

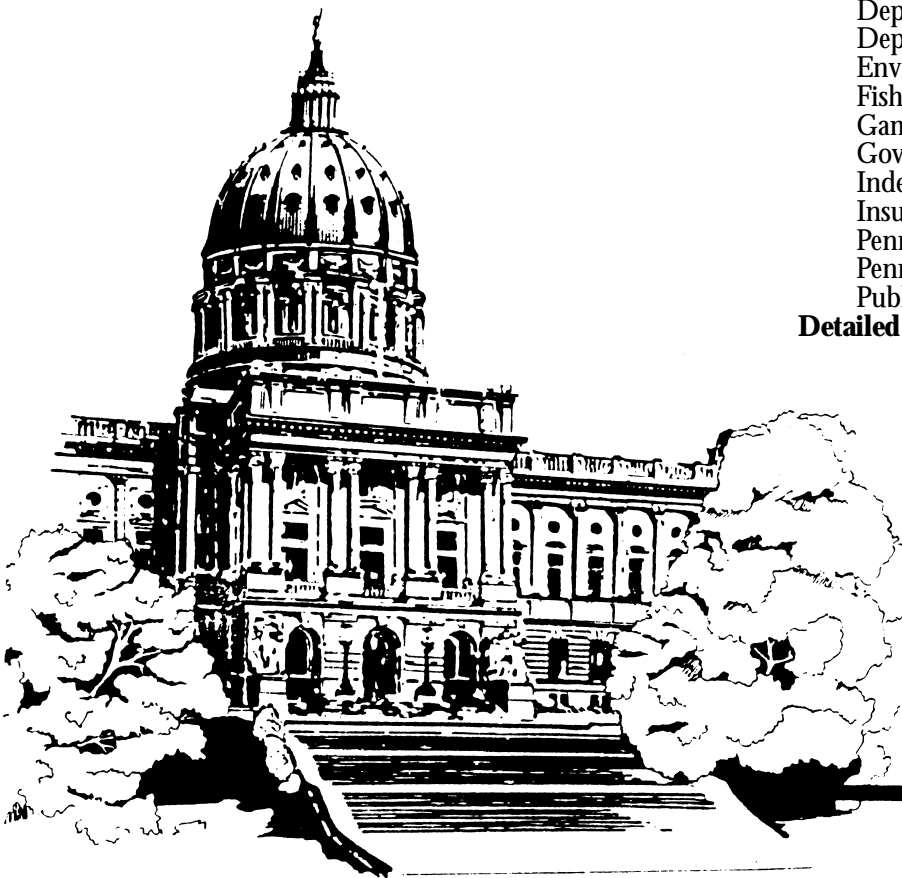
# PENNSYLVANIA BULLETIN

Volume 33  
Saturday, March 22, 2003 • Harrisburg, Pa.  
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**Agencies in this issue:**

The Courts  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Fish and Boat Commission  
Game Commission  
Governor's Office  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Municipal Retirement Board  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board

**Detailed list of contents appears inside.**



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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**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 COURTS

## Title 207—JUDICIAL CONDUCT

### PART III. JUDICIAL CONDUCT BOARD

#### [207 PA. CODE CH. 121]

#### Special Procedures for Cases Involving Substance Abuse

The Judicial Conduct Board recognizes that the judiciary, like the general population, includes individuals impaired by substance abuse.<sup>1</sup>

Because judges exercise a unique public trust, the Judicial Conduct Board, in devising its rehabilitative diversion procedure, desires to encourage affected members of the judiciary to seek help at the earliest possible moment so as to ensure maximum protection to the public against misconduct resulting from their impairment. The Board seeks to achieve this objective through a realistic plan to mitigate the harmful consequences of substance abuse to the judiciary and the public. The primary function of this Policy is the rehabilitation of the judge; a secondary modality is the prompt disposition of substance abuse related complaints, obviating costly and time consuming investigations, hearings and related proceedings.

#### *Judicial Conduct Board Policy*

The Judicial Conduct Board regards substance abuse as an illness and will regard misconduct caused by such an illness as mitigated by that fact, provided that the impaired judge obtains appropriate treatment for his/her problem. The Board encourages President Judges and administrative agencies to accommodate rehabilitation by any impaired judicial officer, provided that the President Judge and appropriate administrative agency have been made aware of the judge's condition and the accommodations sought by the judge do not impose an undue hardship on the court or agency.

