. The project is in the East Branch Delaware River Watershed, upstream from Pepacton Reservoir.

5. *Municipal Authority of the Township of Westfall D-2002-23 CP.* An upgrade and expansion of a 0.095 mgd advanced secondary sewage treatment plant (STP) to provide tertiary treatment of 0.3 mgd, using a sequencing batch reactor process. The proposed expansion is needed to serve residential and commercial development in Westfall Township, Pike County, PA. The plant, known locally as the Hunts Landing STP, is located on the west bank of the Delaware River, just south of the Route 209 and I-84 interchange in Westfall Township. The plant was formerly owned by Delaware Valley Utilities, Inc., who constructed the facility in 1986 and expanded it in 1991. The plant uses an activated sludge treatment process and will be phased out of operation. A new outfall line will be constructed and STP effluent will be discharged via submerged diffusers to the Delaware River in the Special Protection Waters of Water Quality Zone 1C.

6. *New Jersey Department of Corrections D-2002-31 CP.* An expansion of a 0.769 mgd STP to process 1.3 mgd while continuing to provide advanced secondary treatment. The expanded plant will continue to serve the A. C. Wagner Youth Correctional Facility and a portion of Chesterfield Township. The plant is located just less than 1 mile northeast of the intersection of Ward Avenue and Hogback Road in Chesterfield Township, Burlington County, NJ. The STP effluent will continue to be discharged to Crosswicks Creek through the existing outfall diffuser. The project expansion is needed to eliminate malfunctioning septic systems serving Crosswicks Village and to provide treatment capacity to serve a planned 350 bed minimum security facility.

7. *Strausser Enterprises, Inc. D-2002-43.* A groundwater withdrawal project to supply up to 9.31 mg/30 days of water to the applicant's golf course irrigation system from new Wells Nos. ITW 1-4 in the Allentown Formation. The project is located in the Delaware River Watershed in Forks Township, Northampton County, PA.

8. *North Coventry Water Authority D-2002-47 CP.* A transfer of up to 0.76 mgd of potable water from Pottstown Borough Authority (PBA) to serve customers in North Coventry and a portion of East Coventry Townships, both in Chester County, PA. Most of these customers are currently served by the PBA, which will transfer to North Coventry Water Authority its service area south of the Schuylkill River. The PBA has adequate capacity at its 12 mgd filter plant, located at the confluence of the Schuylkill River and Manatawny Creek, to meet the applicant's potable water demand. The applicant currently operates two wells in the Southeastern Pennsylvania Groundwater Protected Area to provide customers in North Coventry Township with up to 16,500 gpd.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: minutes of the January 29, 2003, business meeting; announcements; a report on basin hydrologic conditions; a report by the executive director; a report by the Commis-

sion's general counsel; a resolution reauthorizing the Water Quality Advisory Committee; and a resolution authorizing the executive director to enter into an agreement with the University of Delaware to acquire the expertise of faculty and staff in developing inputs for carbon parameters in the water quality model for the Delaware Estuary.

Draft dockets and other items scheduled for public hearing on March 19, 2003, are posted on the Commission's website, <http://www.drbc.net>, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Persons should contact Thomas L. Brand at (609) 883-9500, Ext. 221 with any docket-related questions.

Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500, Ext. 203. Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 03-452. Filed for public inspection March 14, 2003, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 4, 2003.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
2-28-03	Ambler Savings and Loan Association Ambler Montgomery County <i>To:</i> Ambler Savings Bank Ambler Montgomery County	155 E. Butler Ave. Ambler Montgomery County	Effective

Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-28-03	Clearfield Interim Bank and Trust Company, Clearfield, and Clearfield Bank & Trust Company, Clearfield Surviving Institution— Clearfield Interim Bank and Trust Company, with a change in name to Clearfield Bank & Trust Company, Clearfield	Clearfield	Effective

Merger being effected solely to effect the acquisition of Clearfield Bank & Trust Company by CBT Financial Corp., Clearfield, a newly formed bank holding company.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-28-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1520 Cecil B. Moore Avenue Philadelphia Philadelphia County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-15-02	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>Into:</i> 1600 Chestnut St. Philadelphia Philadelphia County <i>From:</i> 15 and Market Streets Philadelphia Philadelphia County	Effective
11-15-02	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>To:</i> 267 Main Street Exton Chester County <i>From:</i> 470 John Young Way Exton Chester County	Effective
3-4-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County <i>Consolidating:</i> 3531 West Chester Pike Newton Square Delaware County 201 Second Ave., Ste. 100 Collegeville Montgomery County 638 East Main Street Lansdale Montgomery County 521 West Main Street Lansdale Montgomery County 200 W. Ridge Pike, Ste. 108 Conshohocken Montgomery County 7425 Frankford Avenue Philadelphia Philadelphia County 3745 Aramingo Avenue Philadelphia Philadelphia County 30 South 15th Street Philadelphia Philadelphia County 61 East Germantown Pike East Norriton Montgomery County 6331 Castor Avenue Philadelphia Philadelphia County 6301 Oxford Avenue Philadelphia Philadelphia County	Consolidation of 11 branch offices with and into existing branch offices <i>Continuing Location:</i> <i>To:</i> 3514 West Chester Pike Newton Square Delaware County <i>To:</i> 222 West Main Street Collegeville Montgomery County <i>To:</i> 25 East Main Street Lansdale Montgomery County <i>To:</i> 25 East Main Street Lansdale Montgomery County <i>To:</i> 202 West Ridge Pike Conshohocken Montgomery County <i>To:</i> 7327 Frankford Avenue Philadelphia Philadelphia County <i>To:</i> 3500 Aramingo Avenue Philadelphia Philadelphia County <i>To:</i> 1515 Market Street Philadelphia Philadelphia County <i>To:</i> 5 West Germantown Pike East Norriton Montgomery County <i>To:</i> 6537 Castor Avenue Philadelphia Philadelphia County <i>To:</i> 6537 Castor Avenue Philadelphia Philadelphia County	Approved

Voluntary Dissolution

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
2-28-03	ADP Savings Association Fort Washington Montgomery County	Certificate of Election for Voluntary Dissolution filed. Effective as of close of business February 28, 2003.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Acting Secretary

[Pa.B. Doc. No. 03-453. Filed for public inspection March 14, 2003, 9:00 a.m.]

**DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES****Conservation and Natural Resources Advisory
Council Meeting**

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, March 26, 2003, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf, (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-454. Filed for public inspection March 14, 2003, 9:00 a.m.]

Cooks Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Cooks Creek Watershed Conservation Plan (Plan) and is placing the Cooks Creek, the watershed and all tributaries covered in the Plan in Bucks, Lehigh and Northampton Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Durham Township Environmental Advisory Council submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Keystone Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Cooks Creek (Bucks, Lehigh and Northampton Counties) from the headwaters to its confluence with the Delaware River—29.4 square miles.

2. All tributary streams within the Cooks Creek Watershed.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at the Durham Township EAC, P. O. Box 4, Durham, PA 18093, (610) 346-8911; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at The Durham Township Municipal Building.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-455. Filed for public inspection March 14, 2003, 9:00 a.m.]

Elk Creeks Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Elk Creeks Watershed Conservation Plan (Plan) and is placing the Big Elk Creek, the watershed and all tributaries and the Little Elk Creek covered in the Plan in Chester County on the Pennsylvania Rivers Conservation Registry (Registry).

The Brandywine Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Keystone Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Big Elk Creek (Chester County) from the confluence of the East Branch of Big Elk Creek and the West Branch of Big Elk Creek with the main stem of Big Elk Creek to the Pennsylvania/Maryland border—57.0 square miles.

2. The watershed of the West Branch of Big Elk Creek (Chester County) from the headwaters to its confluence with the main stem of Big Elk Creek—10.3 square miles.

3. The watershed of the East Branch of Big Elk Creek (Chester County) from the headwaters to its confluence with the main stem of Big Elk Creek—15.9 square miles.

4. The watershed of the Little Elk Creek (Chester County) from the headwaters to the Pennsylvania/Maryland border—13.4 square miles.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at the Brandywine Conservancy, Environmental Management Center, P. O. Box 141, Chadds Ford, PA 19317, (610) 388-2700; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Brandywine Conservancy.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-456. Filed for public inspection March 14, 2003, 9:00 a.m.]

French Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the French Creek Watershed Conservation Plan (Plan) and is placing the French Creek, the watershed and all tributaries covered in the Plan in Crawford, Erie, Mercer and Venango Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Western Pennsylvania Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Keystone Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of French Creek (Crawford, Erie, Mercer and Venango Counties) from the Pennsylvania/New York border to its confluence with the Allegheny River—1,125 square miles.
2. All tributary streams within the French Creek Watershed.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at the Western Pennsylvania Conservancy, 209 Fourth Street, Pittsburgh, PA 15222-2075, (412) 288-2777; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at The Western Pennsylvania Conservancy.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-457. Filed for public inspection March 14, 2003, 9:00 a.m.]

Lower Tohickon Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Lower Tohickon Creek Watershed Conservation Plan (Plan) and is placing the Lower Tohickon Creek, the watershed and all tributaries covered in the Plan in Bucks County on the Pennsylvania Rivers Conservation Registry (Registry).

The Tincum Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Keystone Rivers

Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Lower Tohickon Creek (Bucks County) from the Lake Nockamixon Dam to its confluence with the Delaware River—37.69 square miles.
2. All tributary streams within the Lower Tohickon Creek Watershed.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at The Tincum Conservancy, P. O. Box 206, Erwinna, PA 18920, (610) 847-8650; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at The Tincum Conservancy.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-458. Filed for public inspection March 14, 2003, 9:00 a.m.]

Octoraro Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Octoraro Creek Watershed Conservation Plan (Plan) and is placing the Octoraro Creek, the watershed and all tributaries covered in the Plan in Chester and Lancaster Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Octoraro Watershed Association has submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Keystone Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Octoraro Creek (Chester and Lancaster Counties) from the headwaters to the Pennsylvania/Maryland border—176 square miles.
2. All tributary streams within the Octoraro Creek Watershed.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at the Octoraro Watershed Association, 389 Pine Grove Road, Nottingham, PA 19362, (717) 529-2132; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Octoraro Watershed Association.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-459. Filed for public inspection March 14, 2003, 9:00 a.m.]

Sandy Run Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Sandy Run Creek Watershed Conservation Plan (Plan) and is placing the Sandy Run Creek, the watershed and all tributaries covered in the Plan in Montgomery County on the Pennsylvania Rivers Conservation Registry (Registry).

The Montgomery County Planning Commission submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Keystone Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Sandy Run Creek (Montgomery County) from the headwaters to its confluence with the Wissahickon Creek—12.6 square miles.
2. All tributary streams within the Sandy Run Creek Watershed.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at the Montgomery County Planning Commission, Suite 201, One Montgomery Plaza, Swede and Airy Streets, Norristown, PA 19404-0311, (610) 278-3722; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Montgomery County Planning Commission.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-460. Filed for public inspection March 14, 2003, 9:00 a.m.]

Two Rivers Watershed Conservation Management Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Two Rivers Watershed Conservation Management Plan (Plan) and is placing all watersheds and all tributaries covered in the Plan in Northampton County on the Pennsylvania Rivers Conservation Registry (Registry).

The Two Rivers Council of Governments submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the DCNR Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

- The watershed area of the Bushkill Creek (Northampton County) from the headwaters to its confluence with the Delaware River—82.2 square miles.
- All tributary streams within the Bushkill Creek Watershed.

- The Lehigh River Corridor from the Palmer and Williams Townships border to its confluence with the Delaware River in Northampton County—12.8 square miles.

- All tributary streams that flow directly into the Lehigh River from the Palmer and Williams Townships border to its confluence with the Delaware River in Northampton County.

- The Delaware River Corridor from the border between Lower Mount Bethel and Forks Townships in Northampton County to the border between Northampton and Bucks Counties—10.8 square miles.

- All tributary streams that flow directly into the Delaware River from the border between Lower Mount Bethel and Forks Townships in Northampton County to the border between Northampton and Bucks Counties.

- The watershed area of Fry's Run (Northampton County) from the headwaters to its confluence with the Delaware River—6.3 square miles.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Keystone Rivers Conservation Program.

A copy of the Plan is available for review at the Two Rivers Area Chamber of Commerce, 1 South Third Street, Suite 800, P. O. Box 637, Easton, PA 18044-0637, (610) 253-4211; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Two Rivers Area Chamber of Commerce.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-461. Filed for public inspection March 14, 2003, 9:00 a.m.]

Upper Delaware Scenic and Recreational River Management Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Upper Delaware Scenic and Recreational River Management Plan (Plan) and is placing the portion of the Upper Delaware Scenic and Recreational River Watershed studied in the Plan in Pike County on the Pennsylvania Rivers Conservation Registry (Registry).

The Upper Delaware Council submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the DCNR Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. A portion of the Upper Delaware Scenic and Recreational River Watershed, located within the municipal boundaries of Lackawaxen, Shohola and Westfall Townships, Pike County—153.7 square miles.
2. All tributary streams within the Upper Delaware Scenic and Recreational River Watershed area that are located within the municipal boundaries of Lackawaxen Township, Shohola and Westfall Townships, Pike County.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at The Upper Delaware Council, P. O. Box 192, 211 Bridge Street, Narrowsburg, NY 12764-0192, (845) 252-3022; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Upper Delaware Council.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-462. Filed for public inspection March 14, 2003, 9:00 a.m.]

Upper and Middle Neshaminy Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Upper and Middle Neshaminy Creek Watershed Conservation Plan (Plan) and is placing the Upper and Middle Neshaminy Creek, the watershed and all tributaries covered in the Plan in Bucks and Montgomery Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Delaware Riverkeeper Network submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Keystone Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Upper and Middle Neshaminy Creek (Bucks and Montgomery Counties) from the headwaters of Neshaminy Creek to its confluence with Newtown Creek on the border of Newtown and Northampton Townships in Bucks County—131.5 square miles.

2. All tributary streams within the Upper and Middle Neshaminy Watershed, located north and northwest of the confluence of Neshaminy and Newtown Creeks on the border of Newtown and Northampton Townships in Bucks County.

This action becomes effective March 15, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at The Delaware Riverkeeper Network, P. O. Box 326, Washington Crossing, PA 18977, (215) 369-1188; and at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at The Delaware Riverkeeper Network.

MICHAEL F. DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-463. Filed for public inspection March 14, 2003, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

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

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

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

Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

I. NPDES Renewal Applications

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>
PA0063088	Charles P. Sobotka, III 2020 Raubsville Road Hellertown, PA 18055-9766	Williams Township Northampton County	Unnamed tributary to the East Branch Saucon Creek 2C	Y
PAS802209 Stormwater	Swallow Associates 2830 Gordon Street Allentown, PA 18104	Upper Macungie Township Lehigh County	Unnamed tributary to Cedar Creek 2C	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (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>
PA0036285	ATG Properties, LLC Brookhaven MHP P. O. Box 677 Morgantown, PA 19543	York County Hellam Township	Dee Run 7H	Y
PA0034860	Penn Valley MHP 110 Inverness Drive Blue Bell, PA 19422	Lancaster County Penn Township	UNT Chickies Creek 7G	Y

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

<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>
PA0101427 Sewerage	Brian J. Buchsen 383 Irish Road Coudersport, PA 16915	Sweden Township Potter County	UNT Trout Run 16-C	Y

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

PA0100277, Sewage, **North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Reynolds Water Company intake on the Shenango River in Pymatuning Township, Mercer 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 are based on a design flow of 0.945 MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	XX	XX	XX
CBOD ₅					
(5-1 to 10-31)	118	173	15	22	30
(11-1 to 4-30)	197	315	25	25	50

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	236	355	30	45	60
NH ₃ -N					
(5-1 to 10-31)	35		4.5		9
(11-1 to 4-30)	79		10		20
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a geometric average			
(10-1 to 4-30)		4,300/100 ml as a geometric average			
Phosphorus (as P)	7.9		1		2
Total Residual Chlorine			0.47		1.5
pH		6.0 to 9.0 standard units at all times			

The EPA waiver is in effect.

PA0101923, Sewage, **Saegertown Area Sewer Authority**, P. O. Box 334, Park Avenue Ext., Saegertown, PA 16433. This proposed facility is located in Saegertown Borough, **Crawford County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Franklin General Authority on French Creek at Franklin, approximately 31 miles below point of discharge.

The receiving stream, Allegheny River, is in watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.491 MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
CBOD ₅	102	163	25	40	50
Total Suspended Solids	123	184	30	45	60
Phosphorus (as P)					
(4-1 to 10-31)	8.2		2		4
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a geometric average			
(10-1 to 4-30)		84,500/100 ml as a geometric average			
Total Residual Chlorine			0.65		2.1
pH		6.0 to 9.0 standard units at all times			

The EPA waiver is in effect.

PA0101028, Sewage, **P. J. Wilcox, Inc., John Wilcox**, 9010 Findley Lake Road, North East, PA 16428. This facility is located in North East Township, **Erie County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sanitary sewage from an existing motel and the New Harvest Restaurant and Pub.

The receiving stream, unnamed tributary of Sixteen Mile 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, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply considered during the evaluation is the North East Borough, Lake Erie take point, approximately 9 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00953 MGD:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.50		1.2

<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 2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is not in effect.

PA0222232, Industrial Waste, **Albion Borough**, 15 Smock Avenue, Albion, PA 16401. This existing facility is located in Conneaut Township, **Erie County**.

Description of Proposed Activity: Renewal of an NPDES permit for the discharge of treated filter backwash from the Gage Road water treatment facility.

The receiving stream, East Branch of Conneaut Creek, is in the Lake Erie watershed and classified for CWF, MF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream water supply to consider until Lake Erie.

The proposed effluent limits for Outfall 001 based on a design flow of 0.006 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	1.50		30		60
Aluminum (total)	0.08		1.6		3.2
Iron (total)	0.1		2.0		4.0
Manganese (total)	0.05		1.0		2.0
Phosphorus as "P"	0.05		1.0		
Total Residual Chlorine			0.5		1.2
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The EPA waiver is in effect.

PA0210897, Sewage, **Human Service Center**, 130 West North Street, New Castle, PA 16101. This proposed facility is located in Pulaski Township, **Lawrence County**.

Description of Proposed Activity: Renewal of a treated minor discharge from a privately owned sewage treatment works.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Shenango River and New Castle District Pennsylvania American Water Company at river mile 4.66, approximately 8.8 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor and Report	
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	8.0		16.0
(11-1 to 4-30)	24.0		48.0
Dissolved Oxygen		minimum of 3 mg/l at all times	
Total Residual Chlorine	1.4		3.3
Fecal Coliform		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

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

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

PA0020176, Sewerage, **Slatington Borough Authority**, 125 South Walnut Street, Slatington, PA 18080. This proposed facility is located in Slatington Borough, **Lehigh County**.

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

The receiving stream, Lehigh River, is in the State Water Plan watershed no. 2C and is classified for TSF. The nearest downstream public water supply intake for the Northampton Borough Water Authority is on the Lehigh River, 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.50 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	0.5		1.0

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

PA0247014, Sewage, **Cromwell Township**, P. O. Box 340, Orbisonia, PA 17243. This facility is located in Cromwell Township, **Huntingdon County**.

Description of activity: Issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Aughwick Creek, is in Watershed 12-C and classified for TSF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is on the Juniata River downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.030 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	63,000/100 ml as a geometric average		

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

The EPA waiver is in effect.

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

PA0001864, Industrial Waste, SIC 2032 and 2099, **DLM Foods, LLC**, 1075 Progress Street, Pittsburgh, PA 15212. This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from the Pittsburgh Plant in the City of Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, of the Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Municipal Authority, at Neville Island, 6.46 miles below the discharge point.

Outfall 101: existing discharge, design flow of 1.73 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
CBOD ₅	236	474	14	28	
Suspended Solids	200	351	12	21	
Temperature (°F)				110	
Total Residual Chlorine			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 1.75 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>

The discharge from this outfall shall consist of uncontaminated stormwater runoff and wastewater contributions from Internal Monitoring Point 101.

Outfalls 002 and 003: new discharge to the Allegheny River.

<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>

The discharge from these outfalls shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

PA0028134, Industrial Waste, SIC 4941, **Pennsylvania American Water Company**, 1789 Route 286 South, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Kittanning Filter Plant in Rayburn Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Cadogen Township Water Works, at Cadogen Plant, 6 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.047 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>
Iron			2.0		4.0
Manganese			1.0		2.0
Aluminum			4.0		8.0
Total Suspended Solids			30.0		60.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0217395, Industrial Waste, SIC 2435, **Interforest Corporation**, 119 A.I.D. Drive, P. O. Box 444, Darlington, PA 16115. This application is for renewal of an NPDES permit to discharge untreated low volume wastes and stormwater from Darlington Plant in Darlington Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, North Fork of Little Beaver Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 001: existing discharge, design flow of 0.005 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				
Suspended Solids			10		20
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 002: new discharge, design flow of variable 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>

The discharge from this outfall shall consist of uncontaminated stormwater runoff only.

PA0111201, Sewage, **Carrolltown Borough Municipal Authority**, P. O. Box 307, 140 East Carroll Street, Carrolltown, PA 15722. This application is for renewal of an NPDES permit to discharge treated sewage from Carrolltown Borough STP in Carrolltown, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Chest 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 Clearfield Municipal Water Authority.

Outfall 01: existing discharge, design flow of 0.2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.3	5.0		6.6
Copper	0.016		0.032	0.04
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	.023			.076
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0239038, Sewage, **Mary O'Connell, Executor for the Fred Weber Estate SRSTP**, 4226 Four Seasons Trail, Erie, PA 16506. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Activity: New existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, there is no existing/proposed downstream potable water supply (stream and public water supplier) to until Lake Erie.

The receiving stream, unnamed tributary to Walnut Creek, is in watershed Walnut Creek Watershed and classified for CWF, MF, aquatic life and recreation.

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

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
Ultraviolet Light Intensity	Monitor and Report the average intensity from the UV intensity meter in microwatts/square centimeter for each bank of modules on the monthly AMRs.		
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

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

Persons wishing to comment on 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 *Pennsyl-*

vania Bulletin at which time this determination may be appealed to the Environmental Hearing Board.

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

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

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

WQM Permit No. 0103401, Sewerage, **Conewago Valley School District**, 130 Berlin Road, New Oxford, PA 17350. This proposed facility is located in Oxford and Hamilton Townships, **Adams County**.

Description of Proposed Action/Activity: Construction of a pump station to serve their new intermediate school with sewer going to the New Oxford Municipal Authority.

WQM Permit No. 3603201, CAFO Operation, **Star Rock Farms, LLC**, 37 Chestnut Grove Road, Conestoga, PA 17516. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Expansion including a new freestall, special needs barn and milking parlor along with a new manure handling system consisting of an active and passive solid separation system prior to a three stage lagoon system with a combined storage capacity of 8.2 million gallons.

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

WQM Permit No. 5503401, Sewerage SIC 4952, **Penn Township Municipal Authority**, 12 Clifford Road, Selinsgrove, PA 17870. This proposed facility is located in Penn Township, **Snyder County**.

Description of Proposed Action/Activity: Construction and operation of a pump station and sewers serving the Meadow Estates—Phase III development.

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

Application No. 0303402, Sewerage, **268 Center Inc.**, R. D. 1 Box 290, Cowansville, PA 16218. Application for the construction and operation of a sewerage treatment plant to serve the Mechling-Shakley Veteran Center in Sugar creek Township, **Armstrong County**.

Application No. 3203401, Sewerage, **Christ Our Savior Orthodox Church**, 6220 Tanoma Road, Indiana, PA 15701. Application for the construction and operation of a sewage treatment plant to serve the Christ Our Savior Orthodox Church in Rayne Township, **Indiana County**.

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

WQM Permit No. 4303403, Sewerage, **Eileen Hanson**, 796 Vernon Road, Greenville, PA 16125. This proposed facility is located in Lackawannock Township, **Mercer County**.

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

WQM Permit No. 3703402, Sewerage, **Carol E. Jones**, R. R. 4, Box 704, New Castle, PA 16101. This proposed facility is located in Slippery Rock Township, **Lawrence County**.

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

NPDES Stormwater Individual Permit

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

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

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

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

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

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

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

NPDES Permit PAGI2011503010, Stormwater, **Wawa Food Market**, 260 West Baltimore Pike, Wawa, PA 19063 has applied to discharge stormwater associated with a construction activity located in North Coventry Township, **Chester County** to Schuylkill River (HQ-TSF).