This Policy is not intended to provide that substance abuse problems are an excuse for deficiencies in performance or behavior. Judges with substance abuse problems will be held to the same standards as other similarly situated individuals.

The Judicial Conduct Board is committed to preserving the independence and integrity of the judiciary and assisting the recovery of judges suffering from substance abuse. It is the purpose of this Policy to encourage those judges who desire to seek help to do so at an early stage before their functioning or the judiciary itself is compromised.

The impairment of any judge's performance due to substance abuse may have an adverse impact on the

<sup>1</sup> The following terms referenced shall be defined as follows:

- *substance abuse*—repeated excessive use of alcohol or other drugs which continues to cause serious adverse consequences in one's life;
- *alcoholism and other chemical dependency*—a pattern of chronic, harmful and compulsive substance abuse characterized by denial and impaired control over the use of the substance.

As used in the Policy and Chapter 11 of the Rules of Procedure of the Judicial Conduct Board, the term substance abuse shall include alcoholism and other chemical dependency as well as substance abuse.

court's functioning. For this reason, it is important for a judge with a substance abuse problem to seek help as early as possible.

#### *In the Workplace*

Possession or consumption of alcohol or other mood-changing chemicals while on court property or while performing judicial services constitutes misconduct on the part of a judge. Reporting to or remaining at the workplace under the influence of alcohol or other mood-altering drugs, is likewise regarded as misconduct. This prohibition does not apply to limited alcohol consumption at meals off of the court premises.

#### *Violations of Criminal Statutes*

The sale, manufacture, delivery, distribution, possession, processing, packaging, or otherwise trafficking, of controlled substances is a crime under the Drug, Device and Cosmetic Act of April 14, 1972, P. L. 233 No. 64 (35 Pa.C.S.A. § 780-101 et seq.) and any judicial officer found guilty of such conduct shall be ineligible for the diversionary treatment described in this policy. Any judicial officer convicted of Driving Under the Influence of alcohol or any controlled substance as defined in the Vehicle Code Act of 1976, June 17, P. L. 162 No. 81 § 1, as amended (75 Pa.C.S.A. § 3731) or granted Accelerated Rehabilitation Disposition ("ARD") on a charge, will be subject to discipline for such misconduct but such Judicial Officer may seek mitigation of any otherwise applicable sanctions so long as he/she cooperates in an approved treatment program described in this policy.

#### *Qualified Treatment Program*

For the purpose of the Board's diversion program, a Qualified Treatment Program shall be one which is approved by both the Administrative Office of Pennsylvania Courts (AOPC) and this Board.

#### **Annex A**

### **TITLE 207. JUDICIAL CONDUCT**

#### **PART III. JUDICIAL CONDUCT BOARD**

#### **CHAPTER 121. SPECIAL PROCEDURES FOR CASES INVOLVING SUBSTANCE ABUSE**

#### **Rule 36. Petition for Rehabilitative Diversion.**

(A) When the Board finds probable cause to investigate a Complaint alleging misconduct involving substance abuse, the Board may notify the Judicial Officer of its investigation and provide the Judicial Officer with an opportunity to petition the Board for permission to enter a rehabilitative diversion program acceptable to the Board prior to the filing of formal charges with the Court of Judicial Discipline.

(B) Such petition shall be filed with the Board promptly. Absent Board approval, a petition shall not be considered if filed after the Judicial Officer's response to the Board's Notice of Full Investigation (see Rules of Procedure of the Judicial Conduct Board outlined in Rule 30B).

(C) The petition for rehabilitative diversion shall contain

(1) the Judicial Officer's verified statement that he/she desires to participate in a qualified treatment program;

(2) a release giving Board Counsel access of all information and records bearing on the rehabilitative program, including information concerning the applicant's past substance abuse and treatment, as well as the proposed rehabilitative program;

(3) a stipulation as to facts which are agreed to by the Judicial Officer and Board Counsel relevant to the formal charges; and agreement of the admissibility of such stipulation in any future proceeding before the Court of Judicial Discipline;

(4) a waiver by the Judicial Officer of the right to file pre-trial motions based on grounds then known to the applicant unless specifically modified as exceptions to the waiver; and

(5) the Judicial Officer's consent to submit to testing for drug or alcohol consumption during any probationary period later imposed.

#### **Rule 37. Evaluations**

(A) When any Judicial Officer under investigation applies for diversion under Rule 36 on the ground of his or her substance abuse, the Board may require the applicant to submit to such medical evaluations as it deems necessary. The Board shall appoint one or more healthcare professionals to examine the applicant and report their findings to the Board. A copy of any such report will be shared with the applicant. Failure to submit to examination will be considered by the Board in its disposition of any pending complaint.

(B) All expenses incurred for such evaluations and reports shall be assessed against the Judicial Officer and shall be his or her sole responsibility.

#### **Rule 38. Diversion Procedure.**

(A) When a Judicial Officer enters a rehabilitation diversion program pursuant to this Chapter, the Board may defer filing formal charges with the Court of Judicial Discipline for a reasonable period of time to permit the completion of the program, provided that the Judicial Officer consents in writing to the release of treatment information and records relating to his or her participation in the program.

(B) When a Judicial Officer satisfactorily completes an approved inpatient rehabilitation program, the Board shall continue the matter for a twelve (12) month probationary period, which may be conditioned on the Officer's continued participation in a recommended recovery program.

(C) If the rehabilitative intervention and the probationary period are deemed by the Board to have been satisfactorily completed, the Board will refrain from filing charges in the Court of Judicial Discipline and will dismiss the Complaint through the letter of counsel procedure outlined in J.C.B.R.P. 31(A)(2).

(D) If the Board determines that the applicant Judicial Officer has abandoned the recovery program, or has violated the terms in any substantial way, the Board may direct the filing of charges before the Court of Judicial Discipline, or take such other action as may be appropriate in the circumstances.

[Pa.B. Doc. No. 03-500. Filed for public inspection March 21, 2003, 9:00 a.m.]

## **Title 231—RULES OF CIVIL PROCEDURE**

### **PART I. GENERAL**

[231 PA. CODE CHS. 1000, 2120, 2150 AND 2170]

**Amendment of Rules of Civil Procedure Governing Venue; No. 381; Civil Procedure Rules; Doc. No. 5**

#### **Amendatory Order**

*Per Curiam:*

*And Now*, this 5th day of March, 2003, Pennsylvania Rules of Civil Procedure 1006, 2130, 2156 and 2179, amended by the Order of January 27, 2003, No. 381, Civil Procedural Rules Docket No. 5, shall apply to medical professional liability actions filed on or after January 1, 2002 and not to such actions filed prior to that date. The provisions of Rule of Civil Procedure 1032 governing waiver of defenses and objections shall not apply to a challenge to venue made within ninety days of the date of this Amendatory Order.

This Amendatory Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Justices Castille and Saylor would apply the amendments to the Pennsylvania Rules of Civil Procedure, as stated, prospectively for all actions filed on or after the effective date of Act No. 127 of 2002.

(*Editor's Note:* See adopting order at 33 Pa.B. 751 (February 8, 2003).)

[Pa.B. Doc. No. 03-501. Filed for public inspection March 21, 2003, 9:00 a.m.]

## **Title 255—LOCAL COURT RULES**

### **DAUPHIN COUNTY**

#### **Commencement of Action, Complaint and Order**

#### **Order**

*And Now*, this 6th day of March, 2003, Dauphin County Local Rule of Civil Procedure 1915.3 is amended as follows:

#### **Rule 1915.3. Commencement of Action. Complaint. Order**

(1) \* \* \*

(2) (a) In addition to the filing fees assessed for the filing of Complaints, an additional administrative fee in the amount of [ \$100.00 ] \$110.00 shall be paid to the Prothonotary simultaneously with the filing of the Complaint.

(b) An administrative fee of [ \$100.00 ] \$110.00 shall be paid to the Prothonotary simultaneously with the filing of any subsequent petition for relief (such as, but not limited to, a petition for modification or contempt).

(3) \* \* \*

This amendment shall be effective May 1, 2003.

*By the Court*

JOSEPH H. KLEINFELTER,  
*President Judge*

[Pa.B. Doc. No. 03-502. Filed for public inspection March 21, 2003, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Patrick H. McCarthy, III, having been disbarred from the practice of law in the Commonwealth of Massachusetts by Order dated August 30, 2002, the Supreme Court of Pennsylvania issued an Order on February 11, 2003, disbarring Patrick H. McCarthy, III, from the Bar of this Commonwealth, effective March 13, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides

outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 03-503. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that John Martin DeLaurentis, having been suspended from the practice of law in the State of New Jersey for a period of one year, the Supreme Court of Pennsylvania issued an Order dated March 7, 2003 suspending John Martin DeLaurentis, from the practice of law in this Commonwealth for a period of one year, effective April 6, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 03-504. Filed for public inspection March 21, 2003, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### GOVERNOR'S OFFICE

#### [4 PA. CODE CH. 1]

#### Index of Issuances—Directives Management System

The Directives Management System provides comprehensive statements of policy and procedure on matters that affect employees in all agencies under the Governor's jurisdiction. This amendment updates the Index for all Executive Orders, Management Directives and Manuals issued, amended and rescinded by the Directives Management System after publication of the last Index dated July 23, 2002.