NPDES Permit PAGI2011503011, Stormwater, **Malvern Federal Bank**, P. O. Box 485, 42 East Lancaster Avenue, Paoli, PA 19301, has applied to discharge stormwater associated with a construction activity located in Tredyffrin Township, **Chester County** to tributary of Crum Creek (HQ-WWF)

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

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI023903003	Lehigh Carbon Community College 4525 Education Park Dr. Schnecksville, PA 18078	Lehigh County North Whitehall Township	Unnamed tributary to Jordan Creek HQ-CWF, MF

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI024503002	Pinecrest Development Corp. P. O. Box 760 Pocono Pines, PA 18350	Monroe County Tobyhanna Township	Beaver Creek HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI024803006	R. Delserro Ron Del Development Co. 3242 Farmersville Road Bethlehem, PA 18020	Northampton County Lower Nazareth Township	Monocacy Creek HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI026403001	Joseph Profaci 1 Sylvan Rd. Newburgh, NY 12550	Wayne County Paupack Township	Lake Wallenpaupack HQ-WWF
PAI026403002	Beach Lake Municipal Auth. P. O. Box 151 Beach Lake, PA 18405	Wayne County Berlin Township	Beech Lake Creek Unnamed tributaries to Delaware River HQ-CWF

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

Butler Conservation District: 122 McCune Drive, Butler, PA 16001-6501, (724) 284-5270.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2001003002	Moranda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Butler County Buffalo Township	Sarver Run, a tributary of Little Buffalo Creek HQ-TSF
PAI2061003003	Sarver Square Associates, Inc. P. O. Box 42 Murrysville, PA 15668	Butler County Buffalo Township	Little Buffalo Creek HQ

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application, within 30 days of this public

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

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

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

Persons with a disability 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. 2803502, Public Water Supply.

Applicant	Mont Alto Municipal Authority
Municipality	Quincy Township
County	Franklin
Type of Facility	PWS
Consulting Engineer	William T. Hemsley, P. E. Nasaux-Hemsley, Inc. 56 N. 2nd St. Chambersburg, PA 17201
Application Received Date	February 3, 2003
Description of Action	Construction Permit Application for a proposed 436,000-gallon finished water storage tank, 8 inch and 10 inch DIP to connect the tank to the existing system and a chlorine booster station.

Permit No. 6703504, Public Water Supply.

Applicant	Red Lion Municipal Authority
Municipality	Windsor Township
County	York
Responsible Official	Henry P. Herrman, Chairperson P. O. Box 190 Red Lion, PA 17356-0190
Type of Facility	PWS
Consulting Engineer	Jeffrey S. Shue, P. E. C. S. Davidson Inc. 38 North Duke Street York, PA 17401
Application Received Date	February 5, 2003

Description of Action	Construction Permit application for proposed addition of a new Cabin Creek Reservoir raw water pump station, new aeration and potassium permanganate feed facilities to oxidize iron and manganese and a new transmission main to the existing, previously permitted filter plant.
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Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Application No. 4903501, Public Water Supply.

Applicant	Lower Mahanoy Township Municipal Authority LMTMA P. O. Box 235 Dalmatia, PA 17017-0235
Township	Lower Mahanoy Township
Responsible Official	Rusty Campbell, Chairperson LMTMA P. O. Box 235 Dalmatia, PA 17017-1235
Type of Facility	PWS—Replacement of Georgetown Heights waterline and water booster station.
Consulting Engineer	Melham Associates, PC 2247 North Front Street Harrisburg, PA 17110
Application Received Date	February 24, 2003

Application No. 4496031-12, Public Water Supply.

Applicant	Tulpehocken Spring Water Co., Inc. R. R. 1 Box 114T Northumberland, PA 17857
Township	Point Township
Responsible Official	Joseph V. Malloy, President Tulpehocken Spring Water Co. Inc. R. R. 1, Box 114T Northumberland, PA 17857
Type of Facility	PWS—Replacement of the existing distilling unit with a more efficient, sophisticated model.
Consulting Engineer	Mid-Penn Engineering Corporation P. O. Box 51 Lewisburg, PA 17837
Application Received Date	February 26, 2003

MINOR AMENDMENT

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

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

Permit No. 4094503-T1, Minor Amendment.

Applicant	Sand Springs Company
Township or Borough	Butler Township, Luzerne County

Responsible Official	Richard H. Krasley, Project Manager Sand Springs Development Corp. 4511 Falmer Drive Bethlehem, PA 18020
Type of Facility	PWS
Consulting Engineer	Melham Associates, P. C. 2247 North Front Street Harrisburg, PA 17110
Application Received Date	February 20, 2003
Description of Action	Modify existing construction permit to change the distribution system from a chlorine gas process to a liquid sodium hypochlorite process.

WATER ALLOCATIONS

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

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

WA 07-1017, Water Allocations, **Freedom Township Water and Sewer Authority, Blair County**. The applicant is requesting the right to purchase 73,000 gallons per day (gpd), based on a 30-day average, with a maximum daily amount of 109,500 gpd from the Altoona City Authority. Consulting Engineer: Steven R. McGraw, Stiffler, McGraw & Associates Inc. Application received January 13, 2003.

WA 67-62C, Water Allocations, **York Water Company, York County**. Expansion of service area to include additional areas of Conewago Township, York County. Consulting Engineer: Jeffrey R. Hines, York Water Company Application received February 3, 2003.

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 after 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:

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

Lock Haven—Former Athletic Fields, City of Lock Haven, **Clinton County**. Converse Consultants, on behalf of Lock Haven University Foundation, 126 Akeley Hall, Lock Haven, PA 17745, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Background Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lock Haven Express* on January 8, 2003.

Graymont (PA), Inc.—Pleasant Gap, Spring Township, **Centre County**. Graymont (PA), Inc., P. O. Box 448, North Thomas Street, Bellefonte, PA 16823, has submitted a Notice of Intent to Remediate soil contaminated with Fuel Oil No. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* in February 2003.

Henderson Street Laundromat, Inc. (KC Video), City of Lock Haven, **Clinton County**. Earth Tech, Inc., on behalf of Montour Oil Service Company and Sunoco, Inc., 5733 Butler Street, Pittsburgh, PA 15201, has submitted an amended Notice of Intent to Remediate soil and groundwater contaminated with leaded gasoline, lead, MTBE and unleaded gasoline. The applicant pro-

poses to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lock Haven Express* on January 29, 2003.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

PAD067098822. Cycle Chem Inc., 550 Industrial Dr., Lewisberry, PA 17339, Fairview Township, **York County**. Application was determined to be administratively complete on February 27, 2003.

PAD010154045. Envirite of Pennsylvania, Inc., 730 Vogelsong Rd., York, PA 17404-1725, York City, **York County**. Application was determined to be administratively complete on February 19, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit Application No. 101082. City of Latrobe, 901 Jefferson Street, P. O. Box 829, Latrobe, PA 15650. Latrobe Transfer Station, Mission Road, Latrobe, PA 15650. An application for a major permit modification for a Radiological Monitoring Plan at a municipal waste transfer station in the City of Latrobe, **Westmoreland County** was received in the Regional Office on February 28, 2003.

Comments or information concerning the application should be directed to the Department of Environmental Protection, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. 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.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

64-303-008: Reading Materials, Inc. (P. O. Box 1467, Skippack, PA 19474) for construction of a batch asphalt plant and associated air cleaning device at Ciccone Construction, Inc., Atkinson Quarry Site, Palmyra Township, **Wayne County**.

40-328-003A: Hunlock Creek Energy Ventures (390 Route 11, Hunlock Creek, PA 18621) for modification of a simple cycle combustion turbine (Unit 4) at their facility in Hunlock Township, **Luzerne County**.

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

01-05016C: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for construction of a new cone crusher, triple deck screen and associated conveyors, all controlled by a fabric filter baghouse in Hamiltonban Township, **Adams County**.

67-03120A: Aero Energy (230 Lincoln Way East, New Oxford, PA 17350-1296) for installation of a propane cylinder refinishing and filling line in the facility at 149 Bowman Road, York, PA in Jackson Township, **York County**.

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

17-305-007D: River Hill Coal Co., Inc. (South Second Street, Kylertown, PA 16847) for construction of a syn-fuel stockpiling and loading operation in Karthaus Township, **Clearfield 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.

09-0064: CRC Industries, Inc. (885 Louis Drive, Warminster, PA 18974). Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department intends to issue a Plan Approval for the company's Warminster facility in Warminster Township, **Bucks County**. This plan approval will authorize the applicant to install two process fill lines and eight enclosed mixing vessels, as described in the applicant's application of July 12, 2002. The Plan Approval will subsequently be incorporated into the company's facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, the two process fill lines and eight enclosed mixing vessels will emit 4.52 tons of VOCs per year and 3.55 tons of HAPs per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

09-0027D: Fres-co USA, Inc. (3005 State Road, Telford, PA 18969) for modification of presses 203 and 204 controlled by a thermal oxidizer at their facility in West Rockhill Township, **Bucks County**. This facility is a major facility. Total emissions from these sources are 24 and 22.75 tons of VOCs respectively per year. The Plan approval will contain recordkeeping and operating restrictions to keep the facility operating within the allowable emissions and all applicable air quality requirements.

09-0110B: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) for construction of a ship unloading of bulk raw material system in Bristol Township, **Bucks County**. This is a Minor facility. The material handling system will unload gypsum, pumice, slag, salt and similar nontoxic material. The maximum capacity of the unloading system will be 1,000 tons per hour. The company will install a wet suppression system at transfer points to control emissions

of particulate matter. The company will meet all visible emissions and fugitive emissions limits set forth in 25 Pa. Code Chapter 123.

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

40-328-004B: Williams Generation Co.—Hazleton (P. O. Box 2848-WRC-A, Tulsa, OK 74101-9567) for modification of existing three natural gas/no. 2 fuel oil fired Stewart and Stevenson (GE) LM 5000 combustion turbine generator sets at their facility. The company has employed a water injection system to control the NOx emissions from the turbines. Williams Generation Co.—Hazleton is a major facility subject to Title V permitting requirements and is in Hazle Township, **Luzerne County**. The modification will not increase VOC and NOx emissions from the facility. After modification, CO emissions will be 180 tpy, SO₂ emissions will be 165 tpy and total particulate emissions will be 26.5 tpy on a 12 month-rolling sum. The Plan Approval will contain conditions requiring the source to show compliance with the emission rates. 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. For further details, contact Mark Wejkszner.

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

36-03140A: Brubaker Kitchens, Inc. (1121 Manheim Pike, Lancaster, PA 17601) for construction of two new spray booths and an electric drying oven at their existing facility in the City of Lancaster, **Lancaster County**. Fabric mat particulate panel filters will control the spray booths. This facility's operation will result in approximately 15 tpy of VOCs and 7 tpy of HAPs. This plan approval will include emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

38-03035A: V and S Lebanon Galvanizing, LLC (1000 Buckeye Park Road, Columbus, OH 43207-2509) for construction of a shot blast booth controlled by two cartridge collectors and a surface coating operation controlled by dry panel filters in Union Township, **Lebanon County**. The facility's annual VOC emissions shall increase by approximately 20 tons. The plan approval and operating permit revision will contain emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

25-025E: General Electric Transportation Systems (2901 East Lake Road, Erie, PA 16531), for construction of an emergency boiler at the Erie facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. The permit will be subject to the following conditions:

1. The source is subject to the requirements in 25 Pa. Code §§ 123.1, 123.11, 123.22, 123.31 and 123.41.
2. No. 2 fuel oil shall not contain more than 0.5 weight percent sulfur or that, when combusted without sulfur

dioxide emission control, has a sulfur dioxide emission rate equal to or less than 0.5 lb/mmBtu heat input.

3. The source is subject to Subpart Db of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this subpart; 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. EPA copies should be forwarded to Director; Air, Toxics and Radiation Division; US EPA, Region III; 1650 Arch St.; Philadelphia, PA 19103-2029.

4. When firing natural gas:

a) NO_x emissions shall not exceed 29.3 tpy based on a 12-month consecutive period.

b) NO_x emissions shall not exceed 0.05 lb/mmBtu based on a 30-day rolling average.

5. When firing no. 2 fuel oil:

a) NO_x emissions shall not exceed 5.5 tpy based on a 12-month consecutive period.

b) NO_x emissions shall not exceed 0.10 lb/mmBtu based on a 30-day rolling average.

6. When firing no. 2 fuel oil, the boiler is limited to a 10% annual capacity factor. Records shall be maintained onsite for a period of at least 5 years documenting the 10% capacity factor.

7. When firing no. 2 fuel oil, the boiler shall not exceed the maximum amount of 950 gallons per hour.

8. Instead of installing a Continuous Opacity Monitoring System while burning no. 2 fuel oil (40 CFR 60.48b(a), Part 60, Subpart Db), General Electric shall meet the following conditions:

a) Compliance with the opacity standard in subpart Db shall be demonstrated within 24 hours of initial fuel oil usage.

b) At least once every 4 hours during daylight shifts when oil is combusted, an observer certified in accordance with EPA Reference Test Method 9 procedures shall perform a 6-minute observation of the boiler stack. If the average opacity for a 6-minute set of readings made in accordance with this condition exceeds 10% opacity, the observer must collect two additional 6-minute sets of visible emission readings for a total of three data sets. Records of the date and time of the visible emissions observation, along with the results of each observation, must be maintained at the facility for a period of at least 5 years. This alternate opacity monitoring method is valid only while combusting no. 2 distillate oil and may not be used if any other liquid or solid fuels are combusted in the boiler.

c) If fuel oil usage in the boiler exceeds 10% of the annual maximum rated operating capacity, where capacity is based on firing of fuel oil, the alternate opacity monitoring method will no longer be acceptable and the Company shall submit a schedule for installing and certifying a continuous opacity monitoring system.

d) The facility is subject to reporting and recordkeeping requirements as outlined in 40 CFR 60.59b.

9. Annual NO_x emissions for the boiler shall be updated every month by adding emissions during the most recent month and dropping the emissions from the corresponding month in the previous year. NO_x emissions reports for the boiler shall be submitted to the Depart-

ment within 30 days of the end of each calendar quarter. Compliance with conditions 4(a) and 5(a) shall be based on these reports.

10. A NO_x continuous emission monitoring system (CEMS) for the boiler shall be operated and maintained in accordance with 25 Pa. Code Chapter 139 and the Department's Continuous Source Monitoring Manual Version 6 (manual) and be approved by the Department. If the manual is revised, the source shall comply with the reporting requirements of the revised manual.

11. CEMS reports shall be submitted to the Department within 30 days after each calendar quarter, but no later than the time frame established in the Department's latest manual. Compliance with conditions 4(b) and 5(b) shall be based on these reports.

The conditions will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate the best available technology for the source.

For additional information, contact Lori McNabb or Devendra Verma at (814) 332-6940 or by writing the Department at the previous address.

PUBLIC HEARINGS

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

41-00010C: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756-1202) for the modification of a foundry molding line (refiner plate molding line) in the company's facility in Muncy Borough and Muncy Creek Township, **Lycoming County**. The respective facility is a major facility for which a Title V operating permit (41-00010) has been issued.

The proposed modification is an increase in the allowable VOC emission rate from the refiner plate molding line from the current rate of 0 ton in any 12 consecutive month period to 57.99 tons in any 12 consecutive month period.

The Department's review of the information contained in the application indicates that the modified refiner plate molding line will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12 and the reasonably available control technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95 (the refiner plate molding line is subject to the RACT requirements of 25 Pa. Code §§ 129.91—129.95 because it existed prior to July 15, 1994). Based on this finding, the Department intends to approve the application and issue plan approval for the modification of the refiner plate molding line.

The Department also proposes to establish RACT requirements for a core making operation and establish revised RACT requirements for a green sand molding line and a no-bake floor molding line which previously had RACT requirements established on August 16, 1999. All of these sources existed prior to July 15, 1994.

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve Andritz's RACT plan for the refiner plate molding line, the core making operation, the green sand molding line and the no-bake floor molding line as well as an amendment to the State Implementation Plan (SIP). The proposed SIP amendment does not adopt any new regulations. It incorporates the provisions and require-

ments contained in the Department's approval of the RACT plan. If approved, the RACT determination will be submitted to the EPA as a revision to the Commonwealth's SIP.

The following is a summary of the conditions addressing both the modification of the refiner plate molding line and the RACT determination for the refiner plate molding line, core making operation, green sand molding line and no-bake floor molding line which the Department intends to place in the plan approval to be issued.

1. The total combined VOC emissions from the refiner plate molding line shall not exceed 57.99 tons in any 12 consecutive month period.

2. The combined VOC emissions from the green sand molding line and no-bake floor molding line plus the combined VOCs emissions from various propane-fired generators and minor sources shall not exceed a total of 69.86 tons in any 12 consecutive month period.

3. The total amount of steel processed by the refiner plate molding line shall not exceed 11,000 tons in any 12 consecutive month period.

4. The total combined amount of steel processed by the green sand molding line and the no-bake floor molding line shall not exceed 8,000 tons in any 12 consecutive month period.

5. The refiner plate molding line shall not be operated more than 7,000 hours in any 12 consecutive month period.

6. The green sand molding line and the no-bake floor molding line shall each not be operated more than 7,000 hours in any 12 consecutive month period.

7. The total combined VOC emissions from the core making operation shall not exceed 2.7 tons in any 12 consecutive month period.

8. Records shall be maintained of the amount of steel processed by the refiner plate molding line, green sand molding line and no-bake floor molding line each month, the number of hours the refiner plate molding line, green sand molding line and no-bake floor molding line are operated each month and the amount of binders/resins used in the core making operation each month. All records, as well as all records pertaining to the calculation of the monthly VOC emission rate from the refiner plate molding line, green sand molding line, no-bake floor molding line and core making operation, shall be retained for at least 5 years and made available to the Department upon request.

A copy of the plan approval application, including the RACT plan, is available for public inspection during normal business hours at the following address. Persons interested in inspecting the material must schedule an appointment in advance by calling (570) 327-3693.

A public hearing will be held for the purpose of receiving comments on the proposed RACT determination, plan approval issuance and the SIP revision. The hearing will be held on April 15, 2003, at 1 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to appear at this public hearing and provide comment.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written

copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Persons unable to attend the hearing but wishing to comment or persons who wish to protest the issuance of plan approval may do so by submitting their comment or protest in writing to the Department at the following address. Comments or protests must be received by the Department by April 25, 2003, to be considered. Protests or comments should include the name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the comment or protest being presented to the Department.

Written comments or protests should be sent to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

OPERATING PERMITS

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

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

23-00038: Delaware County Regional Water Quality Control Authority (DELCORA) (100 East Fifth Street, Chester, PA 19016) for operation of their facility in Chester City, **Delaware County**. The facility's major emission points include a wastewater treatment plant, which emit major levels of VOCs. The permit is being amended to resolve an appeal of the Title V Permit. The Administrative Amendment of Title V Operating Permit will be issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

22-05025: Eldorado Properties Corp. (900 Eisenhower Boulevard, Harrisburg, PA 17105) for operation of a bulk petroleum product storage and loading operation at their Highspire Terminal facility in Lower Swatara Township, **Dauphin County**. This Title V Operating Permit is being renewed and it is consolidated with the sources at the adjoining Middletown site and Plan Approval Numbers 22-03001A and 22-05025B.

The Eldorado Properties Corp. Highspire Terminal is subject to the operating permit requirements of the Title

V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G. The facility's major sources of emissions include two loading racks and gasoline storage tanks and an emergency engine-generator which primarily emit VOCs. The Title V operating permit No. 22-05025 renewal will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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.

46-00142: Fluid Energy Processing and Equipment Co. (Fourth and State Streets, East Greenville, PA 18041) for a non-Title V, State-only, Natural Minor Operating Permit in East Greenville Borough, **Montgomery County**. Fluid Energy Processing and Equipment Co. processes and refines the raw materials used in the manufacture of refractory brick. Sources at their facility include a rotary dryer, a Jet-o-Dryer, a mixer/blender and a grinder and each source is equipped with one or two dust collectors. Particulate matter emissions are the main emissions from this facility and the amount of particulate matter emitted is equal to 0.063 ton per year controlled. NSPS requirements from 40 CFR 60 Subpart UUU are applicable to the Jet-o-Dryer since magnesium compounds are processed by the source. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

35-399-034: Scranton Sewer Authority (P. O. Box 1068, Scranton, PA 18501) for operation of a sludge handling operation and associated air cleaning device at their facility in Scranton, **Lackawanna County**.

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

67-03045: FKI Industries, Inc. (76 Acco Drive, York, PA 17402) for operation of their chain and hoist manufacturing facility in York Township, **York County**. The facility has the following annual potential emissions: 60 tons NO_x, 12 tons CO, 3 tons VOC, 1 ton PM₁₀ and 1 ton SO_x. The State-only operating permit will include emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05055: ConAgra Foods, Inc. (321 Taylor Avenue, Red Lion, PA 17356) for operation of their flour milling facility in Red Lion Borough, **York County**. The facility has the potential to emit 327.9 tons per year of particulate matter and less than 1 ton per year of CO, NO_x, sulfur oxides, VOCs and HAPs. The State-only operating permit will limit PM₁₀ emissions to less than 100 tons per year. The 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.

32-00363: Spicer Energy II LLC (50 Danbury Road, Suite 200, Wilson, CT 06897) for manufacturing of a synthetic fuel plant in West Wheatfield Township, **Indiana County**.

COAL AND NONCOAL 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, 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 identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54030101 and NPDES Permit PA0224278. Waldemar T. Fetterolf, Sr. (Box 77, Main Street, Locustdale, PA 17945), commencement, operation and restoration of an anthracite surface mine operation in New Philadelphia Borough, **Schuylkill County** affecting 100.0 acres, receiving stream: Schuylkill River (CWF). Application received February 12, 2003.

54920203R2. B-D Mining Co. (P. O. Box 423, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Shenandoah Borough and Mahanoy Township, **Schuylkill County** affecting 86.0 acres, receiving stream: none. Application received February 19, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

17030103 and NPDES Permit No. PA0243442. Moravian Run Reclamation Co., Inc., 605 Sheridan Drive, Clearfield, PA 16830. Commencement, operation and restoration of a bituminous surface mine-auger permit in Lawrence and Pike Townships, **Clearfield County** affecting 122 acres. Receiving streams: unnamed tributaries 1, 2 and 3 to Hogback Run to West Branch Susquehanna River (CWF). The first downstream potable water supply intake from the point of discharge is: none. Application received February 18, 2003.

17860135 and NPDES Permit No. PA0115622. Strishock Coal Company, 220 Hillcrest Drive, DuBois, PA 15801. Revision to an existing bituminous surface mine for a Change in Permit Acres from 361.4 to 367.6 acres. Receiving streams: one unnamed tributary to Stony Run; LaBorde Branch; Sugar Camp Run. Application received February 11, 2003.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

63930101 and NPDES Permit No. PA0200263. Twilight Industries (Division of U. S. Natural Resources, Inc., 212 State Street, Belle Vernon, PA 15012-1158). Renewal application for reclamation only of a bituminous

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

surface mine located in Somerset Township, **Washington County**, affecting 126 acres. Receiving streams: unnamed tributaries to the North Branch of Pigeon Creek (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received February 28, 2003.

26980102 and NPDES Permit No. PA0202258. Patterson Coal Company (20 Elizabeth Drive, Smithfield, PA 15478). Renewal application for reclamation only of a bituminous surface mine located in Menallen Township, **Fayette County**, affecting 30.2 acres. Receiving streams: unnamed tributaries to Jennings Run to Redstone Creek (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received February 28, 2003.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

56950101 and NPDES Permit No. PA0213012. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, permit revision for a land use change from woodland to wildlife habitat to cropland in Brothersvalley Township, **Somerset County**, affecting 82.2 acres. Receiving streams: Piney Run and unnamed tributary to Piney Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 13, 2003.

11980201 and NPDES Permit No. PA0234745. Ridge Energy Company, 265 Swamp Road, Clymer, PA 15728, permit renewal for reclamation only and for continued restoration of a bituminous coal refuse reprocessing surface mine in West Carroll Township, **Cambria County**, affecting 25.0 acres. Receiving streams: Fox Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 19, 2003.

11970105 and NPDES Permit No. PA0234516. RJC Kohl, Inc., P. O. Box 299, Nicktown, PA 15762, permit revision for a land use change from forestland to pastureland or land occasionally cut for hay in West Carroll and Susquehanna Townships, **Cambria County**, affecting 41.0 acres. Receiving streams: unnamed tributaries to Fox Run and Fox Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 14, 2003.

32030103 and NPDES Permit No. PA0249416. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface mine in Center Township, **Indiana**

County, affecting 202.3 acres. Receiving streams: Tear-ing Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 20, 2003.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.

03860701. NPDES Permit PA0213519, McVile Min-ing Co. (301 Market Street, Kittanning, PA 16201), to revise the permit for the McVile Coal Refuse Area in South Buffalo Township, **Armstrong County**, revision, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed 15.8, no additional discharges. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority at Freeport. Appli-cation received January 30, 2003.

65840701. NPDES Permit PA0214809, Crows Nest Synfuels, L. P. (113 Elm Street, Suite 300, Cohasset, MA 02025), to revise the permit for the Crows Nest Wash Plant in Hempfield Township, **Westmoreland County** for post mining land use, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received Janu-ary 31, 2003.

56733702. NPDES Permit PA0110035, Robindale Energy Services Inc. (1001 Broad Street, Suite 130, Johnstown, PA 15906), to transfer the permit for the

Marmon Refuse Site (Formerly the Warnick Refuse Site) in Jenner Township, **Somerset County**, from Penn Coal Land, Inc. and revise the permit to rename the site, allow for fluidized bed combustion ash disposal and add 195.1 permit acres, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed 195.1, unnamed tributary to North Branch Quemahoning Creek (CWF); North Branch Quemahoning Creek (CWF). The first downstream po-table water supply intake from the point of discharge is Cambria-Somerset Authority and Quemahoning Reser-voir. Application received January 31, 2003.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

24970104 and NPDES Permit No. PA0227552. TDK Coal Sales, Incorporated (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, auger and clay and shale removal operation in Jay Township, **Elk County** affecting 294.5 acres. Receiving streams: Wolf Lick Run (EV) to Spring Run; unnamed tributaries of Spring Run and Spring Run (HQ). There are no potable surface water supply intakes within 10 miles downstream. Application received February 27, 2003.