The Index of Issuances (Index) and all documents listed therein can be accessed at [www.state.pa.us](http://www.state.pa.us). Go to the State's HOME PAGE. In the "PA Keyword" block, type in one of four keywords, that is, "Executive Orders," "Management Directives," "Administrative Circulars" or "Manuals." Click OK. When the screen appears, scroll down to the document by number. Additionally, organization charts also may be accessed.

Individuals should call (717) 783-5055 concerning changes in distribution requirements and requests for additional copies of issuances.

Marginal dots are indicative of documents added, amended, revised or rescinded since the last issuance of this Index.

This manual replaces, in its entirety, Manual M210.3 dated July 23, 2002.

ROBERT S. BARNETT,  
*Secretary of Administration*

**Fiscal Note:** GOV 03-2. No fiscal impact; (8) recommends adoption.

*(Editor's note: This Index of Issuance is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)*

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

#### § 1.4. Index of issuances.

(a) Section 1.2 (relating to policy) specifies that "Issuances from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies are to be issued through the Directives

Management System in one of four types of publications:

(1) Numbered Executive Orders, signed by the Governor, announcing broad policies, programs and responsibilities that are relatively permanent.

(2) Numbered Management Directives announcing detailed policies, programs, responsibilities and procedures that are relatively permanent. Management Directives are to be signed by the Governor, Lieutenant Governor, Budget Secretary, Secretary of Administration or the head of a department or independent board, commission or council under the Governor's jurisdiction.

(3) Numbered Administrative Circulars containing either informational material or instructions that are one-time or temporary in nature. Administrative Circulars are to be signed the same as Management Directives.

(4) Numbered procedural issuances containing detailed information and guidelines for relatively restricted, well-defined operations or sets of operations. Procedural issuances may be manuals, handbooks, catalogs, guides or similar publications. Manuals are to be signed the same as Management Directives.

(b) Management Directives and Manuals are numbered in sequence by category such as, Financial Management, and subcategory such as, Payroll. They should be filed by number, not by date.

(c) Changes to Executive Orders, Management Directives and Manuals (catalogs, handbooks, bulletins, and the like) may be issued in the form of amendments or revisions. Amendments are complete documents incorporating all changes since the last complete issuance. Dots are placed in the margins to show the new or changed text. Revisions are usually pen and ink changes or replacement pages and affect only those parts of an issuance being changed.

(d) Every agency should include in its distribution under each symbol a basic amount for managers and centrally located reference files. Additional copies depending on the symbol, should be included for action offices, field offices, extra information copies, and bulletin boards. Distribution symbols have the following meanings:

#### Distribution

Symbol	Definition
A	Of limited interest or requires action by only one or a few segments of an agency.
B	Of general interest or requires action by many segments of an agency.
F	Requires action by the personnel office or the main impact is in the field of human resources.
Special	Designed to fit specific needs. Most manuals are in this category.

(e) All changes in distribution requirements and requests for additional copies of all issuances should be referred to 783-5055.