Noncoal Applications Received

Effluent Limits—The following noncoal mining applica-tions that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0;	less than 9.0

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipita-tion event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Pottsville District Mining Office: 5 West Laurel Boule-vard, Pottsville, PA 17901-2454.

28900301C3 and NPDES Permit PA0595861. David H. Martin Excavating, Inc. (4961 Cumberland High-way, Chambersburg, PA 17201), renewal of NPDES Per-mit for existing discharge of treated mine drainage in Greene Township, **Franklin County**, receiving stream: unnamed tributary to Rocky Spring (TSF). Application received February 14, 2003.

48980301C and NPDES Permit PA0223875. Chrin Brothers, Inc. (635 Industrial Drive, Easton, PA 18042), renewal of NPDES Permit for existing discharge of treated mine drainage in Williams Township, **North-ampton County**, receiving stream: unnamed tributary to Lehigh River; (CWF). Application received February 14, 2003.

54030301 and NPDES Permit PA0224286. Middleport Materials, Inc. (P. O. Box 189, Telford, PA 18969), commencement, operation and restoration of a quarry operation and for the discharge of treated mine

drainage in Walker Township, **Schuylkill County** affect-ing 60.0 acres, receiving stream: unnamed tributary. Ap-plication received February 19, 2003.

74740303A4C4 and NPDES Permit PA0594334. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for existing discharge of treated mine drainage in Lower Mt. Bethel Township, **Northampton County**, receiving stream: Delaware River (WWF, MF). Applica-tion received February 24, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

08992801. Jerry L. Johnson, R. R. 1, Box 179A-1, Wyalusing, PA 18853. Transfer of an existing Small Industrial Minerals (Flagstone) permit located in Wilmot Township, **Bradford County** affecting 4 acres. Receiving streams: Sugar Run Creek, tributary to East Branch Susquehanna River. Application received February 3, 2003.

08030802. Glenn M. Crimbring, R. R. 1, Box 315, Canton, PA 17724. Commencement, operation and resto-ration of a Small Industrial Minerals (Gravel) permit in Canton Township, **Bradford County** affecting 1 acre. Receiving streams: tributary to Towanda Creek, Towanda Creek. Application received February 3, 2003.

53032801. Fessenden Construction Co., Inc., P. O. Box 271, 94 Main Street, Roulette, PA 16746. Commence-ment, operation and restoration of a Small Industrial

Minerals (sand, gravel, topsoil) permit in Roulette Township, **Potter County** affecting 5 acres. Receiving streams: Allegheny River. Application received February 6, 2003.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

31970301, U. S. Silica Company, R. D. 1, Box 1885, Mapleton Depot, PA 17052, renewal of NPDES Permit No. PA0234583, Brady Township, **Huntingdon County**, receiving stream Mill Creek, Saddler Run. NPDES renewal application received January 8, 2003.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-934. Department of Transportation, Engineering District 6-0, 7000 Geerdes Boulevard, King of

Prussia, PA 19406, West Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities in and along Gulf Creek, a perennial stream classified as WWF:

1. To replace an existing arch bridge and appurtenant structures.
2. To construct and maintain a 54 foot 1.5 inch wide single span concrete bridge consisting of a waterway opening with a 45 foot 7.5 inch span and 16 foot underclearance.
3. To place 140 linear feet of R-8 riprap for scour protection on the banks and along the footers of the proposed bridge.
4. To place temporary cofferdam and pipes to dewater 175 linear feet of the streambed and to convey flows around the proposed footer work.
5. To realign approximately 175 linear feet of stream channel.

The project proposes to directly affect a total of 175 linear feet of stream channel. The project is located along SR 0023 (Norristown, PA Quadrangle N: 13.3 inches; W: 9.3 inches).

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

E64-240. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Dreher 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 Mill Creek (HQ-CWF), consisting of a precast or cast-in-place open-bottomed concrete arch culvert, having a span of 24.0 feet and an underclearance of approximately 19.7 feet. The project includes riprap bank stabilization along both banks, extending approximately 25 feet upstream and 35 feet downstream of the proposed structure. The project also includes an 18-inch stormwater outfall structure along the right bank of Mill Creek, immediately downstream of the proposed arch. Sandbag cofferdams and diversion pipes will be used to divert flow around the construction areas. A temporary bridge across Mill Creek will be constructed approximately 50 feet downstream of the existing structure, for use by the public during construction. The total length of channel impacted by temporary and permanent activities is approximately 150 linear feet. The structure, known as Haag's Mill bridge, is located along SR 0190, section 670, segment 0070, offset 1583, approximately 1,000 feet upstream of the confluence of Mill Creek and Wallenpaupack Creek (Newfoundland, PA Quadrangle N: 7.0 inches; W: 11.1 inches).

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

E67-734: Newberry Township, 1915 Old Trail Road, Etters, PA 17319-9676 in Newberry Township, **York County**, ACOE Baltimore District.

To remove an existing bridge, then construct and maintain a 16 by 6-foot precast concrete box culvert in Bennetts Run (WWF) located at a point where Garriston Road (T-904) crosses Bennetts Run (Dover, PA Quadrangle N: 22.12 inches; W: 10 inches) in Newberry Township, York County.

E22-454: Susquehanna Township, 1900 Linglestown Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a foot bridge having a span of 3 feet and an underclearance of 4.12 feet across the channel of an unnamed tributary to Paxton Creek (tributary to Asylum Run) (WWF) at a point immediately downstream of South Circle Drive (Harrisburg West, PA Quadrangle N: 5.9 inches; W: 0.5 inch); a foot bridge having a span of 15.33 feet and an underclearance of 6.5 feet across the channel of an unnamed tributary of Paxton Creek (Asylum Run) (WWF) at a point just downstream of Sycamore Drive (Harrisburg East, PA Quadrangle N: 6.0 inches; W: 17.1 inches) and a foot bridge having a span of 15.75 feet and an underclearance of 6.25 feet across the channel of an unnamed tributary to Paxton Creek (Asylum Run) (WWF) at a point just upstream of Sycamore Drive (Harrisburg East, PA Quadrangle N: 6.1 inches; W: 17.0 inches) for the purpose of constructions the Capital Area Greenbelt in Susquehanna Township, Dauphin County.

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

E14-437. Department of Transportation, 1924-30 Daisy Street, Clearfield, PA 16830. SR 0080 Bridge Replacement, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 14.65 inches; W: 0.69 inch).

To: (1) remove two existing bridges; (2) construct and maintain a temporary clean rock causeway in Bald Eagle Creek; and (3) construct and maintain an east and a west bound three span prestressed concrete spread box beam bridge with 256.97-foot clear spans and minimum underclearance of 16.73 feet across Bald Eagle Creek located 4,000 feet east of the SR 0080 west bound off ramp. This project proposes to temporarily impact 0.68 acre of wetland and permanently impact 60 linear feet of Bald Eagle Creek (TSF).

E18-352. Crawford Township Supervisors, 2774 Rauchtown, Jersey Shore, PA 17740. Pine Mountain Road Stream Crossing, in Crawford Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 1.1 inches; W: 0.95 inch).

To: (1) remove the existing metal culvert; and (2) construct and maintain twin 60-foot long 48-inch diameter HDPE culverts with the associated 35-foot by 53.5-foot rock energy dissipater in an unnamed tributary to Antes Creek located on Pine Mountain Road 1.3 miles west of SR 0880. The project proposes to permanently impact 100 feet of the unnamed tributary to Antes Creek (CWF).

E41-522. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0284 Segment 0050 unnamed tributary bridge replacement, in McHenry Township, **Lycoming County**, ACOE Susquehanna River Basin District (Jersey Mills, PA Quadrangle N: 19.1 inches; W: 4.2 inches).

To remove an existing two span steel bridge and construct and maintain a three span reinforced concrete girder bridge having a clear span of 392.2 feet, with an average underclearance of 14.28 feet on a skew of 60° over Pine Creek located along SR 0414 Section 017 and to construct, maintain and remove a temporary causeway as well as construct a sand bag, concrete barrier is located in McHenry Township, Lycoming County. This project proposes to have a minimal impact on Pine Creek (HQ-TSF). This project does propose to impact 0.007 acre of jurisdictional wetlands.

E49-267. Sunnyside/Overlook Municipal Authority, 30 South Market Street, Elysburg, PA 17824. Sunnyside/Overlook Sewer System, in Ralpho Township, **Northumberland County**, ACOE Susquehanna River Basin District (Shamokin, PA Quadrangle N: 12.6 inches; W: 11.5 inches).

To construct and maintain a 30 foot by 30 foot sewage pumping station in the floodplain of Shamokin Creek (WWF). The project is located along the eastern right-of-way of SR 061 in Ralpho Township, Northumberland County. The sewer pumping station will not impact any jurisdictional wetlands while permanently impacting 900 square feet of floodplain.

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

E03-413. Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. Redbank Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing bridge and to construct and maintain a 17.0 foot by 7.0 foot precast reinforced concrete box culvert in Nye Branch Pine Run (CWF). The invert of the box culvert will be depressed 1.0 foot creating an effective underclearance of 6.0 feet. The length of the box culvert will be 32.0 feet. The project is located on SR 1012 approximately 250 feet north of its intersection with Township Road 784 (Dayton, PA Quadrangle N: 15.1 inches; W: 13.6 inches).

E26-305. Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Henry Clay Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 15.0 foot by 8.0 foot precast reinforced concrete box culvert in Tub Run (CWF). The invert of the box culvert will be depressed 1.0 foot, making the effective underclearance 7.0 feet. Also to construct and maintain an 18-inch diameter outfall in Tub Run (CWF) and a temporary stream crossing consisting of two 48-inch diameter pipes downstream in Tub Run. The project is located on SR 0281 approximately 1,200 feet west of its intersection with Township Road T-880 (Ohiopyle, PA Quadrangle N: 5.8 inches; W: 6.4 inches).

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

E25-670, Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. Conneaut Creek Bridge Replacement SR 3006, Section B03, in Conneaut Township, **Erie County**, ACOE Pittsburgh District (East Springfield, PA Quadrangle N: 2.9 inches; W: 3.6 inches).

The applicant proposes to remove the existing structure and: (1) to construct and maintain a two span, prestressed concrete spread box beam bridge having two clear spans of 95 feet each and an underclearance of 14.6 feet on a 50 degree skew across Conneaut Creek on SR 3006 (U.S. Route 6N), Section B03, Segment 0120, Offset 2848 approximately 0.6 mile east of the intersection of SR 3006 and SR 215; (2) place R-7 riprap for scour protection on the abutment slopes on both the left and right banks; (3) place R-7 riprap for scour protection approximately 12 feet radially around the bridge pier; and (4) conduct widening and roadway construction for approximately 430 feet on the western approach and 353 feet on the eastern approach. Conneaut Creek is a perennial stream classified as WWF and MF.

ACTIONS

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

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

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

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

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

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

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

NPDES Permit No. PA0012777, Industrial Waste, **Rohm and Haas Company**, 5000 Richmond Street Philadelphia, PA 19137. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Renewal to discharge into the Delaware Estuary, Zone 3-3J watershed.

NPDES Permit No. PA0011568, Industrial Waste, **Bethlehem Lukens Plate**, Modena Road, P. O. Box 3001, Coatesville, PA 19320-0911. This proposed facility is located in City of Coatesville, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into Outfall 001-West Branch Brandywine Creek-3H, Outfall 016-Suker Run-3H.

NPDES Permit No. PA0058670, Industrial Waste, **J.D.M. Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge into an unnamed tributary to Schuylkill River-Wissahickon Watershed-3F.

NPDES Permit No. PA0027031, Sewage, **Borough of West Chester**, 401 East Gay Street, West Chester, PA 19380. This proposed facility is located in West Goshen Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into Chester Creek (locally known as Goose Creek)-3G.

NPDES Permit No. PA0029521, Sewage, **Pennridge School District**, 1506 North 5th Street, Perkasie, PA 18944-2295. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into Deer Run-2D Watershed.

NPDES Permit No. PA0030023, Sewage, **Bryn Athyn Borough**, P. O. Box 683, 2835 Buck Road, Bryn Athyn, PA 19009. This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Huntingdon Valley Creek-3J Watershed.

NPDES Permit No. PA0058629, Sewage, **Jamison's Used Auto Parts**, 529 Flinthill Road, King of Prussia, PA 19406. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge into an unnamed tributary to Schuylkill River-3F.

WQM Permit No. 1596413, Sewerage, **Temenos Conference and Retreat Center**, 1564 Telegraph Road, West Chester, PA 19382. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of a WQM Permit for the land application of sewage from the facility. Broad run tributary to West Branch Brandywine Creek (EV stream).

WQM Permit No. 1500421 Amendment No. 2, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval to amend existing permit to include the construction and operation of the gravity sewers and interceptor to collect sewage from proposed Eagle Hunt, a residential development.

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

NPDES Permit No. PA0046388, Sewage, **Butler Township Authority**, P. O. Box 150, St. Johns, PA 18247. This proposed facility is located in Butler Township, **Luzerne County** and discharge to Nescopeck Creek.

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

NPDES Permit No. PA0011185, Industrial Waste, **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 Action/Activity: Renewal of NPDES permit and discharge of treated wastewater into Iron Run.

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

NPDES Permit No. PA0043567, Sewage, **York Springs Municipal Authority**, P. O. Box 175, York Springs, PA 17372. This proposed facility is located in Huntingdon Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Gardner Run in Watershed 7-F.

NPDES Permit No. PA0083054, Amendment No. 2, Sewage, **Days Inn Townhill Plaza, Bharat Patel**, 18221 Mason Dixon Road, Hagerstown, MD 21740. This proposed facility is located in Brush Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge to Wildcat Hollow Run in Watershed 11-C.

WQM Permit No. 0703201, Sewerage, **PPG Industries, Inc., Tipton Plant**, P. O. Box 307, Tipton, PA 16684-0307. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Addition of a sand filter to the process water line, with backwash discharging to the sanitary sewer.

WQM Permit No. 3696408, Amendment 03-1, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a .5 MGD aboveground stainless steel sludge holding tank to replace existing inadequate tanks.

NPDES Permit No. PA007765, Amendment No. 1, Industrial Waste, **Harley-Davidson Motor Company, Inc.**, 1425 Eden Road, York, PA 17402. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Addition of two new noncontact cooling water outfalls with authorization to discharge to UNT Codorus Creek and Mill Creek in Watershed 7H.

NPDES Permit No. PA0084450, Amendment No. 1, Sewage and Industrial Waste, **Military District of Washington, Raven Rock Mountain Complex—Site R**, 201 Beasley Drive, Suite 100, Frederick, MD 21702. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Name change.

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

WQM Permit No. 1402404, Sewerage, **Huston Township Authority**, P. O. Box 40, Julian, PA 16844. This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of a permit authorizing the construction and operation of

sewerage facilities to serve the Village of Julian and surrounding areas. The facilities will include gravity sewer lines and appurtenances, main pressure sewer lines plus laterals, individual residential grinder pumps, a sewage pump station with a force main and a 40,000 gpd package wastewater treatment plant. The discharge of treated effluent will be to Bald Eagle Creek (TSF).

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

NPDES Permit No. PA0092339, Sewage, **Bell Acres Municipal Sewage Authority**, 1151 Camp Meeting Road, Sewickley, PA 15143 is authorized to discharge from a facility located at Grouse Ridge Sewage Treatment Plant, Bell Acres Borough, **Allegheny County** to receiving waters named Drainage Swale which leads to an unnamed tributary of Big Sewickley Creek.

Permit No. 0303401, Sewerage, **Rayburn Township Municipal Authority**, 454 B, R. D. 6, Kittanning, PA 16201. Construction of sewers and pump station located in Rayburn Township, **Armstrong County** to serve Armsdale, Tire Hill and Grandview Service Area.

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

NPDES Permit No. PA0003085, Industrial Waste, **The Carbide/Graphite Group, Inc.**, 800 Theresia Street, St. Marys, PA 15857. This proposed facility is located in City of St. Marys, **Elk County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to South Branch Elk Creek.

NPDES Permit No. PA0222771, Industrial Waste Amendment No. 2, **Honeywell International**, P. O. Box 128, Titusville, PA 16354-0128. This proposed facility is located in City of Titusville, **Crawford County**.

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

NPDES Permit No. PA0100960, Sewage, **Bloomfield Township Sewage Authority**, 22978 Shreve Ridge Road, Union City, PA 16438-3550. This proposed facility is located in Bloomfield Township, **Crawford County**.

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

NPDES Permit No. PA0025291, Sewage, **Southwest Warren County Municipal Authority**, 174 Main Street, P. O. Box 132, Tidioute, PA 16351. This proposed facility is located in Tidioute Borough, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Allegheny River.

NPDES Permit No. PA0210072, Sewage, **YMCA—Camp Sherwin**, 8600 West Lake Road, Lake City, PA 16428. This proposed facility is located in Girard Township, **Erie County**.

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

NPDES Permit No. PA0222216, Sewage, **Edinboro Conference Campgrounds**, 12940 Fry Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

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

NPDES Permit No. PA0210331, Sewage, **Pine Grove Mobile Home Park & Sales, Inc.**, 374 North Perry Highway, Mercer, PA 16137. This proposed facility is located in Coolspring Township, **Mercer County**.

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

NPDES Permit No. PA0222381, Sewage, **Clearfield-Jefferson Counties Regional Airport Authority**, P. O. Box 299, Falls Creek, PA 15840. This proposed facility is located in Washington Township, **Jefferson County**.

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

WQM Permit No. 4397403, Sewerage, Amendment No. 1, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This proposed facility is located in City of Hermitage, **Mercer County**.

Description of Proposed Action/Activity: This project is for modification of the Jerry Lane Pump Station and new sanitary sewers to serve the Eagle Point Condominiums.

WQM Permit No. 1002415, Sewerage, **Stoneworth Apartments, Inc.**, 124 Eastwood Drive, Butler, PA 16001. This proposed facility is located in Worth Township, **Butler County**.

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

WQM Permit No. 6203402, Sewerage, **Bonnie F. Mayes**, R. R. 2, Box 287, Pittsfield, PA 16340. This proposed facility is located in Pittsfield Township, **Warren County**.

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

WQM Permit No. 6203406, Sewerage, **Troy Rex**, 1030 Jackson Avenue, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

WQM Permit No. 6203405, Sewerage, **Richard A. Decker**, 1010 East Fifth Avenue, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

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

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

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

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

<i>NPDES No. Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10D112-1	Bucks County Airport Authority 3879 Old Easton Road Doylestown, PA 18901	Bucks	Milford Township	Unnamed tributary to Unami Creek HW-TSF
PAS10G549	Joseph A. Piccone, Inc. 501 Route 113 Chester Springs, PA 19425	Chester	West Vincent Township	Birch Run EV

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted a Notice of Intent and have received coverage under each applicable general permit listed.

The approval for coverage under these general permits is subject to effluent or pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices, monitoring, reporting requirements and other conditions set forth in the general permit. This and other project specific information are on file and are open for public review. Arrangements for reviewing this information can be made by contacting the identified office listed with each action.

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).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage 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>
Concord Township Delaware County	PAG2002303008	Joseph Constantini 38 Stephen Drive Glen Mills, PA 19342	West Branch Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County North Whitehall Township	PAR10Q082-2R	Blueberry Hill Farms, Inc. Box 600 Lehighton, PA 18235	Lehigh River TSF	Lehigh County Conservation District (610) 391-9583
Northampton County City of Bethlehem	PAG2004802002	Bethlehem Area School District 1516 Sycamore St. Bethlehem, PA 18017	Lehigh River UNT CWF, MF	Northampton County Conservation District (610) 746-1971
Fairfield School District Soccer Fields Fairfield, PA 17320 Hamiltonban Township	PAG2000103005	Howie Kessel 4840 Fairfield Road Fairfield, PA 17320	UNT to Tom's Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717)-334-0636
Richmond Township Berks County	PAR10C453	Daniel Winkler E. Penn Mfg. Co. Deka Rd. Lyons Station, PA 19536	Saony Creek CWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Brecknock Township Berks County	PAR10C457	Anthony Forino Forino Co. LP 555 Mt. Home Rd. Sinking Spring, PA 19608	Allegheny Creek CWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Lower Allen Township Cumberland County	PAG2002103004	AdCOM Reality David Nesbit 6375 Mercury Drive Mechanicsburg, PA 17050	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812

<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>
South Middleton Township Cumberland County	PAG2002103001	Dennis Minnich DMM Enterprises 511 Pleasant Hall Road Carlisle, PA 17013	Letort Spring Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002103006	Triple Crown Corp. Mark Disanto 5351 Jaycee Avenue Harrisburg, PA 17112	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Silver Spring Cumberland County	PAG2002103008	D.D.&K, Inc. David Strong 3064 Bricker Road Manheim, PA 17545	Conodoguinet WWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Southampton Township Cumberland County	PAG2002103009	Department of Transportation 2140 Herr Street Harrisburg, PA 17103-1699	Burd Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Upper Paxton Township	PAG2002203005	Ivan Martin PAR 3 Subdivision 175 Maple Dr. Millersburg, PA 17061	Little Wiconisco WWF	Dauphin County Conservation District (717) 921-8100
Hamilton Township	PAG2002803007	Whiskey Run Associates Carl W. Schleicher 2537A Echo Springs Road Chambersburg, PA 17201	Back Creek TSF	Franklin County Conservation District (717) 264-8074
Washington Township	PAG2002803004	Washington Jewish Community Camp Corp./Capital Camps David M. Phillips 12811 Old Route 16 Waynesboro, PA 17268	Red Run CWF	Franklin County Conservation District (717) 264-8074
Pequea Township Lancaster County	PAG2003603006	Frederick A. Funk 306 S. Duke St. Millersville, PA 17551	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAG2003603012	LGH Health Campus 2100 Harrisburg Pike Lancaster, PA 17601	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Township Lancaster County	PAG2003603018	Charles A. Nagle/Monika Rogers 2028 Willow Street Pike Lancaster, PA 17512	UNT Strickler Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Township Lancaster County	PAG2003603019	Ephrata Township 265 Akron Rd. Ephrata, PA 17522	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Borough Lancaster County	PAG2003603025	Phoenix Group 2600 Virginia Ave. NW Suite 606 Washington, DC 20037	Doe Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

<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>
West Hempfield Township Lancaster County	PAR10O298-R	Regency V 1899 Lititz Pike Lancaster, PA 17601	UNT Swarr Run CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Lebanon County North Lebanon Township	PAG2003803005	Robert Scipioni 1001 Halfway Drive Myerstown, PA 17067	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County Union Township	PAG2003803003	K. V. Singh 135 S. 12th Street Lebanon, PA 17042	Forge Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County South Londonderry Township Dauphin County Derry Township	PAG2003803006	CAR Properties 2294 New Holland Pike Lancaster, PA 17604	Spring Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
East Manchester Township York County	PAG2006703001	Bruce Johnston Saint Paul United Methodist Church 4360 Board Road Manchester, PA 17345	Musser Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG2006703005	Patrick Bratton B. C. Inc. 28 S. Herbst Road Red Lion, PA 17356	UNT to Beaver Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
City of York York County	PAR10Y659	Amy Baker Schaedler Yesco Facility S & S & S Real Estate 951 S. 13th Street Harrisburg, PA 17104	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
City of York York County	PAG2006703002	Robert L. Mitten City of York School District 329 S. Linden Ave. York, PA 17403	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Clinton County Wayne Township	PAG2001803001	Clinton County Commissioners 232 East Main St. Lock Haven, PA 17745	UNT West Branch Susquehanna River CWF	Clinton County Conservation District 216 Spring Run Rd. Rm. 104 Mill Hall, PA 17751-9543 (570) 726-3798, Ext. 5
Clinton County Woodward Township	PAR101902R	Nestlerode Real Estate 145 E. Walnut St. Lock Haven, PA 17745	West Branch Susquehanna River CWF	Clinton County Conservation District 216 Spring Run Rd. Rm. 104 Mill Hall, PA 17751-9543 (570) 726-3798, Ext. 5
Northumberland County Watsontown Borough Delaware Township	PAG2004903001	Moran Industries 202 E. Seventh St. Watsontown, PA 17777	Spring Run WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Butler County Cranberry Township	PAG2001003003	Harold Schneider 2103 Ehrman Road Cranberry, PA 16033	Brush Creek CWF	Butler County Conservation District (724) 284-5270

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>
North East Borough Erie County	PAR128305	Welch Foods Inc., A Cooperative 2 South Lake Street P. O. Box 471 North East, PA 16428-0471	Sixteen Mile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<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>
Pittsfield Township Warren County	PAG048870	Bonnie F. Mayes R. R. 2, Box 287 Pittsfield, PA 16340	Unnamed tributary to Brokenstraw Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048875	Troy Rex 1030 Jackson Avenue Warren, PA 16365	Unnamed tributary to Glade Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048874	Richard A. Decker 1010 East Fifth Avenue Warren, PA 16365	Unnamed tributary to Conewango Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<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>
Benezette Township Elk County	PAG058347	Benezett Store P. O. Box 313, SR 55 Benezette, PA 15821	Bennett Branch Sinnemahoning Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Warren Warren County	PAG058351	Nichols BP Erie Petroleum, Inc. P. O. Box 6345 Erie, PA 16512	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAG058349	Erie Petroleum, Inc./Former Denial Brothers Sunoco P. O. Box 6345 Erie, PA 16512	Unnamed tributary to Mill Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<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>
Bloomfield Township Crawford County	PAG058348	TNT Enterprises, Inc. 21779 Highway 8 Centerville, PA 16404	Oil Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pittsfield Township Warren County	PAG058350	Kwik Fill M-381 United Refining Company of PA P. O. Box 688 Warren, PA 16365	Unnamed tributary to Brokenstraw Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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>
Williams Township Dauphin County	PAG083576	Williamstown Borough Sewer Authority P. O. Box 44 Williamstown, PA 17098	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Antrim Township Franklin County	PAG083575	Greencastle Franklin County Authority 60 North Washington Street Greencastle, PA 17225-1230	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
West Hanover Township Dauphin County	PAG083519	West Hanover Township Water and Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Tyrone Township Perry County	PAG083574	Loysville Village Municipal Authority P. O. Box 133 Loysville, PA 17057	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

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>
Taylor Township Fulton County	PAG093543	Hustontown Joint Sewer Authority P. O. Box 606 Hustontown, PA 17229	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.

SAFE DRINKING WATER

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

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

Permit No. 1502510, Minor Amendment. Public Water Supply.

Applicant **Honey Brook Borough Authority**
P. O. Box 669
Honey Brook, PA 19344

Borough Honey Brook

County **Chester**

Type of Facility PWS

Consulting Engineer Spotts, Stevens and McCoy, Inc.
P. O. Box 6307
Wyomissing, PA 19610

Permit to Construct Issued February 25, 2003

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

Permit No. 3602510, Public Water Supply.

Applicant **West Cocalico Township Authority**

County **Lancaster**

Type of Facility The addition of Well No. 3 to augment the existing sources of supply. The project will include treatment via disinfection and sequestration for manganese.

Consulting Engineer Douglas E. Berg, P. E.
Entech Engineering Inc.
4 South 4th Street
Reading, PA 19603

Permit to Construct Issued February 14, 2003

Permit No. 3602521, Public Water Supply.

Applicant **Conestoga Valley School District**

Municipality East Lampeter Township

County **Lancaster**

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

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

Permit to Construct Issued February 18, 2003

Permit No. 3602523, Public Water Supply.

Applicant **Crossroad Partners Smoker Properties**

Municipality Leacock Township

County **Lancaster**

Type of Facility Installation of a nitrate treatment facility to serve the strip mall located in Leacock Township. The primary target of the treatment facility is for the new Subway shop that has opened on the property.

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

Permit to Construct Issued: February 13, 2003

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

Permit No. 4102502—Construction. Public Water Supply.

Applicant **Borough of Montoursville c/o Frank Tallman**
617 North Loyalsock Avenue
Montoursville, PA 17754-1321

Borough Montoursville Borough

County **Lycoming**

Type of Facility PWS—Upgrade the Fairview Heights Booster Station.

Consulting Engineer Rettew Associates, Inc.
3020 Columbia Ave.
Lancaster, PA 17603

Permit to Construct Issued February 14, 2003

Permit No. 17-593B Water Allocation. Public Water Supply.

Applicant **Irvona Municipal Authority c/o Donald Morrison, Chairperson**
P. O. Box 247
Berwind Street
Irvona, PA 16652

Township Beccaria Township

County **Clearfield**

Type of Facility PWS—Grants the right to purchase up to 1,000 gpd on a 30 day average from BCI Municipal Authority.

Permit to Construct Issued February 14, 2003

Permit No. 0889504-T1. Public Water Supply.

Applicant **Woodside Terrace Partners c/o Clair Hoover**
P. O. Box 172
Manheim, PA 17545-0172

Township Sheshequin Township

County **Bradford**

Type of Facility PWS—Transfer from Michael Debach to Woodside Terrace Partners. This permit allows operation of the water system at Woodside Terrace Mobile Home Park.

Permit to Operate Issued February 27, 2003

Permit No. 4902502. Public Water Supply.

Applicant **Start Properties II LLC c/o David Jarjisian**
P. O. Box 116
Gradyville, PA 19039

Township Delaware Township
 County **Northumberland**
 Type of Facility PWS—Transfer from Michael Debach to Woodside Terrace Partners. This permit allows operation of the water system at Woodside Terrace Mobile Home Park.
 Consulting Engineer PMI
 P. O. Box 622
 Lemoyne, PA 17043-0622
 Permit to Operate Issued March 3, 2003

Permit No. Minor Amendment. Public Water Supply.

Applicant **Jersey Shore Joint Water Authority**
c/o Michael C. Zellers
 220 South Main Street
 Jersey Shore, PA 17740
 Township Anthony Township
 County **Lycoming**
 Type of Facility PWS—Rehabilitation of the settling tanks at Larry's Creek filtration plant.
 Consulting Engineer Paul Krizan
 Larson Design Group
 1000 Commerce Park Drive
 Williamsport, PA 17740
 Permit to Operate Issued March 3, 2003

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

Permit No. 2502504, Public Water Supply.

Applicant **North East Borough Water Authority**
 58 East Main Street
 North East, PA 16428.
 Borough or Township North East Township
 County **Erie**
 Type of Facility PWS
 Consulting Engineer Hill Engineers
 8 Gibson Street
 North East, PA 16428
 Permit to Construct Issued February 26, 2003

Permit No. 1002505, Public Water Supply.

Applicant **Stoneworth LLP**
 124 Eastwood Drive
 Butler, PA 16001.
 Borough or Township Worth Township
 County **Butler**
 Type of Facility PWS—New Wells 1 and 2
 Consulting Engineer Gray—Warnick Engineering
 662 West New Castle Road
 Butler, PA 16001.
 Permit to Construct Issued February 24, 2003

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>
East Cocalico Township	100 Hill Road Denver, PA 17517	Lancaster

Plan Description: The approved plan provides for the extension of public sewerage to serve an area approximately along SR 0272 from Wabash Road west to the border with Ephrata Township and bounded in the north by railroad tracks (N/F Conrail) identified in the plan as the Wabash Road Area. 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 municipality or authority as appropriate.

**HAZARDOUS SITES CLEAN-UP
 UNDER THE ACT OF OCTOBER 18,
 1988**

Proposed Consent Order and Agreement

**Vandor Manufacturing Site, Doylestown Township,
 Bucks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act, has entered into a Prospective Purchaser Agreement with Timothy J. and Maria F. Guertin (Guertin) for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the Vandor Manufacturing Site (Site), 760 Edison Furlong Road, Doylestown Township, Bucks County.

The Site was occupied by Vandor Manufacturing, Inc. from 1975 until 1986 where it utilized trichloroethene (TCE) in the process of manufacturing circuit boards and other electronic components. The Department initiated a groundwater and source area investigation in 2001. As a result of the investigation, it was determined that several offsite private drinking water supply wells contain TCE at levels in excess of the Commonwealth's Statewide Health Standard of 5.0 part-per-billion and that further remedial action is appropriate to remove the threat to public health and the environment that results from the groundwater contamination.

Presently the Department maintains several groundwater monitoring wells at the Site.

Guertin has entered into an agreement to purchase the Site, which is approximately 0.638 acre in size with a commercial building approximately 5,520 square feet in size, and is currently owned by Philip Conrad Enterprises, Inc., 101 Cheryl Ann Court, Willow Street, PA 17584. Guertin has been occupying the existing structure as an auto repair shop and proposes to continue that use after the purchase of the property.

The Department has determined that it is in the public interest to resolve its claim against Guertin. Therefore,

Guertin shall reimburse the Department for certain response costs in the amount of \$6,000 and shall receive contribution protection from claims related to its purchase and ownership of the Site.

This notice is provided under section 1113 of the HSCA (35 P. S. § 6020.1113), which states the "settlement shall become final upon the Department's filing of responses to significant written comments." The Consent Order and Agreement (COA) that contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428 by contacting either Grant Morehead, (610) 832-6202 gmorehead@state.pa.us or William H. Blasberg, (610) 832-6010, wblasberg@state.pa.us. A public comment period on the COA will extend 60 days from March 15, 2003. Persons may submit written comments regarding the COA within 60 days from March 15, 2003, by submitting them to Grant Morehead at the previous address.

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 after 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 Corporation and Young Volkswagen Mazda, Palmer Township, Northampton County. Jim LaRegina, P. G., HRP Associates, Inc., 4807 Jonestown Road, Harrisburg, PA 17109 submitted a Cleanup Plan (on behalf of Easton Center LLC, 18202 Minnetonka 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 report was submitted in partial fulfillment of a combination of the nonresidential 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 after 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—Harwood 69 kV Substation, Hazle Township, **Luzerne County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 has submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report documented attainment of the residential Statewide health standard and was approved on February 21, 2003.

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 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 and was approved on February 19, 2003.

PPL—Former Tamaqua Manufactured Gas Plant Facility, Tamaqua Borough, **Schuylkill County**. John J. Mahfood, Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017 submitted a Risk Assessment Report (on behalf of PPL Electric Utilities Corp., 2 North Ninth Street, Allentown, PA, 18101) concerning the risk evaluation of site soils and groundwater found or suspected to have been contaminated with polycyclic aromatic hydrocarbons, petroleum hydrocarbons and BTEX constituents as the result of historic manufactured gas plant operations. The report was submitted in partial fulfillment of the site-specific standard and was approved on February 26, 2003.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

Hazardous Waste Transporter License Issued

Onyx Waste Services, Inc., P. O. Box O, Brockway, PA. License No. PA-AH0699. Effective February 19, 2003.

Hazardous Waste Transporter License Renewed

Environmental Transport Group, Inc., P. O. Box 296, Flanders, NJ 07836. License No. PA-AH0104. Effective January 6, 2003.

Ashland Distribution Co., P. O. Box 2219, Columbus, OH 43216. License No. PA-AH0121. Effective January 6, 2003.

Pollution Control Ind. Inc., 4343 Kennedy Ave., East Chicago, IN. License No. PA-AH 0537. Effective January 13, 2003.

Ferrick Const. Co. Inc., 811 Ivy Hill Rd., Philadelphia, PA 19150. License No. PA-AH0473. Effective January 14, 2003.

Tier De, Inc., 300 Jefferson Ave., Downingtown, PA 19335. License No. PA-AH0680. Effective January 13, 2003.

HMHTTC Response Team, Inc., P. O. Box 5215, Parsippany, NJ 07054. License No. PA-AH0554. Effective January 8, 2003.

Elliott Truck Line, Inc., P. O. Box 1, Vinita, OK 74301. License No. PA-AH0355. Effective January 8, 2003.

Ecoflo, Inc., 2750 Patterson St., Greensboro, NC 27407. License No. PA-AH0225. Effective January 23, 2003.

Lancaster Oil Company, 1062 Old Manheim Pk., Lancaster, PA 17601. License No. PA-AH0679. Effect January 17, 2003.

Triumvirate Env., Inc., 61 Inner Belt Rd., Somerville, MA 02143. License No. PA-AH0477. Effective January 17, 2003.

Envirite of Ohio Inc., 2050 Central Ave. SE, Canton, OH 44707. License No. PA-AH0548. Effective January 16, 2003.

Transwaste, Inc., 108A Blacks Rd., Cheshire, CT 06410. License No. PA-AH0674. Effective January 30, 2003.

Buffalo Fuel Corp., 4870 Packard Rd., Niagara Falls, NY 14304. License No. PA-AH 0147. Effective January 28, 2003.

Envirotran, Inc., 387 Gore Rd., Conneaut, OH 44030. License No. PA-AH0543. Effective February 6, 2003.

Franklin Env. Services, Inc., P. O. Box 617, Wrentham, MA 02093. License No. PA-AH0224. Effect February 10, 2003.

Reserve Env. Services, Inc., P. O. Box 1038, Ashtabula, OH 44005. License No. PA-AH0678. Effect February 10, 2003.

Brenntag Northeast, Inc., P. O. Box 13788, Reading, PA 19612. License No. PA-AH0082. Effective February 11, 2003.

The Pennohio Corp., 4813 Woodman Ave., Ashtabula, OH 44004. License No. PA-AH0618. Effect February 11, 2003.

Sanford Motors, Inc., 1307 S. Pennsylvania Ave., Morrisville, PA 19067. License No. PA-AHS178. February 11, 2003.

M.C. Tank Transport, Inc., 10134 Mosteller Ln., West Chester, OH 45069. License No. PA-AH0489. February 12, 2003.

Hazardous Waste Transporter License Voluntarily Terminated

Sunshine Bulk Commodities, Inc., 2094 RT 96, Clifton Springs, NY. License No. PA-AH0667. Effective February 3, 2003.

Stericycle, Inc., 111 Domorah Dr., Montgomeryville, PA. License No. PA-AH0627. Effective January 1, 2003.

Safety-Kleen Ltd., 4090 Telfer Rd., R. R. 1, Corunna, ON. License No. PA-AH0523. Effective January 1, 2003.

Safety-Kleen Services (Quebec) Ltd., 4090 Telfer Rd., R. R. 1, Corunna, ON. License No. PA-AH0403. Effective January 1, 2003.

Hazardous Waste Transporter License Expired

Envirite of Illinois, Inc., 16435 South Center Ave., Harvey, IL. License No. PA-AH0547. Effective January 31, 2003.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

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

Infectious and Chemotherapeutic Waste Transporter License Renewed

The Williamsport Hospital, 777 Rural Ave., Williamsport, PA. License No. PA-HC0186. Effective January 7, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101432. Onyx Waste Services, Inc., 310 Washington Street, Norristown, PA 19404. This permit is being modified to change the name of the permittee to Onyx Waste Services, Inc. from Superior Waste Services of Delaware Valley, Inc. for the continuing operation of the municipal waste transfer facility located in the Borough of Norristown, **Montgomery County**. The permit was issued by the Southeast Regional Office on February 26, 2003.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 100594. Chambers Development Company, Inc., 600 Thomas Street Extension, Monroeville, PA 15146. Major modification for revisions to the Waste Analysis Plan, Liner System, Composite Layer and approving the Radiation Protection Monitoring and Meteorological Monitoring for a municipal waste landfill in the Municipality of Monroeville, **Allegheny County**, issued in the Regional Office on February 25, 2003.

Permit No. 100172. Arden Landfill, Inc., Box BC, Arden Station Road, Washington, PA 15301. Major modification for revisions to the Waste Analysis Plan, Liner System, Composite Layer and approving the Radiation Protection Monitoring and Meteorological Monitoring for a municipal waste landfill in the Chartiers Township, **Washington County**, issued in the Regional Office on February 25, 2003.

Persons interested in reviewing a permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive,

Pittsburgh, PA 15222-4745; (412) 442-4000; TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984.

Permit modification 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.

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

Permit No. 101100. Waste Mgmt. Dspl. Svcs. of PA Inc., 9760 Letzburg Rd., Greencastle, PA 17225-9317 Antrim and Montgomery Townships, **Franklin County**. The permit modification is for the Radiation Protection Action Plan for Mountain View Reclamation Landfill. The permit was approved by the Southcentral Regional Office on February 28, 2003.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Fay Frank, 200 Goodrich Ave., Syracuse, NY 13210. Authorization No. WH2484. Effective February 24, 2003.

Beszter Wieslaw, 382 S. SR2, Hebron, IN 46341. Authorization No. WH2485. Effective February 24, 2003.

Frank J. Tucci, 2758 Trombley Rd., Weedsport, NY 13166. Authorization No. WH2486. Effective February 24, 2003.

Ginnever James, 1761 SR 412, Freemont, OH 43420. Authorization No. WH2487. Effective February 24, 2003.

Whitt Gordon, 2758 Trombley Road, P. O. Box 920, Weedsport, NY 13166. Authorization No. WH2488. Effective February 24, 2003.

Larry Allender, 12139 Woodworth Rd., North Lima, OH 44452. Authorization No. WH2489. Effective February 24, 2003.

Wayne K. Best, Jr., 11 Aaron Lane, Shippensburg, PA 16254. Authorization No. WH2490. Effective February 24, 2003.

Filiberto Calzadilla, 1215 June Road, Huntingdon Valley, PA 19006. Authorization No. WH2503. Effective February 24, 2003.

Jose M. Santini, 1025 Elm St., Reading, PA 19604. Authorization No. WH2504. Effective February 24, 2003.

Kevin D. Morris, 919 Princeton Ave., Philadelphia, PA 19111. Authorization No. WH2505. Effective February 24, 2003.

John E. Brockman, 3030 W. Colona St., Philadelphia, PA 19132. Authorization No. WH2506. Effective February 24, 2003.

West Central Environmental Corp., P. O. Box 83, Rensselaer, NY 12144-0083. Authorization No. WH2686. Effective February 24, 2003.

AVP Transport Inc., 90 Dilley St., Forty Fort, PA 18704. Authorization No. WH4089. Effective February 24, 2003.

Bob Burkholder Trucking, 368 E. Fairway Road, Central City, PA 15926. Authorization No. WH4090. Effective February 24, 2003.

SJ Transportation Company, Inc., P. O. Box 169, Woodstown, NJ 08098-0169. Authorization No. WH2481. Effective February 25, 2003.

Beute & Bliley, Inc., 3901 Bell Street, P. O. Box 10622, Erie, PA 16514-0622. Authorization No. WH2482. Effective February 25, 2003.

Disposal Corp. of America, 3433 Moore Street, Philadelphia, PA 19145. Authorization No. WH2500. Effective February 25, 2003.

Reaper Trucking, Inc., P. O. Box 299, Huguenot, NY 12746. Authorization No. WH2501. Effective February 25, 2003.

H&S Transport, Inc., 127 Baker Street, Dover, NJ 07801. Authorization No. WH2508. Effective February 25, 2003.

Lupcho's Hauling, P. O. Box 58, Weston, PA 18256-0058. Authorization No. WH2510. Effective February 25, 2003.

Herbert L. Decker, R. D. 1, Box 571, Roaring Spring, PA 16673-9801. Authorization No. WH2512. Effective February 25, 2003.

Terry Decker Sanitation, R. D. 1, Box 525B, Roaring Spring, PA 16673-9801. Authorization No. WH2513. Effective February 25, 2003.

Meyer's Auto Salvage, Inc., Rich Road, Beaver Falls, PA 15010. Authorization No. WH2511. Effective February 28, 2003.

Roadmasters Trucking, Inc., 1124 Foster Street, Scranton, PA 18508. Authorization No. WH2753. Effective February 28, 2003.

North Penn Distributors, Inc., P. O. Box 480, Dunmore, PA 18512-1701. Authorization No. WH2754. Effective February 28, 2003.

Bradford County Commissioners, 301 Main Street, Towanda, PA 18848. Authorization No. WH2755. Effective February 28, 2003.

Hopewell Nursery Trucking, 91 Worman Road, Douglassville, PA 19518-9201. Authorization No. WH2756. Effective February 28, 2003.

Hancock County PSD, R. D. 1, Box 166R, Weirton, WV 26062. Authorization No. WH2757. Effective February 28, 2003.

O'Bannon Roofing, P. O. Box 1386, Collingdale, PA 19023. Authorization No. WH2760. Effective February 28, 2003.

Rabena Brothers, Inc., 41 Ruthland Avenue, Malvern, PA 19355. Authorization No. WH2761. Effective February 28, 2003.

Superior Homes, 2187 Lincoln Highway East, Lancaster, PA 17602-1140. Authorization No. WH2762. Effective February 28, 2003.

Sigifredo Picado Arias, Apt. L8, 1717 Bath Road, Bristol, PA 19007. Authorization No. WH2763. Effective February 28, 2003.

K M B Trucking, Inc., 265 Broadway Street No. 4, Jersey City, NJ 07306. Authorization No. WH2060. Effective February 25, 2003.

Joseph F. Cappelli & Sons, Inc., P. O. Box 934, Concordville, PA 19331-0934. Authorization No. WH2140. Effective February 25, 2003.

Boyer Printing & Binding Co., 101 South 9th Street, Lebanon, PA 17042-5100. Authorization No. WH2273. Effective February 25, 2003.

M & M Trucking Service, Inc., 375 North 11th Street, Newark, NJ 07105. Authorization No. WH2296. Effective February 25, 2003.

Tranship, Inc., 200 Sterling Mine Road, Sloatsburg, NY 10974. Authorization No. WH2297. Effective February 25, 2003.

East Coast Bulk Carrier, Inc., 2927 Rickert Road, Perkasio, PA 18944-3219. Authorization No. WH2303. Effective February 25, 2003.

Luis A. Munoz, 375 North 11th Street, Newark, NJ 07107. Authorization No. WH2305. Effective February 25, 2003.

Stewart Witmer, P. O. Box 114, Berrysburg, PA 17005-0114. Authorization No. WH2323. Effective February 27, 2003.

Pak Transport, LLC, 42 Maple Street, Belleville, PA 17004. Authorization No. WH2413. Effective February 25, 2003.

E. N. B., Inc., 999 Montaur Hwy., Shirley, NY 11967. Authorization No. WH2143. Effective February 28, 2003.

Mike Vanelswyk Trucking, Inc., 93 Fredon Marksboro Road, Newton, NJ 07860. Authorization No. WH2146. Effective February 28, 2003.

White Bros. Transport Inc., 6619 Bushey Street, P. O. Box 8898, Baltimore, MD 21224-3014. Authorization No. WH2401. Effective February 21, 2003.

Spartan Specialty Svc. Inc., 4316 Ellwood Rd., P. O. Box 8458, New Castle, PA 16107-8458. Authorization No. WH2402. Effective February 21, 2003.

Ivan S. Marshall, 257 Hillside Street, Everett, PA 15537. Authorization No. WH2403. Effective February 21, 2003.

Avila Trucking Corp, 80—44 89 Avenue, Woodhaven, NY 11421-2424. Authorization No. WH2404. Effective February 21, 2003.

Newark Carting Inc., P. O. Box 5670, Newark, NJ 07105. Authorization No. WH2405. Effective February 21, 2003.

Wm. Miller & Son Trash Removal Inc., P. O. Box 5318, Deptford, NJ 08096-0318. Authorization No. WH2406. Effective February 21, 2003.

Paul Kane Trash Removal, 1395 Dry Run Rd., Duncansville, PA 16635. Authorization No. WH2407. Effective February 21, 2003.

Lascelles Thompson, 15 Mt. Laurel Rd., Morganville, NJ 07751. Authorization No. WH2408. Effective February 21, 2003.

Mike Lambert Trucking, 185 Grant Avenue, Coatesville, PA 19320. Authorization No. WH2409. Effective February 21, 2003.

West Conshohocken Borough, Montgomery County, 112 Ford Street, West Conshohocken, PA 19428. Authorization No. WH2410. Effective February 21, 2003.

Loja Trucking Corporation, Apt. 5, 815 14th Street, Union City, NJ 07087. Authorization No. WH2196. Effective February 25, 2003.

Gale O. Boyer, 871 Shadle Road, Jersey Shore, PA 17740. Authorization No. WH2200. Effective February 25, 2003.

Penn Waste Systems Inc., P. O. Box 7883, Pittsburgh, PA 15215. Authorization No. WH1883. Effective February 25, 2003.

James Nickel, 1511 South 2nd Street, Philadelphia, PA 19147. Authorization No. WH2445. Effective February 19, 2003.

United Waste Compaction, Inc., 3000 East Ontario Street, Philadelphia, PA 19134. Authorization No. WH2446. Effective February 19, 2003.

Rafael A. Esquea, 910 Prospect Avenue, Apt. 8, Bronx, NY 10459. Authorization No. WH2451. Effective February 19, 2003.

Pasco, Inc., 828 School Lane, P. O. Box 156, Folcroft, PA 19032. Authorization No. WH2456. Effective February 19, 2003.

Bryan L. Martin, 51 Robert Road, Ephrata, PA 17522. Authorization No. WH2168. Effective February 25, 2003.

Al Wilson Trucking, 21116 Stripper Run, Rock Hall, MD 21661-1370. Authorization No. WH2447. Effective February 25, 2003.

Two Brothers Contracting, Inc., 250 Rutherford Boulevard, Clifton, NJ 07014. Authorization No. WH2453. Effective February 25, 2003.

Marcos Fiallo, 2035 46th Street, North Bergen, NJ 07047. Authorization No. WH2344. Effective February 25, 2003.

Borough of Ashland, 501 Chestnut Street, Ashland, PA 17921-1324. Authorization No. WH2346. Effective February 25, 2003.

J&G Drywall Co., 200 1st Street, Carnegie, PA 15106. Authorization No. WH2349. Effective February 25, 2003.

Classic Design Homes, Inc., HC 89, Box 107A, Pocono Summit, PA 18346. Authorization No. WH2348. Effective February 26, 2003.

Muth Disposal Services, Inc., 4836 Main Street, Walnutport, PA 18088-9312. Authorization No. WH0588. Effective February 27, 2003.

Khamboun, Souvannavong, 237 West Olney Avenue, Philadelphia, PA 19120. Authorization No. WH1101. Effective February 27, 2003.

Julio E. Lopez, 1760 Watson Avenue, Apartment 5H, Bronx, NY 10472. Authorization No. WH1391. Effective February 27, 2003.

P. T. Enterprises, Route 31 West, 174 Samuels Road, Somerset, PA 15501. Authorization No. WH1807. Effective February 27, 2003.

Super City Manufacturing, Inc., 174 Samuels Road, Somerset, PA 15501. Authorization No. WH1835. Effective February 27, 2003.

Department of Transportation Maintenance and Operations Bureau, P. O. Box 350, Norristown, PA 19401. Authorization No. WH2012. Effective February 11, 2003.

Burkholder Trucking, 177 East Church Street, Stevens, PA 17578. Authorization No. WH2072. Effective February 20, 2003.

Keystone Protein Company, 568 Chestnut Hill Road, P. O. Box 37, Fredericksburg, PA 17026-0037. Authorization No. WH2181. Effective February 11, 2003.

Daniel A. Heller, R. R. 1, Box 1862, Laceyville, PA 18623-9727. Authorization No. WH2183. Effective February 11, 2003.

Gene N. Reesman Trucking Co., R. R. 1, Box 222, New Bethlehem, PA 16242. Authorization No. WH2184. Effective February 11, 2003.

Nocella Property Services, Inc., 1st Floor, Suite 3, 501 Abbott Drive, Broomall, PA 19008. Authorization No. WH2186. Effective February 11, 2003.

W. E. Little Trucking, 9 Deer Path Village, P. O. Box 144, Swiftwater, PA 18370. Authorization No. WH2187. Effective February 11, 2003.

Newman & Company, Inc., 6101 Tacony Street, Philadelphia, PA 19135-2998. Authorization No. WH2188. Effective February 27, 2003.

AMC Enterprises, 501 A Street, Girardville, PA 17935. Authorization No. WH2431. Effective February 20, 2003.

Curtis Boyd Jr. Construction, 251 Harding Court, York, PA 17403-2739. Authorization No. WH2432. Effective February 20, 2003.

John M. Lipchik, 10163 Sampson Road, Erie, PA 16509. Authorization No. WH2433. Effective February 20, 2003.

Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830-0342. Authorization No. WH2434. Effective February 20, 2003.

R. D. Christie Trucking, 113 Rider Road, Chicora, PA 16025-4119. Authorization No. WH2435. Effective February 20, 2003.

Tarzan Trucking Corp., 1799 Frederick Avenue, Merriken, NY 11566-2911. Authorization No. WH2436. Effective February 20, 2003.

Ken Wertz Hauling & Septic Service, Inc., R. R. 3, Box 365 D, Hollidaysburg, PA 16648. Authorization No. WH2437. Effective February 20, 2003.

Gabriel Perea, 62 Jordan Road, Colonia, NJ 07067. Authorization No. WH2438. Effective February 20, 2003.

Cher Transportation, Inc., 322 North Fulton Avenue, Mount Vernon, NY 10552-3035. Authorization No. WH2439. Effective February 20, 2003.

Sunshiner Maintenance Company, Inc., P. O. Box 35, Lima, PA 19037. Authorization No. WH2460. Effective February 21, 2003.

John F. Czernik, 215 Brakel Lane, Media, PA 19063. Authorization No. WH2461. Effective February 21, 2003.

D. Pileggi & Sons, Inc., 18 West 2nd Street, Floor 2, Media, PA 19063-2802. Authorization No. WH2462. Effective February 21, 2003.

E. Reid Powell Roll Off Services, LLC, P. O. Box 165, Baden, PA 15005. Authorization No. WH2463. Effective February 21, 2003.

Rumford & Rumford, Inc., 400 West State Street, Media, PA 19063-2694. Authorization No. WH2464. Effective February 21, 2003.

Accurate Trash Removal, Inc., 508 East Baltimore Avenue, Lansdowne, PA 19050. Authorization No. WH2465. Effective February 27, 2003.

Sacks & Sons, Inc., 8 Big Road, P. O. Box 169, Zieglerville, PA 19492-0169. Authorization No. WH2467. Effective February 21, 2003.

Nelson Brensinger, 90 Hughes Avenue, New Berlinville, PA 19545. Authorization No. WH2468. Effective February 21, 2003.

Andes Transport Corporation, 97 Brill Street, Newark, NJ 07105. Authorization No. WH2469. Effective February 27, 2003.

Abbonizio Transfer, Inc., 439 South Governor Printz Boulevard, Lester, PA 19029. Authorization No. WH2470. Effective February 21, 2003.

Del Grosso Foods, Inc., Route 220, P. O. Box 337, Tipton, PA 16684. Authorization No. WH2472. Effective February 21, 2003.

Consolidated Scrap Resources, Inc., 120 Hokes Mill Road, P. O. Box 389, York, PA 17405-0389. Authorization No. WH2473. Effective February 21, 2003.

Robert M. Hooper Sr., 172 Baron Hill Road, P. O. Box 39, Brantamore, PA 19316. Authorization No. WH2476. Effective February 21, 2003.

Barry G. Miller, 7 Miller Lane, Oak Spring Road, Marianna, PA 15345. Authorization No. WH2477. Effective February 21, 2003.

Stephanie Express Company, 414 North 12th Street, Newark, NJ 07107. Authorization No. WH2479. Effective February 21, 2003.

John D'Orazio & Sons, Inc., 2900 East Bridge Street, Philadelphia, PA 19137-1898. Authorization No. WH2480. Effective February 21, 2003.

George Husack, Inc., 4234 Locust Drive, Schnecksville, PA 18078-2526. Authorization No. WH2073. Effective February 6, 2003.

Salvation Army Adult Rehabilitation Center, P. O. Box 6176, Erie, PA 16512-6176. Authorization No. WH2074. Effective February 6, 2003.

Gator Trucking, 151 Kelly Road, Dayville, CT 06241-1403. Authorization No. WH2075. Effective February 6, 2003.

Tri-S Environmental Services, Inc., 25 Pinney Street, Ellington, CT 06029. Authorization No. WH2100. Effective February 6, 2003.

Universal Builders & Remodelers Unlimited, 8012 Castor Avenue, Philadelphia, PA 19152. Authorization No. WH2102. Effective February 6, 2003.

Taylor Borough, Lackawanna County, 122 Union Street, Taylor, PA 18517-1772. Authorization No. WH2104. Effective February 6, 2003.

Conemaugh Township, Cambria County, 113 Mizel Lane, Johnstown, PA 15902. Authorization No. WH2105. Effective February 6, 2003.

Jose S. Briceno, 3 Kingsland Avenue, Harrison, NJ 07029. Authorization No. WH2106. Effective February 6, 2003.

Wending Creek Farms, Inc., 106 Steerbrook Road, P. O. Box 850, Coudersport, PA 16915-1141. Authorization No. WH2107. Effective February 6, 2003.

George Alfred, 113 Douglass Street, Reading, PA 19601. Authorization No. WH2108. Effective February 6, 2003.

Drummond Transportation, Inc., 52 North Mortimer Avenue, Elmsford, NY 10523. Authorization No. WH2110. Effective February 6, 2003.

Dom Ross Jr., Inc., 817 Route 9, Manahawkin, NJ 08050. Authorization No. WH2312. Effective March 3, 2003.

Emanuel Tire of Pennsylvania Inc., 1251 Conshohocken Road, Conshohocken, PA 19428. Authorization No. WH2387. Effective February 25, 2003.

Ocean Trace Demolition, 158 Falls Avenue, Oakville, CT 06779. Authorization No. WH2394. Effective February 25, 2003.

Mutual Realty Corporation, P. O. Box 1226, Lebanon, PA 17042. Authorization No. WH2396. Effective February 25, 2003.

W & P Rebeck Trucking, R. R. 2 Box 356, Shamokin, PA 17872. Authorization No. WH2492. Effective February 25, 2003.

Bradford Sanitation Authority, 28 Kennedy Street, P. O. Box 546, Bradford, PA 16701-0546. Authorization No. WH2495. Effective February 25, 2003.

Brubacher Excavating Inc., 825 Reading Road, P. O. Box 528, Bowmansville, PA 17507-0528. Authorization No. WH2496. Effective February 25, 2003.

J. Young Refuse, 263 Cullen Drive, Georgetown, PA 15043. Authorization No. WH2497. Effective February 25, 2003.

Eddy Gonzalez, 1010 East 23rd Street, Apartment 5, Paterson, NJ 07513. Authorization No. WH2498. Effective February 25, 2003.

North Fayette Township, Allegheny County, 400 N. Branch Road, Oakdale, PA 15071-3610. Authorization No. WH2514. Effective February 25, 2003.

Welka Disposal, 1556 Ferrick Drive, Erie, PA 16509-2702. Authorization No. WH2515. Effective February 25, 2003.

Rich Kerpovich Sanitation Service, 90 Tobin Lane, Edwardsville, PA 18704-2326. Authorization No. WH2516. Effective February 25, 2003.

Logistic Inc., 5903 Hudson Avenue, West New York, NJ 07093-3366. Authorization No. WH1341. Effective February 25, 2003.

G. M. Cabel Trucking Inc., 524 Route 46, Kenil, NJ 07847. Authorization No. WH2499. Effective February 25, 2003.

A. J. Crumbley Enterprises Inc., P. O. Box 50993, 2334 N. 24th Street, Philadelphia, PA 19132. Authorization No. WH2521. Effective February 25, 2003.

B. F. I. Waste Systems of North America Inc., 731 East Reliance Road, Telford, PA 18969-1165. Authorization No. WH2522. Effective February 25, 2003.

Central Jersey Waste & Recycling Inc., 1675 Whitehorse Mercerville Road, Hamilton, NJ 08619. Authorization No. WH2524. Effective February 25, 2003.

Chem Freight Inc., 1701 East Matzinger Road, Toledo, OH. Authorization No. WH2525. Effective February 28, 2003.

Bradford Township, McKean County, 136 Hemlock Street, Bradford, PA 16701-3799. Authorization No. WH2527. Effective February 28, 2003.

D G W Trucking Inc., 4701 Bath Street, Philadelphia, PA 19137. Authorization No. WH2528. Effective February 28, 2003.

Greg L. Degler, R. R. 4 Box 4018, Saylorsburg, PA 18353. Authorization No. WH2531. Effective February 28, 2003.

Thorne Equipment Corporation, P. O. Box 16180, Philadelphia, PA 19114. Authorization No. WH2532. Effective February 28, 2003.

Milton A. Aguirre, 18 Bush Avenue 2R, Port Chester, NY 10573. Authorization No. WH2534. Effective February 28, 2003.

Saar's Disposal, 1440 Sherman Street, Williamsport, PA 17701. Authorization No. WH2535. Effective February 28, 2003.

Solomon Container Service, 495 Stantom Street, Wilkes-Barre, PA 18702. Authorization No. WH2536. Effective February 28, 2003.

Evan G. Millas, 413 River Place, Manasquan, NJ 08736-3852. Authorization No. WH2537. Effective February 28, 2003.

Canyon Trucking Inc., 413 River Place, Manasquan, NJ 08736-3822. Authorization No. WH2538. Effective February 28, 2003.

Donald A. Rhoads, 25 Faye Drive, Bechtelsville, PA 19505-9237. Authorization No. WH2539. Effective February 28, 2003.

Claudiney P. Desouza, 313 Bergen Blvd., Fairview, NJ 07022. Authorization No. WH1652. Effective March 3, 2003.

Casper Colosimo & Son Inc., 5170 Campbells Run Road, Pittsburgh, PA 15205-9731. Authorization No. WH2117. Effective March 3, 2003.

John M. Bower, 100 Rose Street, Williamsport, PA 17701. Authorization No. WH2194. Effective March 3, 2003.

Advanced Tank Systems Inc., 374 Eggerts Crossing Road, Ewing, NJ 08638. Authorization No. WH2542. Effective March 3, 2003.

Enterprise Tire Recycling, 454 Canterbury Circle, Carnegie, PA 15106-1563. Authorization No. WH2544. Effective March 3, 2003.

Cousins Waste Control Corporation, 1701 East Matzinger Road, Toledo, OH 43612-3841. Authorization No. WH2545. Effective March 3, 2003.

Frank Kull Inc., 1464 Jarvis Road, Erial, NJ 08081. Authorization No. WH2546. Effective March 3, 2003.

Northeast Cartage LLC, P. O. Box 1474, Kingston, PA 18704. Authorization No. WH2547. Effective March 3, 2003.

Department of Transportation Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701. Authorization No. WH2548. Effective March 3, 2003.

Bethlehem Steel Corporation, 139 Modena Road, Coatesville, PA 19320. Authorization No. WH2553. Effective March 3, 2003.

JMS Transportation Inc., Apt. 13J, 1041 Pugsley Avenue, Bronx, NY 10472. Authorization No. WH2555. Effective March 3, 2003.

Robert W. Ferreira, P. O. Box 635, Harrison, NJ 07029. Authorization No. WH2807. Effective March 3, 2003.

Gregory Long Trucking, 23 Blue Jay Drive, Newburgh, NY 12550. Authorization No. WH2805. Effective March 3, 2003.

Risko Trucking Inc., 109 Taylor Drive, Levittown, PA 19054-2619. Authorization No. WH2804. Effective March 3, 2003.

Rolaf Enterprises LLC, 372 Piermont Avenue, Hillsdale, NJ 07642. Authorization No. WH2803. Effective March 3, 2003.

Circle Rubbish Removal Inc., 500 North Wood Avenue, Linden, NJ 07036. Authorization No. WH2800. Effective March 3, 2003.

AIR QUALITY

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

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

23-320-004GP: Dee Paper Co. (Front and Broomall Streets, Chester, PA 19013) on March 20, 2003, for a lithographic printing press in the City of Chester, **Delaware County**.

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

GP1-06-03099: Garden State Tanning, Inc. (16 South Franklin Street, Fleetwood, PA 19522) on February 25, 2003, was authorized to operate two small gas and No. 2 oil fired combustion units under GP1 in the City of Reading, **Berks County**.

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

62-155: Belden and Blake Corp.—Lamoree Station (SR 27, Grand Valley, PA 16354) on February 28, 2003, for operation of a natural gas production facility in Elred Township, **Warren County**.

62-137: Glenn O. Hawbaker—Clarion Aggregate Plant (394 Ritts Station Road, Emlenton, PA 16373) on January 31, 2003, for operation of a portable mineral processing plant in Beaver Township, **Clarion County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

09-0016: Exelon Generation Co., LLC (955 River Road, Bristol, PA 19007) on February 26, 2003, for operation of a combustion turbine in Bristol Township, **Bucks County**.

46-0191C: Merck and Co., Inc. (351 North Summeytown Pike, North Wales, PA 19454) on February 26, 2003, for operation of two heater units, boiler and generator in Upper Gwynedd Township, **Montgomery County**.

46-0005V: Merck and Co., Inc. (770 Summeytown Pike, West Point, PA 19486) on February 28, 2003, for operation of a biological manufacturing building in Upper Gwynedd Township, **Montgomery County**.

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

54-399-033: Pine Grove Manufactured Homes, Inc. (P. O. Box 128, Pine Grove, PA 17963) on February 25, 2003, for construction of cutting, adhesive and sealant processes with the associated air cleaning device at their facility in Pine Grove Township, **Schuylkill County**.

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

67-05046C: United Defense LP (P. O. Box 15512, York, PA 17405) on February 25, 2003, for modification of the emission cap for the surface coating operation in West Manchester Township, **York County**.

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

11-00507A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on February 19, 2003, for coal processing and coal loading at Twin Rocks Coal Processing Facility in Blacklick Township, **Cambria County**.

04-00516D: Vesuvius McDanel Co. (510 9th Avenue, Beaver Falls, PA 15010) on February 25, 2003, for installation of a natural gas-fired kiln at Beaver Falls Plant in Beaver Falls, **Beaver 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—Nectarine Plant (SR 3003, Nectarine, PA 16038) on February 25, 2003, for construction of a drum mix asphalt plant in Irwin Township, **Venango County**.

10-341A: Wholesale Auto Rehab Services (21095 Route 19, Cranberry Township, PA 16066) on February 19, 2003, for installation of nine prep stations in Cranberry Township, **Butler County**.

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

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

09-0090: Messer Griesheim Industries, Inc. (One Steel Road East, Morrisville, PA 19067) on February 25, 2003, for operation of residual cylinder gases in Falls Township, **Bucks County**.

23-0082: Liberty Electric Power, LLC (1000 Industrial Highway, Eddystone, PA 19022) on February 26, 2003, for operation of a power plant—500 mW in Eddystone Borough, **Delaware County**.

46-0022: ATOFINA Chemicals, Inc. (900 1st Avenue, King of Prussia, PA 19406) on February 27, 2003, for operation of a boiler in Upper Merion Township, **Montgomery County**.

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

07-03034B: Fry Metals, Inc. (4100 Sixth Avenue, Altoona, PA 16602) on December 12, 2002, for construction of a soft metal melting area controlled by a fabric filter in the City of Altoona, **Blair County**. This plan approval was extended.

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

14-313-042: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on February 14, 2003, to require the use of a secondary air cleaning device (a packed tower scrubber) on various chemical reaction vessels, to lower the required scrubbing solution flow rate on an odor scrubber from 20 gallons per minute to 15 gallons per minute and to make various other minor revisions in College Township, **Centre County**.

08-399-003E: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) on February 24, 2003, to delete a requirement that a prescrubbing system use 20% caustic solution in North Towanda Township, **Bradford County**.

14-313-042: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on February 19, 2003, to extend the authorization to operate a chemical process facility (ROC-8) on a temporary basis until June 19, 2003, in College Township, **Centre County**.

41-00010B: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) on February 21, 2003, to extend the authorization to operate a thermal foundry sand reclamation system and associated air cleaning devices (two fabric collectors) on a temporary basis until June 21, 2003, in Muncy Borough, **Lycoming County**.

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

26-00545A: HBC Barge, LLC (1800 Paul Thomas Blvd., Brownsville, PA 15417) on February 21, 2003, for installation of a barge manufacturing and repair facility in Brownsville Borough, **Fayette County**. This plan approval has been extended.

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

25-648B: NEPA Energy LP (10915 Ackerman, North East, PA 16428) on December 30, 2002, for operation of a boiler in North East, **Erie County**.

42-197A: M and M Royalty, Ltd.—Irishtown Plant (Route 307, Lewis Run, PA 16738) on January 31, 2003, for installation of a compressor engine in Lafayette Township, **McKean County**.

24-083D: Carbone of America Graphite Materials Division (215 Stackpole Street, St. Marys, PA 15857) on February 28, 2003, for construction of carbon baking kilns in Benzinger Township, **Elk County**.

24-083E: Carbone of America Graphite Materials Division (215 Stackpole Street, St. Marys, PA 15857) on February 28, 2003, for installation of a wet scrubber in Benzinger Township, **Elk County**.

25-930A: Metro Machine Corp. (Holland Street, Erie, PA 16506) on February 28, 2003, for installation of a paint booth in Erie, **Erie County**.

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

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

65-00183: Allegheny Ludlum Corp. (100 River Road, Brackenridge, PA 15014) on February 28, 2003, for their West Leechburg/Bagdad facility, in West Leechburg, **Westmoreland County** and Bagdad, **Armstrong County**. The Title V facility's major sources of emissions include various anneal and pickle lines, heat treating furnaces and finishing mills which emit major quantities of NOx.

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

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

23-00027: 3M/Dyneon LLC (50 Milton Drive, Aston, PA 19014) on February 25, 2003, for operation of a Synthetic Minor Operating Permit in Chester Township, **Delaware County**.

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

22-03037: Consolidated Scrap Resources, Inc. (P. O. Box 1761, Harrisburg, PA 17105) on March 3, 2003, for operation of a metal scrap shredder in the City of Harrisburg, **Dauphin County**.

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

30-00067: Jefferson Morgan School District (Box 158, Greene Street, Jefferson, PA 15344) on February 27, 2003, for operation of boilers at their school in Jefferson Borough, **Greene County**.

56-00261: Gilmour Manufacturing Co. (P. O. Box 838, Somerset, PA 15501) on February 27, 2003, for operation of their lawn equipment manufacturing facility in Somerset Township, **Somerset County**.

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

10-00208: Tyco Healthcare Retail Group (300 Zeigler Street, Harmony, PA 16037) on February 21, 2003, for a Natural Minor Permit to operate a diaper manufacturing facility in Harmony Borough, **Butler County**.

42-00061: Dresser, Inc. (41 Fisher Avenue, Bradford, PA 16701). Natural Minor operating permit for emissions from the manufacturing of specialty steel piping components in the City of Bradford, **McKean County**.

INTERSTATE OZONE TRANSPORT REDUCTION

NOx Budget Trading Program

25 Pa. Code § 145.42(d)—New Source Set-Aside Proposed Allocations

The Department is providing notice and an opportunity for comment regarding the allowance allocation from the new source set-aside for the 2003 control period. The new source set-aside contains 2,234 allowances, 1,763 of which are available for new sources after allocation corrections. For each NOx budget unit the table lists the amount of allowances applied for under the request column, the maximum number of allowances allowed by the regulation under the maximum column and the proposed prorate allocation under the allocation column.

New source operators are advised that this allocation is for one control period only. To receive allocations for future control periods, source operators must submit new requests by the December 31 deadline each year.

Send written comments to Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17101. Contact James Stoner, Division of Air Resource Management, (717) 772-3921. Comments must be received by March 24, 2003.

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
AES Ironwood, LLC	55337	1	92	92	71
AES Ironwood, LLC	55337	2	92	92	71
PEI Power (Archbald)	50279	2	84	84	65
Allegheny Energy 1	55196	1	41	41	32
Allegheny Energy 2	55196	2	41	41	32
Allegheny Energy 3	55710	1	37	37	29
Allegheny Energy 4	55710	2	37	37	29
Allegheny Energy 8	55377	8	50	50	39
Allegheny Energy 9	55377	9	50	50	39
Allegheny Energy 12	55654	12	49	49	38
Allegheny Energy 13	55654	13	49	49	38
UGI Hunlock	31760	4	38	38	29
Connectiv Bethlehem	55690	1	26	26	20
Connectiv Bethlehem	55690	2	26	26	20

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Connectiv Bethlehem	55690	3	26	26	20
Connectiv Bethlehem	55690	5	95	95	74
Connectiv Bethlehem	55690	6	95	95	74
Connectiv Bethlehem	55690	7	95	95	74
Grays Ferry	54785	2	147	147	114
Grays Ferry	54785	25	80	80	62
Williams Hazleton	10870	2	39	39	30
Williams Hazleton	10870	3	39	39	30
Williams Hazleton	10870	4	39	39	30
Armstrong Energy LLC	55347	1-4	278	278	216
PPL Mt. Bethel	55667	1	49	49	38
PPL Mt. Bethel	55667	2	39	39	30
Merck Turbine No. 3	52149	40	34	34	26
Liberty Elec. Power	55276	1	76	76	59
Liberty Elec. Power	55276	2	76	76	59
Hunterstown LLC	31100	CT101	52	52	40
Hunterstown LLC	31100	CT201	52	52	40
Hunterstown LLC	31100	CT301	52	52	40
Duke Energy Armaugh	880071	31301	52	52	40
Duke Energy Entriiken	880072	31601	53	53	41
Ontelaunee Energy	55193	CT1	27	27	21
Ontelaunee Energy	55193	CT2	27	27	21

**Statement of 25 Pa. Code § 145.43(b)—(d)
Compliance Supplement Pool**

Early Reduction Credit Requests

As required under 25 Pa. Code § 145.43(e)(2), the Department is publishing the Early Reduction Credit requests. The adjusted and prorated allocations will be offered for comment after the NOx Budget Administrator completes reconciliation of all of the requesting unit's NOx budget unit accounts for the 2002 compliance period. Requests made under 25 Pa. Code § 145.43(b), banked allowance conversion, are listed under Para. (b). Requests made under 25 Pa. Code § 145.43(b), by units that installed and operated catalytic reduction control equipment after May 1999, are listed under Para. (c).

Send written comments to Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468. Contact James Stoner, Division of Air Resource Management, (717) 772-3921.

<i>Facility</i>	<i>ORIS</i>	<i>Para. (b)</i>	<i>Para. (c)</i>
AES Ironwood	55337	268	
Allegheny Energy 1-2	55196	7	
Allegheny Energy 8-9	55377	7	
Allegheny Energy 12-13	55654	7	
Armstrong	3178	210	
Blossburg	3120	1	
Bruce Mansfield	6094	1124	
Brunner Island	3140	7050	
Brunot Island	3096	748	
Cheswick	8226	508	
Colver Power Project	10143	7213	
Cromby	3159	1796	
Ebensburg Power	10603	321	
Eddystone	3161	71	
Elrama	3098	508	
Fairless Energy LLC	55298	1506	
Fairless Hills—Exelon	7701	39	
Glatfelter, P. H. Co.	50397	28	

<i>Facility</i>	<i>ORIS</i>	<i>Para. (b)</i>	<i>Para. (c)</i>
Hamilton	3109	1	
Hatfield's Ferry	3179	4279	
Homer City	3122	636	2710
Hunlock Pwr. Station	3176	66	
Hunterstown	3110	7	
Keystone	3136	12	
Liberty Electric Power	55231	503	
Mitchell	3181	1594	
Montour	3149	948	14995
Mountain	3111	3	
New Castle	3138	2698	
Ortanna	3112	1	
Portland	3113	13	
Procter & Gamble Co.	50463	23	
Schuylkill	3169	18	
Seward	3130	16503	
Shawnee	3114	1	
St. Nicholas	54634	20	
Cogeneration			
Sun Refining & Marketing Co.	880020	46	
Sun Refining & Marketing Co.	52106	562	
Sunbury	3152	20	
Sunoco Inc.	880007	15	
Titus	3115	17	
Tolna	3116	5	
Tosco Refining	880025	165	
Warren	3132	25	
Wayne	3134	2	
Westwood Energy Properties	50611	1113	
Wheelabrator Frackville	50879	107	
Williams Gen.—Hazleton	10870	3745	
Total:	53721	17705	

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

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

03851302. NPDES Permit PA0379302, Rosebud Mining Company (R. D. 9, Box 379A, Kittanning, PA 16201-9642), to renew the permit for the Rosebud Mine No. 3 in Perry Township, **Armstrong County**, renewal (reclamation only), Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued February 27, 2003.

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

61020102 and NPDES Permit No. PA0242101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous strip operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: unnamed tributaries to the Allegheny River. Application received March 14, 2002. Permit issued February 18, 2003.

1475-61020102-E-3. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributaries 3, 3A and 3B to the Allegheny River in Scrubgrass Township, **Venango County**. Receiving streams: unnamed tributaries to the Allegheny River. Application received March 14, 2002. Permit issued February 18, 2003.

33930110. McKay Coal Company (R. D. 2, Box 35C, Templeton, PA 16259). Revision to an existing bituminous strip and auger operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Joseph M. Carney property in Perry Township, **Jefferson County**. Receiving streams: two unnamed tributaries to Foundry Run. Application received December 10, 2002. Permit issued February 26, 2003.

24870101 and NPDES Permit No. PA0207794. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous

strip and auger operation in Fox Township, **Elk County** affecting 81.0 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributaries to Toby Creek. Application received December 27, 2002. Permit issued February 25, 2003.

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. 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.

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

05034001. New Enterprise Stone & Lime Company, P. O. Box 77, New Enterprise, PA 16641, road construction, road widening Route 30 narrows, Bedford and Snake Spring Townships, **Bedford County**. Duration approximately 25 months. Permit issued February 19, 2003.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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

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

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

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

Permits Issued and Actions on 401 Certifications

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E52-179. Twin Lakes Woods Property Owners Association c/o Matt Candito, 227 Eastwood Drive, Shohola, PA 18458. Shohola Township, Pike County, Army Corps of Engineers Philadelphia District.

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

E54-293. West Penn Township, R. R. 1, Box 100D, New Ringgold, PA 17960. West Penn Township, Schuylkill County, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a precast concrete bridge, having a span of 24 feet and an approximate underclearance of 5 feet across Mahoning Creek. The project is located at the intersection of Valley Park Road (T-932) and Mahoning Creek. (Tamaqua, PA Quadrangle N: 2.9 inches; W: 0.9 inch).

E54-294. West Penn Township, R. R. 1, Box 100D, New Ringgold, PA 17960. West Penn Township, Schuylkill County, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a precast concrete bridge, having a span of 30 feet and an approximate underclearance of 6.7 feet across Mahoning Creek. The project is located on Berry Road (T-954) immediately south of the intersection with Millhead Road (T-952) (Nesquehoning, PA Quadrangle N: 5.0 inches; W: 13.2 inches).

E35-364. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. City of Scranton, Lackawanna County, Army Corps of Engineers Baltimore District.

To construct and maintain the downstream portion of a 327-foot long stream enclosure consisting of 212 feet of 9 foot 4 inch by 6 foot 3 inch corrugated metal pipe arch and 90 feet of 10 foot by 4 foot concrete box culvert connected by a 25-foot long concrete transition structure, in a tributary to Keyser Creek with a debris deflector at the upstream end and a concrete stilling basin at the downstream end. The downstream portion consists of the transition structure, the concrete box culvert and the stilling basin. The project is located on SR 3011 (Keyser Avenue) approximately 0.55 mile south of its intersection with SR 0307 (Morgan Highway) (Scranton, PA Quadrangle N: 11.4 inches; W: 7.4 inches).

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

E31-185. Department of Transportation, District 9-0, Earl L. Neiderhiser, P. E., District Engineer, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Cromwell Township, Huntingdon County, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain within SR 0522, Section 5BS, Segment 0190, Offset 3211: (1) a prestressed concrete bridge having a single span of 124 feet on a 41-degree skew and an average underclearance of 13.6 feet across Blacklog Creek (HQ-CWF-WWF); and (2) to fill in 0.049 acre of wetland located about 1.3 miles east of Orbisonia Borough (Shade Gap, PA Quadrangle N: 19.5 inches; W: 17.25 inches) in Cromwell Township, Huntingdon County. The applicant will provide 0.049 acre of replacement wetlands at the Aughwick Creek Advance Wetland replacement Site.

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

E14-436. Huston Township Authority, P. O. Box 40, Julian, PA 16844. Sewer line crossing and outfall, in Huston Township, Centre County, ACOE Baltimore District (Julian, PA Quadrangle N: 20.95 inches; W: 8.60 inches).

To: (1) four 2-inch PVC pipe crossings and the associated 20 linear foot riprap crossing protection of an unnamed tributary to Laurel Run; (2) one 2-inch PVC pipe crossing and the associated 20 linear foot riprap crossing protection of Laurel Run; (3) 65 linear feet crossing of a wetland with an 8-inch diameter pipe; and (4) a concrete headwall and R-5 riprap apron outfall for a 8-inch diameter discharge pipe.

E18-348. Ernest and Nancy Renninger, 164 East End Mountain Road, Mill Hall, PA 17751. Lock No. 34 Restoration, in Woodward Township, Clinton County,

ACOE Baltimore District (Lock Haven, PA Quadrangle N: 2.6 inches; W: 8.25 inches).

To construct and maintain: (1) a 110-foot by 25-foot boat slip with the associated 40-foot deep by 30-foot long stone block riverside entrance in a historical waterway chute to include 2,092 square feet of de minimis wetland excavation and 6,308 square feet of upland floodway excavation; (2) a 6-foot wide by 20-foot long bridge over a historical canal lock; (3) an 8-foot by 16-foot open sided pavilion on 8-foot high by 6-inch by 6-inch posts with a concrete/brick at-grade floor; (4) 200 feet of split rail fence on the western property line between the river and SR 664; (5) a temporary cofferdam in the river to create a dry working area to cut through the river bank; and (6) rebuild a 270-foot long reach of the historical canal and Lock No. 34, all of which are in the left floodway of the West Branch Susquehanna River.

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

E10-368, Butler County Commissioners, P. O. Box 1208, Butler, PA 16003-1208. R.C. Duffy Bridge County

No. 26 T-428 New Hope Road Across McMurray Run, in Cherry Township, **Butler County**, ACOE Pittsburgh District (West Sunbury, PA Quadrangle N: 15.6 inches; W: 12.7 inches).

To remove the existing R. C. Duffy Bridge (County No. 26) and to construct and maintain a steel beam bridge having a clear span of 37 feet and an underclearance of 6 feet on a 71 degree skew across McMurray Run on T-428 New Hope Road approximately 1 mile north of Branchton Road.

E42-294, Bradford Housing Authority, 2 Bushnell Street, Bradford, PA 16701. Bennett Brook Pedestrian Bridge Replacement, in the City of Bradford, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 14.7 inches; W: 4.6 inches).

To remove the existing pedestrian bridge superstructure and to construct and maintain a concrete deck on steel girders pedestrian bridge having a clear span of 19.8 feet and an underclearance of 7 feet across Bennett Brook (CWF) approximately 250 feet southwest of the intersection of Bennett Street and Barbour Street.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code, Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03-20-001	James E. Clark Agway Energy Products, LLC P. O. Box 4852 Syracuse, NY 13221-4852	Crawford	Hayfield Township	Five ASTs storing petroleum products	100,000 total gallons
03-04-003	Patrick A. Gallagher Rhody's Fuel Stop Inc. One PGT Way Monaca, PA 15061	Beaver	Potter Township	Two ASTs storing diesel fuel	24,000 total gallons

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of February 2003, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified following the persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Brian Bacchus Airtech Radon Services, Inc	251 Fox Meadow Drive Wexford, PA 15090	Mitigation Testing
Donald Bobincheck	116 Kenney Drive Sewickley, PA 15143	Testing
Keri Gerontianos	2520 Sandy Lane Palmer, PA 18045	Testing and Mitigation
E. Patrick Joseph	561 Vanderbilt Road Connellsville, PA 15425	Testing
G. Richard Lininger, Jr.	122 Madison Avenue Waynesboro, PA 17268	Testing
Microbac Laboratories, Inc.	1962 Wager Road Erie, PA 16509	Testing and Laboratory

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Brian Mishler	212 West Grant Street Latrobe, PA 15650	Testing
Joseph Nirschel, Jr.	213 North 14th Street Allentown, PA 18102	Mitigation
Martin Spiegel	810 Yale Avenue G-4, P. O. Box 438 Swarthmore, PA 19081	Testing
Janice Struder	P. O. Box 72722 Thorndale, PA 19372	Testing
John Wechter	72 Gristmill Lane Royersford, PA 19468	Testing
Dana Wilson Radon X	2527 Brandt School Road Wexford, PA 15090	Mitigation

[Pa.B. Doc. No. 03-464. Filed for public inspection March 14, 2003, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "January 2003 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 2003.

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.

Draft Technical Guidance

DEP ID: 274-0300-004. Title: Applicability Determination for Continuous Source Monitoring Manual Revisions. Description: Certain industrial and technical sources are required to continuously monitor emissions of key pollutants and/or operational parameters to demonstrate compliance with emission standards. The Bureau's Continuous Source Monitoring Manual (Manual) (Doc. ID 274-0300-001) contains a description of procedures used by sources for requesting approval of monitoring installations and requirements for performance testing, recordkeeping, reporting and quality assurance. From time to time, the Manual must be revised to respond to changing program needs and to provide for enhanced consistency with requirements for other monitoring pro-

grams such as NSPS monitoring and the Acid Rain and NOx budget programs. The guidance document establishes uniform procedures to be utilized by Department personnel to determine applicability of requirements specified in revisions to the Manual with respect to new Phase I submittals (monitoring plans) and previously approved monitoring systems. Anticipated Effective Date: July 1, 2003. Comment Period Ends: April 14, 2003. Contact: Joseph C. Nazzaro, (717) 783-9247, jnazzaro@state.pa.us.

Draft Technical Guidance—Substantive Revisions

DEP ID: 274-0300-001. Title: Continuous Source Monitoring Manual Revisions. Description: Certain industrial and technical sources are required to continuously monitor emissions of key pollutants and/or operational parameters to demonstrate compliance with emission standards. This manual contains design specifications, performance specifications, performance test procedures, data storage and reporting requirements, quality assurance criteria and administrative procedures for obtaining Department approval of continuous source emission monitoring systems or other monitoring systems required under the Department's rules and regulations. This document contains a description of procedures used by sources for requesting approval of monitoring installations and requirements for performance testing, recordkeeping, reporting and quality assurance. From time to time, the Manual must be revised to respond to changing program needs and to provide for enhanced consistency with requirements for other monitoring programs such as NSPS monitoring and the Acid Rain and NOx budget programs. Anticipated Effective Date: July 1, 2003. Comment Period Ends: April 14, 2003. Contact: Joseph C. Nazzaro, (717) 783-9247, jnazzaro@state.pa.us.

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-465. Filed for public inspection March 14, 2003, 9:00 a.m.]

Certification Program Advisory Committee Meeting Cancellation

The Certification Program Advisory Committee (CPAC) has cancelled its regularly scheduled meeting on March 20, 2003. The next scheduled meeting is April 9, 2003.

The CPAC has added a meeting date to its 2003 schedule. The meeting will be held on May 8, 2003, in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The exact conference room will be announced at a future date.

Persons having questions concerning these meetings should contact Lynn Rice, (717) 787-5236, mlrice@state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact Lynn Rice at the previously listed number or e-mail address or through Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-466. Filed for public inspection March 14, 2003, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board Meeting Cancellation

The Cleanup Standards Scientific Advisory Board (CSSAB) meeting scheduled for Wednesday, March 19, 2003, has been cancelled. The next meeting of the CSSAB is scheduled for May 20, 2003, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Marilyn Wooding, (717) 783-7816, mwooding@state.pa.us. The agenda and meeting materials for the May 20, 2003, meeting 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 the meeting should contact the Department at (717) 783-7816 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-467. Filed for public inspection March 14, 2003, 9:00 a.m.]

Extension of General NPDES Permit for Stormwater Discharges Associated with Industrial Activities (PAG-3)

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) issues a 7 month time extension of the terms of its current General NPDES Permit for Stormwater Discharges Associated with Industrial Activities (PAG-3). The current general permit expired March 4, 2003. The terms of the current permit are extended until October 4, 2003. The extension was effective on March 5, 2003, and expires October 4, 2003. The Department will continue to grant coverage under the existing general permit and enforce permit compliance in

accordance with existing requirements until the general permit is reissued following the public review process.

The Department redated and posted the current permit and associated documents (the Notice of Intent and instructions, Fact Sheet and Discharge Monitoring Reports) on the Department's website on March 5, 2003.

The extension permit documents package will continue to be available from Department's central and regional offices until it is replaced or updated.

The permit document package is on file in the Department's central office of the Bureau of Water Supply and Wastewater Management at the following location. It is also available on the Department's website at www.dep.state.pa.us. The package can also be obtained by contacting the Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. 8467, Harrisburg, PA 17105-8467, (717) 783-3795, or trutrutma@state.pa.us.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-468. Filed for public inspection March 14, 2003, 9:00 a.m.]

Revision of Areas Unsuitable for Surface Mining; Petition No. 11969901; Muddy Run Watershed, Cambria and Clearfield Counties

The Department of Environmental Protection (Department), Bureau of Mining and Reclamation, has revised the technical study area of the petition to designate the Muddy Run Watershed in Reade Township, Cambria County, and the upper portion of the Muddy Run Watershed in Beccaria and Gulich Townships, Clearfield County, as an area unsuitable for surface mining operations. This study was initiated in response to Petition No. 11969901 submitted by James Thompson on behalf of the Reade Township Municipal Authority for the protection of public water supply wells.

The Department's original technical study area was determined to be approximately 5,127 acres (2,075 hectares) located south of Township Road T534. This area was significantly larger than the area requested by the petitioner because it was identified on the basis of the limited hydrogeologic data and mining history available at the time the petition was submitted. Based upon evaluation of the most recent hydrogeologic data and results from adjacent remaining operations, the Department has revised the technical study area to include that portion of the watershed most likely to contain the recharge area for the public water supply wells. The revised technical study area is approximately 3,691 acres (1,493.8 hectares) located south of Township Road T253.

For further information, contact Milton McCommons, (717) 783-9582, mmccommons@state.pa.us

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-469. Filed for public inspection March 14, 2003, 9:00 a.m.]

Sewage Advisory Committee Meeting Cancellation

The Sewage Advisory Committee (Committee) meeting scheduled for March 27, 2003, has been cancelled. The meeting of the Alternate Technology Subcommittee of the Committee scheduled for March 20, 2003, has also been cancelled. For information, contact Milt Lauch, (717) 787-8184, mlauch@state.pa.us.

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-470. Filed for public inspection March 14, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Advisory Committee on Immunization Practices; Recommendations Prescribing Child Immunization Practices

Under 31 Pa. Code §§ 89.806(a) and 89.807(b) (relating to coverage of child immunizations; and immunizing agents, doses and AWP), the Department of Health (Department), Bureau of Communicable Diseases, Division of Immunization is updating 31 Pa. Code Chapter 89, Appendices G and H (relating to ACIP recommendations prescribing child immunization practices; and immunizing agents and doses). The Department has primary responsibility for the interpretation and the implementation of 31 Pa. Code §§ 89.806 and 89.807. See 31 Pa. Code § 89.801(b) (relating to authority and purpose; implementation)

Health insurance policies are required by the Childhood Immunization Insurance Act (act) (40 P. S. §§ 3501—3508) and regulations promulgated thereunder to include coverage for certain childhood immunizations, unless the policies are exempted by the act and 31 Pa. Code § 89.809 (relating to exempt policies). The childhood immunizations covered are those that meet the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP) standards in effect on May 21, 1992 (see 31 Pa. Code § 89.806(a)). A list of the Centers for Disease Control Morbidity and Mortality Weekly Report (MMWR) publications containing ACIP recommendations issued under the ACIP standards in effect on May 21, 1992, appears in 31 Pa. Code Chapter 89, Appendix G.

The Department is required to update the list of these MMWR publications appearing in 31 Pa. Code Chapter 89, Appendix G. See 31 Pa. Code § 89.806(a). The additions to the list are as follows, the remainder of the list at Appendix G remains in full force and effect:

June 21, 2002/Vol. 51/No. 24

- Notice to Readers: Resumption of Routine Schedule for Tetanus and Diphtheria Toxoids

July 5, 2002/Vol. 51/No. 26

- Notice to Readers: Food and Drug Administration Approval of a Fifth Acellular Pertussis Vaccine for Use Among Infants and Young Children—United States, 2002

July 12, 2002/Vol. 51/No. 27

- Notice to Readers: Resumption of Routine Schedule for Diphtheria and Tetanus Toxoids and Acellular Pertussis Vaccine and for Measles, Mumps, and Rubella Vaccine

July 19, 2002/Vol. 51/No. 28

- Hepatitis B Vaccination Among High-Risk Adolescents and Adults—San Diego, California, 1998—2001

August 2, 2002/Vol. 51/No. 30

- National, State, and Urban Area Vaccination Coverage Levels Among Children Aged 19-35 Months—United States, 2001
- Impact of Vaccine Shortage on Diphtheria and Tetanus Toxoids and Acellular Pertussis Vaccine Coverage Rates Among Children Aged 24 Months—Puerto Rico, 2002

November 8, 2002/Vol. 51/No. RR—17

- Yellow Fever Vaccine: Recommendations of the Advisory Committee on Immunization Practices (ACIP), 2002

November 15, 2002/Vol. 51/No. 45

- Notice to Readers: Use of Anthrax Vaccine in Response to Terrorism: Supplemental Recommendations of the Advisory Committee on Immunization Practices

January 17, 2003/Vol. 52/No. 2

- Update: Influenza Activity—United States, 2002—03 Season

January 24, 2003/Vol. 52/No. SS—1

- Surveillance for Safety After Immunization: Vaccine Adverse Event Reporting System (VAERS)—United States, 1991—2001

The Department is also required to update information relating to immunizing agents and doses that the Department has extracted from ACIP recommendations issued under the standards in 31 Pa. Code § 89.806(a). See 31 Pa. Code § 89.807(b). The Department is also to periodically list the average wholesale price for immunizing agents. This information currently appears in 31 Pa. Code Chapter 89, Appendix H. The updated information is as follows:

List of Immunizing Agents and Average Wholesale Prices for 2003

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/Dose*</i>
Diphtheria Tetanus acellular Pertussis Vaccine (DTaP):					
Aventis Pasteur	Tripedia	49281-0298-10	10 x 1	0.5 ml	\$21.60
GlaxoSmithKline	Infanrix	58160-0840-11	10 x 1	0.5 ml	\$21.60
Diphtheria Tetanus pediatric Vaccine (DT pediatric):					
Aventis Pasteur	DT Pediatric	49281-0275-10	5.0 ml	0.5 ml	\$10.91

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/ Dose*</i>
Diphtheria Tetanus acellular Pertussis/Haemophilus Influenzae B (DTaP-HIB)					
Aventis Pasteur	TriHIBit	49281-0597-05	5 x 1	0.5 ml	\$21.15
Tetanus Diphtheria adult Vaccine (Td adult):					
Aventis Pasteur	Td Adult syringe	49281-0271-10	10 x 1	0.5 ml	\$13.28
Aventis Pasteur	Td Adult	49281-0271-83	5.0 ml	0.5 ml	\$10.91
Diphtheria, Tetanus, acellular Pertussis, Hepatitis B, Polio (DTaP, Hep B, OPV)					
GlaxoSmithKline	Pediarix	58160-0841-11	10 x 1	0.5 ml	\$77.24
Haemophilus Influenzae B Vaccine (HIB):					
Wyeth-Lederle	HibTITER	0005-0104-32	5 x 0.5	0.5 ml	\$25.54
Aventis Pasteur	ActHIB	49281-0545-05	5 x 1	0.5 ml	\$24.33
Merck & Co.	Pedvax HIB	0006-4897-00	10 x 0.5	0.5 ml	\$24.03
Injectable Polio Vaccine Inactivated (Salk Enhanced IPV):					
Aventis Pasteur	IPOL	49281-0860-10	5.0 ml	0.5 ml	\$24.35
Aventis Pasteur	IPOL	49281-0860-52	10 x 1	0.5 ml	\$28.34
Measles Mumps Rubella Vaccine (MMR):					
Merck & Co.	MMR II	0006-4749-00	0.5 ml	0.5 ml	\$44.28
Merck & Co.	MMR II	0006-4681-00	10 x 0.5	0.5 ml	\$38.56
Measles Vaccine (Rubeola):					
Merck & Co.	Atenuvax	0006-4709-00	0.5 ml	0.5 ml	\$17.73
Merck & Co.	Atenuvax	0006-4589-00	10 x 0.5	0.5 ml	\$14.23
Mumps Vaccine (Mumps):					
Merck & Co.	Mumpsvax	0006-4753-00	0.5 ml	0.5 ml	\$20.45
Merck & Co.	Mumpsvax	0006-4584-00	10 x 0.5	0.5 ml	\$18.40
Rubella (German Measles):					
Merck & Co.	Meruvax II	0006-4747-00	0.5 ml	0.5 ml	\$18.57
Merck & Co.	Meruvax II	0006-4673-00	10 x 0.5	0.5 ml	\$15.85
Hepatitis A Vaccine Pediatric (HEP-A):					
Merck & Co.	VAQTA	0006-4831-00	0.5 ml	0.5 ml	\$35.30
Merck & Co.	VAQTA	0006-4831-38	5 x 0.5	0.5 ml	\$31.88
Merck & Co.	VAQTA syringe	0006-4845-00	0.5 ml	0.5 ml	\$35.30
Merck & Co.	VAQTA syringe	0006-4845-38	5 x 0.5	0.5 ml	\$33.32
GlaxoSmithKline	Havrix	58160-0837-01	0.5 ml	0.5 ml	\$30.74
GlaxoSmithKline	Havrix	58160-0837-11	10 x 0.5	0.5 ml	\$29.40
GlaxoSmithKline	Havrix syringe	58160-0837-50	25 x 0.5	0.5 ml	\$29.40
GlaxoSmithKline	Havrix syringe	58160-0837-46	5 x 0.5	0.5 ml	\$29.40
GlaxoSmithKline	Havrix syringe	58160-0837-50	25 x 0.5	0.5 ml	\$29.40
GlaxoSmithKline	Havrix syringe	58160-0837-58	25 x 0.5	0.5 ml	\$29.40
Hepatitis A Vaccine Adult (HEP-A):					
Merck & Co.	VAQTA	0006-4841-00	1.0 ml	1.0 ml	\$70.60
Merck & Co.	VAQTA	0006-4841-38	5 x 1.0	1.0 ml	\$66.64
Merck & Co.	VAQTA syringe	0006-4844-00	1.0 ml	1.0 ml	\$70.60
Merck & Co.	VAQTA syringe	0006-4844-38	5 x 1.0	1.0 ml	\$66.64
GlaxoSmithKline	Havrix	58160-0835-01	0.5 ml	0.5 ml	\$60.24
GlaxoSmithKline	Havrix syringe	58160-0835-41	1 x 0.5	0.5 ml	\$58.95
GlaxoSmithKline	Havrix syringe	58160-0835-46	5 x 0.5	0.5 ml	\$58.95
Hepatitis B Vaccine (HEP-B):					
Merck & Co.	(1) Recombivax HB	00006-4980-00	0.5 ml	0.5 ml	\$27.42

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/ Dose*</i>
Merck & Co.	(1) Recombivax HB	00006-4981-00	10 x 0.5 ml	0.5 ml	\$26.10
Merck & Co.	(2) Recombivax HB	00006-4769-00	0.5 ml	0.5 ml	\$27.42
Merck & Co.	(2) Recombivax HB	00006-4876-00	10 x 0.5	0.5 ml	\$25.79
Merck & Co.	(2) Recombivax HB	00006-4849-00	5 x 0.5	0.5 ml	\$27.45
Merck & Co.	(2) Recombivax HB	00006-4969-00	5 x 0.5	0.5 ml	\$27.45
Merck & Co.	(3) Recombivax HB	00006-4773-00	3.0 ml	0.5 ml	\$67.10
Merck & Co.	(3) Recombivax HB	00006-4775-00	1.0 ml	1.0 ml	\$67.10
Merck & Co.	(3) Recombivax HB	00006-4872-00	10 x 1.0	1.0 ml	\$66.47
Merck & Co.	(3) Recombivax HB	00006-4873-00	10 x 3.0	0.5 ml	\$66.50
Merck & Co.	(3) Recombivax HB	00006-4848-00	5 x 1.0	1.0 ml	\$67.17
Merck & Co.	(3a) Recombivax HB	00006-4995-00	1.0 ml	1.0 ml	\$66.31
Merck & Co.	(3b) Recombivax HB	00005-4995-41	10 x 1.0	1.0 ml	\$66.31
Merck & Co.	(3c) Recombivax HB	00006-4992-00	1.0 ml	1.0 ml	\$186.62
GlaxoSmithKline	(4) Engerix-B	58160-0856-01	0.5 ml	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B	58160-0856-11	10 x 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-46	5 x 0.5	0.5 ml	\$23.87
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-50	25 x 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-46	5 x 0.5	0.5 ml	\$23.87
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-50	25 x 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-58	25 x 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-57	25 x 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(5) Engerix-B	58160-0857-01	1.0 ml	1.0 ml	\$55.98
GlaxoSmithKline	(5) Engerix-B	58160-0857-16	25 x 1.0	1.0 ml	\$54.56
GlaxoSmithKline	(5) Engerix-B syringe	58160-0857-46	5 x 1.0	1.0 ml	\$54.85
GlaxoSmithKline	(5) Engerix-B syringe	58160-0857-50	25 x 1.0	1.0 ml	\$54.85
(1) Pediatric/Adolescent formulation (preservative-free) @ 5mcg/.5ml (2) Adolescent/infant high risk formulation @ 10 mcg/ml DISCONTINUED (3) Adult formulation @ 10 mcg/1 ml DISCONTINUE (3a) Adult formulation (preservative free) @ 10 mcg/1 ml (3b) Two dose regimen for 11 through 15 years of age (preservative free) (3c) Dialysis formulation (preservative free) @ 40mcg/1ml (4) Pediatric formulation @ 10 mcg/0.5 ml (5) Adult formulation @ 20 mcg/ml					
Hepatitis B/HIB					
Merck & Co.	COMVAX	0006-4898-00	10 x 0.5	0.5 ml	\$47.98
Hepatitis A & Hepatitis B Vaccine:					
GlaxoSmithKline	Twinrix	58160-0850-01	1.0 ml	1.0 ml	\$88.32
GlaxoSmithKline	Twinrix	58160-0850-11	10 x 1.0	1.0 ml	\$86.91
GlaxoSmithKline	Twinrix syringe	58160-0850-46	5 x 1.0	1.0 ml	\$87.21
Influenza (split virus) Vaccine:					
Aventis Pasteur	Fluzone	49281-0370-15	10 x 0.5	0.5 ml	\$7.87
Evans	Fluvirin	19650-0103-10	5.0 ml	0.5 ml	\$5.95
Evans	Fluvirin/syringe	19650-0103-01	10 x 0.5	0.5ml	\$8.55
Rabies Vaccine:					
Aventis Pasteur	Imovax Rabies	49281-0250-10	1.0 ml	1.0 ml	\$144.53
Pneumococcal Vaccine:					
Wyeth-Lederle	Prevnar	0005-1970-67	5 x 0.5	0.5 ml	\$65.25
Merck & Co.	Pneumovax 23	0006-4739-00	2.5 ml	0.5 ml	\$14.69
Merck & Co.	Pneumovax 23	0006-4943-00	10 x 0.5	0.5 ml	\$16.49

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/Dose*</i>
Merck & Co.	Pneumovax 23 syringe	0006-4894-00	5 x 0.5	0.5 ml	\$19.30
Meningococcal Vaccine:					
Aventis Pasteur	Menomune	49281-0489-05	5 x 0.5	0.5 ml	\$65.79
Aventis Pasteur	Menomune	49281-0489-91	5.0 ml	0.5 ml	\$62.10
Varicella Virus Vaccine Live (Chickenpox):					
Merck & Co.	Varivax**	00006-4827-00	10 x 0.5	0.5 ml	\$65.20
Merck & Co.	Varivax**	00006-4826-00	0.5 ml	0.5 ml	\$68.39
**Comes with a box of 10 vials of diluent (package B: 00006-4309-00)					
Gamma Globulin/Immune Globulin (GG/IG):					
Bayer	Gamimune N 10%***	0026-0648-12	1 g	2.0 ml	\$91.11/g
Bayer	Gamimune N 10%***	0026-0648-15	2.5 g	2.0 ml	\$91.11/g
Bayer	Gamimune N 10%***	0026-0648-20	5 g	2.0 ml	\$91.11/g
Bayer	Gamimune N 10%***	0026-0648-71	10 g	2.0 ml	\$91.11/g
Bayer	Gamimune N 10%***	0026-0648-24	20 g	2.0 ml	\$91.11/g
***Dosage will vary depending upon the weight of the child and the disease for which the child is being immunized. 150 Pct AWP/Dose is to be calculated based upon the dosage used.					
Hepatitis B Immune Globulin (HBIG):					
NABI	NABI-HB	59730-4402-01	1.0 ml	1.0 ml	\$157.50
NABI	NABI-HB	59730-4403-01	5.0 ml	5.0 ml	\$126.00
Varicella-Zoster Immune Globulin (VZIG):					
Mass. PHBL	VZIG~	52769-0574-66	625 u	250 u	\$504.00
~Dosage will vary depending upon the weight of the child. If any portion of a vial is used to immunize a child, and the remainder cannot be used to immunize another individual, the entire vial shall be considered as part of the dosage used. 150 Pct LST/Dose is to be calculated based upon the dosage used.					
Rabies Immune Globulin (RIG):					
Aventis Pasteur	Imogam Rabies-HT~	49281-0190-10	10.0 ml	1.0ml	\$73.99
Aventis Pasteur	Imogam Rabies-HT~	49281-0190-20	2.0 ml	1.0ml	\$73.99
~Dosage will vary depending upon the weight of the child. Each 1.0 ml contains 150 IU units. If any portion of the vial is used to immunize a child, and the remainder cannot be used to immunize another individual, the entire vial shall be considered as part of the dosage used. 150 Pct AWP/Dose is to be calculated based upon the dosage used.					
Tetanus Immune Globulin (TIG):					
Bayer	Baytet syringe	00026-0634-02	250.0 unit/in	1.0 ml	\$112.50

* Indicates the Estimated Acquisition Cost (EAC) as stated in the Department of Public Welfare, Office of Medical Assistance Programs, Medical Assistance Regulations at 55 Pa. Code § 1121.55 (relating to method of payment).

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille), should contact Alice Gray, Director, Division of Immunization, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-5681 or for speech and/or hearing impaired persons, V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. MUSCALUS, D.O.
Acting Secretary

[Pa.B. Doc. No. 03-471. Filed for public inspection March 14, 2003, 9:00 a.m.]

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9) will hold a public meeting on Wednesday, March 26, 2003, in Conference Room 614, Department of Labor

and Industry Building, 7th and Forster Streets, Harrisburg, PA, from 1 p.m. to 4 p.m.

The Department of Health reserves the right to cancel this meeting without prior notice.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Karl Hoffman, Program Administrator, Hearing Program, Divi-

sion of Newborn Disease Prevention and Identification, (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. MUSCALUS, D.O.,
Acting Secretary

[Pa.B. Doc. No. 03-472. Filed for public inspection March 14, 2003, 9:00 a.m.]

Tobacco Use Prevention and Cessation Advisory Committee; Public Hearing and Public Meeting

The Tobacco Use Prevention and Cessation Advisory Committee of the Department of Health will hold a public hearing and a public meeting on March 20, 2003, in Room E-100, Labor and Industry Building, Forster and Seventh Streets, Harrisburg, PA.

The public hearing will be held from 10:30 a.m. to 12 p.m. Comments must be submitted in writing by 2:30 p.m. on March 14, 2003, to the Department of Health, Bureau of Chronic Diseases and Injury Prevention, Division of Tobacco Prevention and Control, Room 1006, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, fax (717) 214-6690. Written comments must be limited to three typewritten pages. Persons wishing to present written statements orally at the public hearing must contact Brenda Reichert at (717) 783-6600 by 2:30 p.m. on March 14, 2003, to make a reservation for testifying at the hearing. Oral testimony will be limited to 5 minutes. Persons will be scheduled on a first come, first served basis, as time permits.

The public meeting will be held from 1 p.m. to 4 p.m. The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for the State fiscal year 2002-03.

This meeting is open to the public. No reservations are required to attend the public meeting.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Judy Ochs or Brenda Reichert at (717) 783-6600 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This hearing and meeting is subject to cancellation without notice.

ROBERT S. MUSCALUS, D.O.,
Acting Secretary

[Pa.B. Doc. No. 03-473. Filed for public inspection March 14, 2003, 9:00 a.m.]

DEPARTMENT OF STATE

Notice of Public Hearing

The State Plan Advisory Board will conduct a public hearing on March 26, 2003, beginning at 10:00 A.M., ESDT. The meeting will be held in Hearing Room #1 on the Ground Floor of the North Office Building in Harrisburg, Pennsylvania.

The State Plan Advisory Board is responsible for developing a plan, which details how the Commonwealth

of Pennsylvania will use grants from the federal government to meet the requirements of the federal Help America Vote Act of 2002, and "to carry out other activities to improve the administration of elections."

Anyone wishing to testify must contact Barbara Smotherman of the Pennsylvania Department of State at bsmotherma@state.pa.us or (717) 787-3796 by March 21, 2003. The Advisory Board strongly encourages those testifying to submit a written copy of their testimony, in advance by March 24, 2003, to Barbara Smotherman at bsmothermastate.pa.us or at the Pennsylvania Department of State, 302 North Office Building, Harrisburg, PA 17120. All who testify must bring fifty (50) printed copies of their testimony to the hearing. Anyone testifying is strongly encouraged to briefly summarize their testimony and to be prepared to respond to questions from the Advisory Board. Individuals testifying on their own behalf will be allocated five (5) minutes and individuals testifying on behalf of groups will be allocated a total of ten (10) minutes in which to make their presentation to the Advisory Board.

If you are a person with a disability who wishes to attend the meeting, and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact: Barbara Smotherman at the telephone number, e-mail or address above by March 21, 2003. Text telephone users may contact the Department of State via the PA Relay Center.

NOTICIA DE UNA REUNIÓN PÚBLICA

La Junta de Consejos de Planes del Estado va a conducir una reunión pública el 26 de Marzo, 2003, empezando a las 10:00 A.M., ESDT. La reunión va a estar en Hearing Room #1 en el piso bajo del North Office Building en Harrisburg, Pennsylvania.

La Junta de Consejos de Planes del Estado es responsable para desarrollar un plan, que detalles como el Estado de Pennsylvania usa donaciones del gobierno federal para completar los requisitos de la ley Ayuda America Votar de 2002, y "para hacer las otras actividades para mejorar la administración de elecciones."

Alguien deseando testificar tiene que ponerse en contacto con Barbara Smotherman, Departamento de Estado de Pennsylvania a bsmotherma@state.pa.us o (717) 787-3796 antes del 21 de Marzo, 2003. La Junta de Consejos fomentan fuertemente a ellos atestando a someter una copia escrita de su testimonio, antes del 24 de Marzo, 2003, a Barbara Smotherman a bsmotherma@state.pa.us o al Departamento de Estado de Pennsylvania, 302 North Office Building, Harrisburg, PA 17120. Todos los que atestan tienen que traer cincuenta (50) copias escritas de su testimonio para la reunión. Cualquiera persona atestando debe resumir su testimonio y estar preparado a responder a las preguntas de la Junta de Consejos. Individuos atestando en su nombre tienen cinco (5) minutos y individuos atestando en nombre de grupos tienen diez (10) minutos para hacer su presentación a la Junta de Consejos.

Si tú eres una persona con una incapacidad y quieres asistira a la reunión, y necesitas un aparato auditivo, servicio o otra ayuda para participar en la reunión, favor de ponerse en contacto con: Barbara Smotherman por teléfono, correo electrónico, o la dirección ya mencionado antes del 21 de Marzo, 2003. Usuarios de un teléfono de

texto pueden hacer contacto con el Departamento del Estado por la PA Relay Center.

BENJAMIN RAMOS,
Acting Secretary of the Commonwealth

[Pa.B. Doc. No. 03-474. Filed for public inspection March 14, 2003, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Tanoma Coal Company v. DEP; EHB Doc. No. 2003-051-L

Tanoma Coal Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Rayne Township, Indiana 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 interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board, (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. 03-475. Filed for public inspection March 14, 2003, 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, February 27, 2003, and took the following actions:

Regulations Approved

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors #16A-696: Exemption from Licensure Examination (amends 49 Pa. Code Chapter 49)

Constables' Education and Training Board #35-26: Constables' Education and Training (establishes 37 Pa. Code Chapter 431)

Approval Order

Public Meeting held
February 27, 2003

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; Murray Ufberg, abstaining

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—Exemption from Licensure Examination; Regulation No. 16A-696

On January 29, 2003, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board). This rulemaking amends 49 Pa. Code Chapter 49. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation authorizes a professional counselor license to be issued without examination to an applicant who demonstrates he or she holds the Master Addiction Counselor credential from the National Association of Alcoholism and Drug Abuse Counselors.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 1906(6) and 1909(c)(1)) 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
February 27, 2003

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; Murray Ufberg, abstaining

Constables' Education and Training Board—Constables' Education and Training; Regulation No. 35-26

On November 2, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Constables' Education and Training Board (Board). This rulemaking establishes 37 Pa. Code Chapter 431. The proposed regulation was published in the November 18, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. Pursuant to section 5(e) of the Regulatory Review Act (71 P. S. § 745.5(e)), the Department resubmitted the proposed regulation on January 31, 2001. A final-form regulation was submitted to the Commission on August 3, 2001. On August 20, 2001, the Board withdrew this final-form regulation. The final-form regulation was submitted to the Commission on November 19, 2002. Pursuant to section 5a(f) of the Regulatory Review Act (71 P. S. § 745.5a(f)), the Board resubmitted the final-form regulation on February 4, 2003.

This regulation creates the procedures for training and certifying constables, as required by Act 44 of 1994. The rulemaking establishes a constable training program;

content for basic training and continuing education; standards for carrying firearms and standards for the schools to administer training.

We have determined this regulation is consistent with the statutory authority of the Constables' Education and Training Board (42 Pa.C.S. § 2944) 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. 03-476. Filed for public inspection March 14, 2003, 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 the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7B-5	Department of Conservation and Natural Resources Snowmobile and All-Terrain Vehicle Registration and Operation (32 Pa.B. 4364 (September 7, 2002))	11/6/02	12/6/02
16A-4612	State Board of Dentistry Expanded Function Dental Assistants (32 Pa.B. 5283 (October 26, 2002))	11/25/02	2/24/03
16A-4613	State Board of Dentistry Sexual Misconduct (32 Pa.B. 5284 (October 26, 2002))	11/25/02	2/24/03
16A-5117	State Board of Nursing Continuing Education (32 Pa.B. 5666 (November 16, 2002))	12/16/02	2/28/03
16A-446	State Board of Podiatry Continuing Education (32 Pa.B. 5759 (November 23, 2002))	12/23/02	2/28/03
16A-454	State Board of Cosmetology Sanitation/Disinfection (32 Pa.B. 5279 (October 26, 2002))	11/25/02	3/3/03

Department of Conservation and Natural Resources Regulation No. 7B-5

Snowmobile and All-Terrain Vehicle Registration and Operation

December 6, 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 Conservation and Natural Resources (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. Form furnished by the Department.—Clarity.

Sections 51.12 and 51.15 use the phrase "form furnished by the Department." The form names or numbers should be included in the final-form regulation.

2. Section 51.12. Applications for title and registration.—Clarity.

Subsection (a). Contents of application.

This subsection lists the information that must be included on an application for a certificate of title and registration. Paragraph (9) states that a temporary registration number must be included on the form submitted to the Department. For clarity, the phrase "A temporary registration number" should be replaced with "The temporary registration number issued by the dealer."

Subsection (b). Proof of ownership; fees.

This subsection lists items that must be included with the application. Paragraph (1) requires an applicant to provide proof of ownership. The final-form regulation should include examples of documentation that qualifies as acceptable proof of ownership.

3. Section 51.35. Sanctions for violations by dealers.—Clarity; Reasonableness.

Subsection (b). Second and subsequent violations.

This subsection addresses second and subsequent "violations." We note that subsection (a) addresses first and

subsequent "offenses." We request the Department explain the difference between a "violation" and an "offense." The title of § 51.35 refers to "violations." If there is no difference between "offense" and "violation," the term "violation" should be used consistently throughout § 51.35.

Subsection (c). Multiple violations.

Under this subsection, the Department may determine that suspensions imposed for multiple violations be served concurrently or consecutively. The final-form regulation should include the criteria the Department will use to determine whether suspensions will be served concurrently or consecutively.

Subsection (f). Return of dealer certificate, plates and cards.

Subsection (f)(1) provides a 3 day time frame after the effective date of a suspension or revocation for a dealer to return the registration certificate, registration plates and registration cards. Is this sufficient time to return the required material?

Subsection (f)(2) allows for "an acceleration of the application of sanctions" if a dealer fails to return the items listed in subsection (f)(1). The phrase "acceleration of the application of sanctions" is vague. We request the Department clarify the meaning of this phrase.

4. Section 51.45. Fees for additional dealer plates.—Reasonableness.

This section increases the fees for additional snowmobile and ATV dealer plates. We request the Department explain the basis for these fee increases.

5. Section 51.51. Safety training.—Clarity.

Paragraph (1) requires snowmobile and ATV safety training to be conducted by instructors or organizations approved by the Department. The final-form regulation should clarify how a person would know if an instructor or organization was approved by the Department. Does the Department publish a list of approved instructors and organizations? What is the process for an instructor or organization to become approved by the Department?

6. Section 51.54. Safety certificates.—Clarity.

Subsection (c) states that safety certificates from other states or provinces of Canada will be accepted if the Department deems the safety training programs of the other jurisdictions to be comparable to the Department's safety training program. How will the Department determine if an outside safety training program is comparable to its own safety training program? How would a person know if a safety certificate from another state or a province of Canada is acceptable to the Department?

7. Section 51.72. Operation of ATV with a passenger.—Legislative intent; Policy decision of such a substantial nature that it requires legislative action.

This section states the following:

Operating an ATV with a passenger, unless the ATV was originally designed by the manufacturer to carry a passenger, is a violation of section 7726 (a)(2) of the Vehicle Code (relating to operation in safe manner—general rule) and is prohibited.

Section 7726(a) of the Vehicle Code states the following:

No person shall operate a snowmobile or an ATV in any of the following ways:

- (1) At a rate of speed that is unreasonable or improper under existing conditions or in excess of the maximum limits posted for vehicular traffic.
- (2) In any careless way so as to endanger the person or property of another.
- (3) While under the influence of alcohol or any other controlled substance.

House Bill 154 of the 2001-2002 legislative session, signed into law on June 25, 2001, amended the Snowmobile and All-Terrain Vehicle Law (75 Pa.C.S. §§ 7702—7752). Representatives Merle H. Phillips, Richard A. Geist and Keith McCall, sponsors of House Bill 154 and Representatives Art Hershey, Robert Godshall and Michael Hanna have submitted comments indicating that § 51.72 exceeds the legislative intent of the General Assembly. They note language similar to § 51.72 was intentionally deleted from House Bill 154.

In addition, Representative Godshall has submitted comments stating that "Safety measures in dealing with ATV's should be dealt with legislatively and not by the bureaucratic body."

Given the legislative history and previously referenced concerns, the Department should delete § 51.72 or explain how it is consistent with the legislative intent of House Bill 154.

8. Section 51.91. Snowmobile sound level requirements.—Clarity.

Under subsection (c), the phrase "alternate proof, acceptable to the Department" is vague. The final-form regulation should specify the forms of "alternate proof" which are acceptable.

**State Board of Dentistry Regulation No. 16A-4612
Expanded Function Dental Assistants
February 24, 2003**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Dentistry (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 33.103. Examinations.—Clarity.

This proposed regulation, in subsection (c), requires expanded function dental assistants (EFDA) to "pass an examination acceptable to the Board." However, subsections (a), (b) and (d) set forth the specific types of examinations (written and clinical) dentists and dental hygienists must pass. For clarity and consistency, the Board should set forth which type of examination it will require a person applying to become an EFDA to pass.

**State Board of Dentistry Regulation No. 16A-4613
Sexual Misconduct
February 24, 2003**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the

criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Dentistry (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 33.211a. Sexual Misconduct.—Clarity.

General

As proposed, § 33.211a contains both definitions and substantive regulatory provisions. To be consistent with regulatory framework existing in Chapter 33, the Board should create two separate sections. The definitions should remain in § 33.211a. The substantive provisions should be placed in a separate section following the definitions.

The terms “sexual misconduct” and “sexual exploitation” are used interchangeably in the regulation. The regulation should use one term consistently.

Paragraph (1). Definitions.

There are two concerns.

First, the definition of “sexual exploitation” is vague. In its comments dated February 12, 2003, the House Professional Licensure Committee expressed concern with this definition. The regulation should include a greater level of specificity in its definition of “sexual exploitation” or include examples of exploitation.

Second, the definition of “sexual behavior” uses the phrase “any sexual conduct that has no diagnostic or therapeutic purpose.” It is unclear what types of dental practice would have a diagnostic or therapeutic purpose and also be sexual in nature. If the Board cannot identify any examples of diagnostic or therapeutic procedures within the scope of dental practice that could also be sexual in nature, then this phrase should be deleted from the definition.

Subsection (2). Disciplinary action.

This subsection states that sexual misconduct will subject a practitioner to “disciplinary action.” For clarity, cross-references to the appropriate provisions for disciplinary action and penalties should be provided in this subsection. For example, it should reference disciplinary action and civil penalties in sections 4.1(a)(8) and 10.1 of the Dental Law (63 P. S. §§ 123.1(a)(8) and 129.1).

Subsection (5). Exclusion.

The exclusion indicates that the regulation does not apply to a “spouse or equivalent domestic partner.” However, there is no definition of “equivalent domestic partner.”

The House Professional Licensure Committee also expressed concern related to “significant others” who become patients of practitioners. Is the intent to exclude spouses and people who live together on a permanent basis or are more casual relationships also excluded? The regulation should clarify the types of relationships covered by this exclusion.

State Board of Nursing Regulation No. 16A-5117

Continuing Education

February 28, 2003

We submit for consideration the following objections and recommendations regarding this regulation. Each

objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Nursing (Board) 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. Continuing Education.—Clarity.

The title and undesignated center heading of this rulemaking is “Continuing Education.” This rulemaking addresses the continuing education requirements of Certified Registered Nurse Practitioners (CRNP) who are approved to prescribe and dispense drugs. The continuing education requirements of CRNPs who are approved to prescribe and dispense drugs are different than CRNPs who are not approved to prescribe and dispense drugs. For clarity, the title should be changed to reflect that this rulemaking applies to CRNPs that are approved to prescribe and dispense drugs.

2. Section 21.332. Requirement of continuing education.—Statutory Authority; Legislative intent; Reasonableness; Protection of public health, safety and welfare; Clarity.

Subsection (a)(2)

This subsection addresses reactivation of prescriptive authority. Subparagraph (ii) states that an applicant can provide evidence to the Board that demonstrates the applicant has practiced in another jurisdiction. The final-form regulation should describe what would be acceptable evidence.

Subsection (b)(3)

This subsection provides that the Board may waive the requirements of continuing education “in cases of illness or undue hardship.” We have two concerns.

First, we question the Board’s statutory authority to provide this waiver. Section 8.1(c) of the Professional Nursing Law Act states that, as a condition of biennial renewal, a CRNP “must” complete the required hours of continuing education. It does not provide for exemptions or exclusions.

If the Board demonstrates that it has the statutory authority to grant waivers, we question the reasonableness of allowing a CRNP to prescribe and dispense drugs without the benefit of continuing education in this field. In addition, the availability of continuing education from a multitude of sources, as provided in § 21.334(e), ensures that CRNPs have ample opportunity to meet their continuing education requirements.

The comment and response portion of the final-form regulation should provide the specific statutory authority that allows the Board to grant a waiver for illness or undue hardship. It should also explain how the health and safety of the public is adequately protected when CRNPs with prescriptive authority are allowed to practice without the benefit of continuing education. In the alternative, this provision should be deleted.

Second, the subsection does not state how an applicant could apply for a waiver or how the Board will review the request. If the Board maintains the waiver provision in the final-form regulation, it should describe how an applicant could apply for the waiver and what the Board’s responsibilities are for reviewing the request.

3. Section 21.334. Sources of continuing education.—Clarity.

Subsection (a)

This subsection requires credentialing organizations to provide certificates of completion to CRNPs who complete continuing education courses. This subsection would be more appropriate under § 21.335.

Subsection (b)

The phrase “The Board finds that” is unnecessary and should be deleted from the final-form regulation.

Subsection (e)

Under this subsection, a CRNP may obtain credit for correspondence courses, taped study courses and other independent study courses if approved by the Board. We have three questions. First, would a course offered through the Internet be acceptable? Second, is there a limit to the number of courses from subsection (e) that could be used to meet the continuing education requirement? Third, what kind of documentation must be submitted to obtain approval of the Board?

4. Section 21.336. Continuing education course approval.—Reasonableness.

This section establishes procedures for providers and individual CRNPs to submit applications for approval of continuing education courses. However, the section provides no direction regarding the timing for submitting applications. Has the Board considered requiring licensees or providers to submit applications a specific number of days or in a specific time period before the courses begin? Through this requirement, the Board could give notice to licensees and providers to submit applications in a timely manner. This would give the Board sufficient opportunity to review the courses before CRNPs enroll or participate.

State Board of Podiatry Regulation No. 16A-446

Continuing Education

February 28, 2003

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Podiatry (Board) 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 29.60. Definitions.—Clarity.

“Clock hour” is defined as “Educational conferences will be approved for continuing education credit at the rate of one credit per 60 minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.” The phrase “Educational conferences will be approved for continuing education credit at the rate of one credit per 60 minutes” is a substantive provision. Substantive provisions in a definition are not enforceable. Therefore, the Board should move this provision of the definition to § 29.62. We recommend that the definition of “clock hour” be changed to “60 minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.”

2. Section 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.—Clarity.

Subsection (c) uses the phrase “forms approved by the Board.” The form name or number should be included in the final-form regulation. The regulation should specify how and where an applicant could obtain the form. If the form is available for downloading from the Board’s website, this information should be included in the regulation.

Subsection (d) requires a licensee to retain documentation of completion of the prescribed number of clock hours for 5 years. This requirement is vague. The final-form regulation should clarify if the 5-year requirement is specific to each course completed or to each biennial period.

3. Section 29.63a. Preapproved course provider.—Reasonableness; Clarity.

This section identifies courses within the scope of podiatry that are offered or approved by the Council on Podiatric Medical Education, are preapproved and will be accepted for continuing education credit. In its comments on the proposed regulation dated February 12, 2003, the House Professional Licensure Committee questioned why courses given by the American Medical Association and American Osteopathic Association were not also listed as preapproved. We share the concerns raised by the House Professional Licensure Committee and request an explanation of why these organizations were not included as preapproved course providers for courses relevant to podiatric medicine.

4. Section 29.68. Continuing education exemptions.—Statutory authority; Legislative intent; Reasonableness; Protection of public health, safety and welfare.

This section states, in part, that the Board “. . . may waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee for serious illness or other demonstrated hardship.” We question the Board’s statutory authority to provide this waiver. Section 9.1 of the Podiatry Practice Act (63 P. S. § 42.9a) requires that an applicant for renewal registration furnish the Board with satisfactory evidence of attending the required hours of continuing education courses. There is no provision for exemption or waiver. If an applicant does not provide satisfactory evidence, then he or she cannot receive renewal for the next biennial licensing period.

If the Board demonstrates that it has the statutory authority to grant waivers, we question the reasonableness of allowing a podiatrist to practice without the benefit of continuing education. In addition, the availability of continuing education from a multitude of sources, as provided in § 29.61(a), ensures that podiatrists have ample opportunity to meet their continuing education requirements.

The comment and response portion of the final-form regulation should provide the specific statutory authority that allows the Board to grant a waiver for serious illness or demonstrated hardship. It should also explain how the health and safety of the public is adequately protected when podiatrists are allowed to practice without the benefit of continuing education. In the alternative, this provision should be deleted.

State Board of Cosmetology Regulation No. 16A-454
Sanitation/Disinfection
March 3, 2003

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Cosmetology (Board) 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 7.71. Equipment and supplies for a cosmetology shop; Section 7.71a. Equipment and supplies for a cosmetician shop; and Section 7.71b. Equipment and supplies for a manicuring shop.—Clarity.

The House Professional Licensure Committee requested an explanation as to what is meant by "sufficient" equipment for each additional licensee in a shop. We agree that subsection (b) of these sections are vague. It is not clear how to comply with the requirement for "sufficient" supplies and equipment for additional cosmetologists, cosmeticians and manicurists. The regulation should provide more specific guidance.

2. Section 7.92. Sanitation and disinfection of equipment and implements.—Need and Clarity.

Subsection (a)(3) requires cleansed and disinfected objects to be rinsed with clean water and "dried with a clean towel." Is it acceptable to allow objects to air dry, or is it necessary to wipe the objects after they are cleansed and disinfected?

3. Section 7.114. School equipment and supplies.—Need.

As amended, subsection (a)(12) and (13) would require schools to have a bulletin board and a chalkboard. Could other equipment accomplish the same objective, such as white boards and overhead projectors? If so, the Board should consider broader requirements that would allow similar equipment.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-477. Filed for public inspection March 14, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Martin J. Chevian; Hearing

Appeal of Martin J. Chevian under
40 P. S. §§ 991.2101—991.2193; Doc. No. HC03-02-017

A prehearing telephone conference initiated by this office is scheduled for April 16, 2003, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before March 19, 2003. A hearing shall occur on April 28, 2003, at 10 a.m. in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing telephone conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 2, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before April 9, 2003.

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, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-478. Filed for public inspection March 14, 2003, 9:00 a.m.]

Donegal Mutual Insurance Company; Homeowners Insurance Rate and Rule Filing

On February 20, 2003, the Insurance Department (Department) received from Donegal Mutual Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 4.4% increase amounting to \$1.421 million annually, to be effective May 1, 2003.

Unless formal administrative action is taken prior to April 21, 2003, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-479. Filed for public inspection March 14, 2003, 9:00 a.m.]

GEICO General Insurance Company; Automobile Casualty Manuals Rate and Rule Revisions

On February 21, 2003, the Insurance Department (Department) received from GEICO General Insurance Company a filing for the proposed rate level and rule changes for private passenger automobile insurance.

The company requests an overall 1.7% decrease amounting to \$500,000 annually, to be effective April 7, 2003, for new business and June 2, 2003, for renewal business.

Unless formal administrative action is taken prior to April 22, 2003, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-480. Filed for public inspection March 14, 2003, 9:00 a.m.]

HealthAmerica; Eastern and Western Service Areas; Rate Filing

On February 28, 2003, HealthAmerica submitted rate filings nos. A67962001 and A67961001 for the eastern and western service areas requesting approval of medical rate increases of 19.2% for the eastern service area and 22.4% for the western service area. The proposed rate increase will be effective April 1, 2003. Approximately 101,219 members will be affected by the increase in the eastern service area and 82,522 in the western service area. The proposed increase will produce additional revenue of \$3,085,155 and \$2,489,680 for the eastern and western services areas, respectively.

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

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-481. Filed for public inspection March 14, 2003, 9:00 a.m.]

Lawrence R. Hoffman, Esq.; Hearing

Appeal of Lawrence R. Hoffman, Esq. under 40 P. S. §§ 991.2101—991.2193; Doc. No. HC03-02-016

A prehearing telephone conference initiated by this office is scheduled for April 10, 2003, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 18, 2003. A hearing shall occur on April 24, 2003, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or person(s) with full settlement authority shall be available by telephone during the conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 8, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before April 17, 2003.

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, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-482. Filed for public inspection March 14, 2003, 9:00 a.m.]

Insurance Services Office, Inc.; Personal Automobile Insurance; Prospective Loss Cost Revision

On February 21, 2003, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a loss cost level change for private passenger automobile insurance.

The rating organization requests an overall .5% increase in loss costs to be effective August 1, 2003.

Unless formal administrative action is taken prior to April 22, 2003, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-483. Filed for public inspection March 14, 2003, 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 Harrisburg, Pittsburgh and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of Joyce E. Minehan; file no. 02-181-10658; Progressive Insurance Company; doc. no. P03-02-023; April 1, 2003, 1:30 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Homer and Connie Allensworth; file no. 03-181-00762; Leader Insurance Company; doc. no. P103-02-015; April 28, 2003, 9 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Michael J. and Angela Moshons; file no. 03-280-00178; Hartford Property and Casualty Insurance Company; doc. no. PH03-02-007; April 8, 2003, 9 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. 03-484. Filed for public inspection March 14, 2003, 9:00 a.m.]

Adnan K. Sammour, M.D.; Hearing

Appeal of Adnan K. Sammour, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-022

Following the telephone prehearing conference held on February 20, 2003, the following is ordered: On or before March 19, 2003, a joint stipulation of facts signed by counsel for both parties shall be filed with the Administrative Hearings Office by counsel for Adnan K. Sammour, M.D.

On or before April 2, 2003, each party must file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a statement of contended facts; (2) names and addresses of all witnesses along with the specialties of experts, if any, to be called; (3) a list of documents to be used at the hearing; and (4) special evidentiary or other legal issues. Contemporaneously with service of the prehearing statement on the opposing party, each party must supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

A hearing will be held at 9 a.m. on April 9, 2003, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-485. Filed for public inspection March 14, 2003, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-03-042, Dated February 25, 2003. This resolution authorizes the side letter between the Commonwealth and the Pennsylvania State Corrections Officers Association regarding the guidelines to treat Correction Officer Trainees and Forensic Security Employee Trainees who return from military service.

Governor's Office

Manual M210.3—Index of Issuances—Directives Management System, Amended January 27, 2003.

Management Directive No. 205.9—Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct, Amended February 18, 2003.

Management Directive No. 205.10—Financial Disclosures Required by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113, Amended February 18, 2003.

Management Directive No. 205.12—Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113, Amended February 18, 2003.

Management Directive No. 230.10—Travel and Subsistence Allowances, Revision No. 5, Dated February 18, 2003.

Management Directive No. 310.14—General Capital Asset and Other Fixed Asset Accounting and Reporting in SAP (Only for Agencies Converted to SAP), Dated February 3, 2003.

Management Directive No. 315.20—Taxability of the Use of State-Provided Vehicles, Revision No. 6, Dated February 18, 2003.

Management Directive No. 505.18—Maintenance, Access, and Release of Employee Information, Amended February 14, 2003.

Administrative Circular No. 03-03—Relocation—Office of Inspector General's Philadelphia Office, Dated January 31, 2003.

Administrative Circular No. 03-04—Distribution of the 2003-2004 Commonwealth Budget, Dated February 20, 2003.

Administrative Circular No. 03-05—Calendar, Refills, Diaries, and Date Books, Dated February 20, 2003.

Administrative Circular No. 03-06—Computation of Interest Penalties, Act 1982-266 Amended, Dated February 21, 2003.

Administrative Circular No. 03-07—2003-04 Budget Hearing Materials, Dated February 21, 2003.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 03-486. Filed for public inspection March 14, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5110, 263 South 60th Street, Philadelphia, PA 19139-3846.

Lease Expiration Date: July 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within 3/4 of a mile of the existing address of 263 S. 60th Street, Philadelphia.

Proposals due: April 4, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 03-487. Filed for public inspection March 14, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service

A-122250F0019. The People's Natural Gas Company d/b/a Dominion Peoples. Application of The People's Natural Gas Company d/b/a Dominion Peoples for approval of the transfer by sale of the title to property known as the Colvin storage facility, which is one of Dominion Peoples' six on-system storage facilities, and the land, rights of way, well equipment and structures, storage lines, metering equipment and noncurrent and nonrecoverable gas that Dominion Peoples uses in the operation of the Colvin storage facility.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 March 31, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: The Peoples Natural Gas Company

Through and by Counsel: Joseph J. Malatesta, Jr., Esquire, William T. Hawke, Esquire, Malatesta, Hawke and McKeon, LLP, 100 North Tenth Street, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-488. Filed for public inspection March 14, 2003, 9:00 a.m.]

Railroad With Hearing

C-20026784. Patricia J. Conway v. Luzerne & Susquehanna Railway Company. Complainant states the railroad crossing caused damage to the tire and rim of her personal auto. Complaint alleges the at-grade crossing where South Main Street (S.R. 2022) crosses the track of Luzerne County Redevelopment Authority, operated on by Luzerne and Susquehanna Railroad Company in Plains Township, Luzerne County, is in unsatisfactory condition

An initial hearing on this matter will be held on Thursday, June 5, 2003, at 10 a.m. in Room 317, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-489. Filed for public inspection March 14, 2003, 9:00 a.m.]

Railroad With Hearing

No. C-20029069. Township of Middletown v. CSX Transportation, Inc., Southeastern Pennsylvania Transportation Authority, Department of Transportation. Complainant believes the respondents have created a dangerous situation and a public safety hazard. The activation of warning signals and the raising and lowering of gates at Woodbourne Road (State Route 2033) are now automatically controlled, but it does not account for the speed of the approaching trains.

An initial hearing on this matter will be held on Wednesday, May 21, 2003, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-490. Filed for public inspection March 14, 2003, 9:00 a.m.]

Telecommunications

A-310806F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Now Communications, Inc. Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Now Communications, Inc. for approval of a replacement master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Now Communications, Inc., by its counsel, filed on February 25, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a replacement master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and Now Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-491. Filed for public inspection March 14, 2003, 9:00 a.m.]

Water Service Without Hearing

A-210060F0002. Audubon Water Company. Application of Audubon Water Company for approval to begin to offer, render, furnish or supply water service to the public in additional territory in Lower Providence Township, Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 March 31, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Audubon Water Company

Through and By Counsel: Thomas J. Sniscak, Esquire, Janet L. Miller, Esquire, Malatesta, Hawke and McKeon, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-492. Filed for public inspection March 14, 2003, 9:00 a.m.]

Water Service

A-210071F2000. Wynnewood Water Corporation. Application of Wynnewood Water Corporation for approval of the abandonment of water service within portions of North West Whitehall Township, Lehigh County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 March 31, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Wynnewood Water Corporation

Through and by Counsel: Guy P. Beneventano, Esquire, Mette, Evans and Woodside, 3401 North Front Street, 2nd Floor, P. O. Box 5950, Harrisburg, PA 17110.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-493. Filed for public inspection March 14, 2003, 9:00 a.m.]

Water Service

A-213550F0017. The York Water Company. Application of The York Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in additional portions of Conewago Township, York County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 March 31, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: The York Water Company

Through and by Counsel: Michael W. Gang, Esquire, and Michael W. Hassell, Esquire, Morgan, Lewis, and Bockius, LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-494. Filed for public inspection March 14, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-055.P, Marine Fenders—Tioga Marine Terminal, until 2 p.m. on Thursday,

April 3, 2003. 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 March 25, 2003. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-495. Filed for public inspection March 14, 2003, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. James A. Morland; Doc. No. 1041-42-01

On December 20, 2002, the State Board of Barber Examiners (Board) suspended the barber license of James A. Morland, license number BL-048082-L.

Individuals may obtain a copy of the adjudication by writing to Carole L. Clarke, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

LEROY D. CAMERONI,
Chairperson

[Pa.B. Doc. No. 03-496. Filed for public inspection March 14, 2003, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

April 10, 2003	Gloria M. Schleicher (Independent Contractor Retirement Credit)	1 p.m.
April 24, 2003	Barbara J. Perry	1 p.m.

April 10,
 April 25,
 2003

(Membership in SERS)
 William C. Livingood, Jr.
 (Agency Debt)

1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4

Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 03-497. Filed for public inspection March 14, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

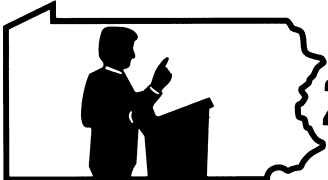
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information
 ④ Department
 ⑤ Location
 ⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

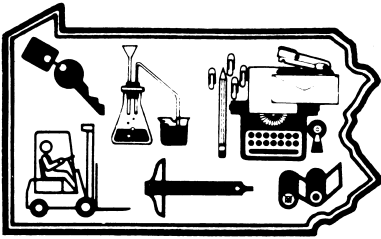
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

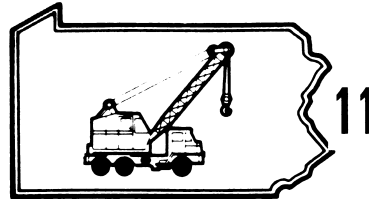
BARBARA HAFER,
State Treasurer



Commodities

8500-02078 Foodservice smallwares. 17 line items: beverage containers, turners, bread pans, soup kettle, can opener and etc.

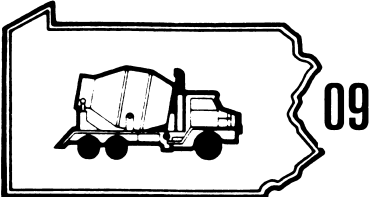
Department: Corrections
Location: State Correctional Institution—Fayette, 421 LaBelle Road, East Millsboro, PA 15433
Contact: Judy Cook, (724) 785-3541



Demolition—Structural Only

062936 Demolition and Removal of all structures and improvements on one parcel.

Department: Transportation
Location: 894 Horse Shoe Pike, Downingtown, PA
Contact: Linda Bunt, (610) 205-6784



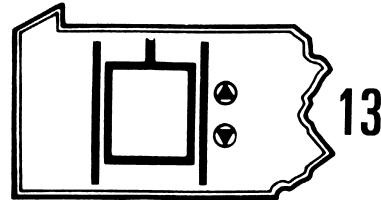
Construction & Construction Maintenance

046009 Furnish and deliver approx. 110,000 gallons of Liquid Calcium Chloride Dust Palliative, by tanker truck to various State Routes in Wayne County.

Department: Transportation
Location: PENNDOT, District 4-6, Wayne County, 3 Miles East of Honesdale, SR 006, Honesdale, PA 18431
Duration: For the 2003 Construction Season (Approx. April—Oct.)
Contact: Kathy O'Neill, (570) 253-3130

CN00001958 Replace deteriorated coal elevator casing panels. For detailed specifications, please contact the Purchasing Office at (610) 670-4129.

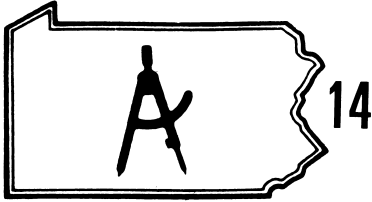
Department: Public Welfare
Location: Wernersville State Hospital, Berks County, Route 422 West, Wernersville, PA 19565-0300
Duration: Anticipated Start Date: June 1, 2003
Contact: Nancy Deininger, Purchasing Agent, (610) 670-4129



Elevator Maintenance

SU-02-16 SU-02-16 - Elevator Repair Services. Shippensburg University is seeking vendors interested in elevator repair services. Vendors interested in receiving a Request for Proposal package should fax their request to Shippensburg University, Deborah K. Martin at FAX: 717-477-4004.

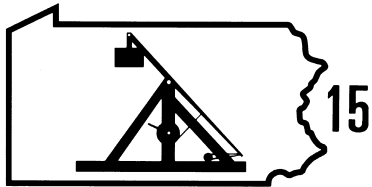
Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: Base year with 4 option years
Contact: Deborah K. Martin, (717) 477-1121



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



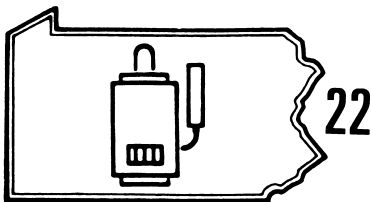
Environmental Maintenance Service

BOGM 02-26 Cleaning Out And Plugging Eighty-Six (86) Abandoned Oil And Gas Wells, (Oil Creek State Park Property). Principal items of work and approximate quantities are preparing and restoring well sites, mobilize and demobilize plugging equipment. Wells are estimated to be between 350-800 feet in depth. This project issues on March 14, 2003, and bids are due by April 10, 2003, at 2:00 p.m. Payment in the amount of \$10.00 must be received before the bid documents will be sent.

Department: Environmental Protection
Location: Oil Creek Township, Venango County
Duration: 260 calendar days after notice to proceed.
Contact: Construction Contracts Section, (717) 783-7994

C47:1-103.1 Danville Closure Structures. The scope of the project consists of constructing earthen levee closures/extensions at two locations, concrete floodwall closures at three locations, and mechanical gate closures at two locations. This project issues on March 14, 2003, and bids are due April 10, 2003, at 2:00 p.m. Payment in the amount of \$20.00 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Borough of Danville, Montour County
Duration: 285 calendar days after notice to proceed.
Contact: Construction Contracts Section, (717) 783-7994



HVAC Services

FM-8615 Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor must respond to the call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts provided by their firm for ninety (90) days. Materials and parts are to be billed at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

Department: State Police
Location: Troop D, Butler Headquarters, 200 Barracks Road, Butler, PA 16001
Duration: May 2003 through June 30, 2005
Contact: Stacey Logan-Kent, (717) 705-5952

030002 For the preventive maintenance of the District 3-0 Office heating and cooling systems. This does not include the boiler system. Service company must be within 4-hour radius of the facility.

Department: Transportation
Location: District 3-0 Engineering District, PO Box 218, 715 Jordan Ave., Montoursville, Pa. 17754
Duration: 1 year with four 1-year options.
Contact: Fred Stackhouse, (570) 368-4221

CN 00001959 Replace existing pneumatic controls on eleven heating/ventilation units with new direct digital controls (DDC). For detailed specifications, please contact the Purchasing Office at (610) 670-4129.

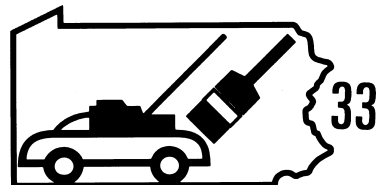
Department: Public Welfare
Location: Wernersville State Hospital, Berks County, Route 422 West, Wernersville, PA 19565-0300
Duration: Anticipated Start Date: June 1, 2003
Contact: Nancy Deininger, Purchasing Agent, (610) 670-4129



Laboratory Services

SP3530030867 Provide laboratory services to prepare (crushing and pulverizing) overburden rock samples for analysis by the Department.

Department: Environmental Protection
Location: Statewide
Duration: 7/1/03 - 6/30/04, with option to renew
Contact: Sherry Morrow, (717) 772-1216



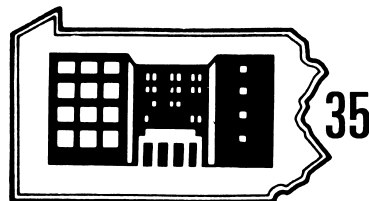
Property Maintenance

sp3530030948 Provide maintenance services for the Hawk Run District Office to include maintaining building exterior, minor carpentry, etc.

Department: Environmental Protection
Location: Hawk Run, Pennsylvania
Duration: Through 6/30/04, with option to renew
Contact: Sherry Morrow, (717) 772-1216

30977001 Lawn Care Service. Vendor to furnish all materials, labor and equipment necessary for proper maintenance of lawn.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317
Duration: Anticipated to begin April 14, 2003, and end November 1, 2003
Contact: Cora Davis, PA I, (814) 472-0288



Real Estate Services

93566 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 4,927 useable square feet of office space with a minimum parking for 25 vehicles, within the Borough of McConnellsburg, Fulton County, PA. Downtown locations will be considered. For more information on SFP #93566 which is due on April 21, 2003, visit www.dgs.state.pa.us to download an SFP package or call (717) 787-4394.

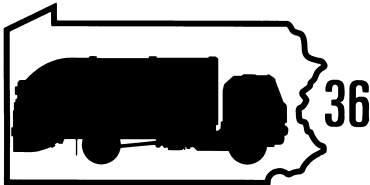
Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Cynthia T. Lentz, (717) 787-0952

93565 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 9,742 useable square feet of office space with a minimum parking for 19 vehicles, within the corporate Borough limits of Jim Thorpe Borough, Lehighton Borough, Nesquehoning Borough, and the Townships of Franklin and Mahoning, Carbon County, PA. Downtown locations will be considered. For more information on SFP #93565 which is due on April 21, 2003, visit www.dgs.state.pa.us to download an SFP package or call (717) 787-4394.

Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Cynthia T. Lentz, (717) 787-0952

93570 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Revenue with 2,826 useable square feet of office space with a minimum parking for 15 vehicles, within the City of New Castle or Union, Shenango and Neshannock Townships, Lawrence County, PA. Downtown locations will be considered. For more information on SFP #93570 which is due on April 21, 2003, visit www.dgs.state.pa.us to download an SFP package or call (717) 787-4394.

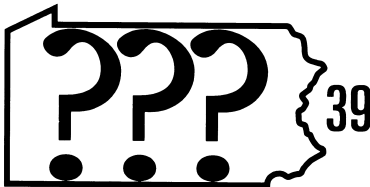
Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396



Sanitation

CN 0001884 Handling, Collection, Disposal of Municipal Solid Waste (non-infectious). Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 1, 2003 - June 30, 2004 (with renewals)
Contact: Stanley Rygelski, PA, (570) 587-7291



Miscellaneous

ADV-174 Indiana University of Pennsylvania (IUP) is seeking bids for replacement parts for existing Cooper-Bessemer Engines at our S. W. Jack Cogeneration Plant. Requests for copies of bid package should be made in writing referencing Advertisement #ADV-174 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: rmjohnsn@iup.edu. Requests for bid package will be accepted until March 21, 2003. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Contact: Roxie M. Johnson, (724) 357-3077

[Pa.B. Doc. No. 03-498. Filed for public inspection March 14, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

STATE CONTRACTS INFORMATION

Special Notice

Effective February 1, 2003, the contract awards issued by the Department of General Services (Department), Bureau of Purchases, will no longer be published in the *Pennsylvania Bulletin*. This information will continue to be available on the Department's website at www.dgs.state.pa.us, DGS KEYWORD "Procurement Awards."

DONALD T. CUNNINGHAM, Jr.,
Secretary

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