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>1. Executive Orders Amendment</b>		
1973-9	Environmental Protection by State Agencies .....	7/13/73
1974-7	Directives Management System .....	Rescinded by 2001-1—2/13/01
1974-11	Governor's Interdepartmental Council on Seasonal Farmworkers .....	11/2/78
1975-3	Establishment of the Pennsylvania Commission for Women .....	Rescinded by 1997-3—6/25/97
1975-5	Commitment Toward Equal Rights .....	9/19/78
1975-6	Preservation of Historic Resources .....	5/6/75
1977-4	Compliance with Section 504 of the Rehabilitation Act of 1973 (P. L. 93-112) .	8/3/77
1977-5	Implementation of Act No. 1976-101 .....	9/27/77
1978-4	Flood Plain Management .....	3/1/78
1978-9	Public Information Policies and Practices .....	5/23/78
1978-19	Access by Handicapped Individuals to Meeting Locations .....	12/19/78
1979-10	Commonwealth Child Development Committee .....	7/25/79
1979-13	Governor's Office of Policy and Planning .....	9/18/79
1980-3	Life Cycle Costing .....	2/8/80
1980-4	Golden Keystone Discount Card Program .....	2/27/80
1980-5	Task Force on Employment Services to Displaced Homemakers .....	2/28/80
1980-7	Small Business Service Center .....	2/29/80
1980-13	Contract Management .....	Rescinded by 1999-5—12/9/99
1980-18	Code of Conduct .....	5/16/84..... 1
1980-20	Pennsylvania Coastal Zone Management Program .....	9/22/80
1981-3	Scheduling of Bond and Note Issue Sales .....	1/30/81
1981-4	Federal Program Coordination .....	2/9/81
1981-6	Pennsylvania Department of Health Advisory Board of Arthritis .....	5/22/81
1981-13	Governor's Committee on Employment of the Handicapped .....	10/19/81
1983-1	Transfer of Cresson Center to the Bureau of Correction .....	1/4/83
1983-4	Coordination of State Employment and Training Programs .....	Rescinded by 1997-7—6/30/98
1984-3	Accounting and Financial Reporting .....	10/11/84
1985-1	State Employee Combined Appeal .....	Rescinded by 2001-2—2/14/01
1986-1	Commonwealth Single Audit Coordinator .....	2/24/86
1986-2	Task Force on Special Supplemental Food Program for Women, Infants, and Children (WIC) .....	4/22/86
1986-5	Standby Allocations of the Volume Cap Under the Tax Reform Act of 1986 ...	10/2/86
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions .....	12/1/86
1987-1	1987 Allocations of the Unified Volume Cap Under the Tax Reform Act of 1986 .....	1/7/87
1987-2	Permanent Transfer of Retreat State Hospital to the Department of Corrections .....	1/16/87
1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections .....	1/16/87
1987-4	Economic Development Partnership (EDP) .....	Rescinded by 2001-4—6/5/01
1987-7	State Inspector General .....	4/6/87
1987-8	Pennsylvania Emergency Response Commission .....	4/20/87
1987-9	Allocation of State Low-Income Housing Credit Authority Under the Internal Revenue Code of 1986 .....	4/22/87
1987-10	Highway Safety .....	11/25/92

		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Executive Orders</b>			
1987-12	Cultural Advisor to the Governor .....	5/27/87	
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal Low-Level Radioactive Waste Policy Amendments Act .....	12/21/87	
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition .....	4/7/88 .....	1
1988-5	Pennsylvania Department of Health Diabetes Task Force .....	Terminated 12/31/94	
1988-8	Pennsylvania State Data Center .....	7/12/88	
1988-9	Small Business Advisory Council .....	Terminated 12/31/94	
1988-10	Management of Automated Technology .....	Rescinded by 2002-12	
1988-11	Motor Carrier Advisory Committee .....	11/18/88 .....	1-2-3
1989-2	Upper Delaware Federal Scenic River .....	2/16/89	
1989-3	Master Leasing Program .....	3/2/89	
1989-4	Developmental Disabilities Planning Council .....	Rescinded by 1997-2—5/30/97	
1989-8	Municipal Waste Reduction and Planning Program .....	10/17/89	
1990-1	Municipal Waste Transportation Enforcement Program .....	3/14/90	
1990-2	Bureau of Women's Business Development .....	Terminated 6/30/95	
1990-3	Contractor Responsibility Program .....	6/29/90	
1990-4	UNITED STATES BRIG NIAGARA—"Flagship of Pennsylvania" .....	8/17/90	
1990-7	Interagency River Island Task Force .....	10/17/90 .....	1
1991-2	Utilization of Commonwealth Owned and Leased Space .....	2/27/91	
1991-3	Use of Permanently-Assigned Commonwealth-Registered Vehicles .....	2/27/91	
1991-4	Governor's Council on Physical Fitness and Sports .....	Rescinded by 1997-5—9/24/97	
1991-5	Environmental Training Partnership .....	4/22/91	
1991-8	Pennsylvania Heritage Affairs Commission .....	Terminated 12/31/94	
1992-1	Records Management .....	1/8/92	
1992-2	Housing and Supportive Services Task Force .....	Terminated 1/31/95	
1993-2	Civil Disorder and Emergency .....	4/9/93	
1993-3	State Land Use Planning—Goals and Objectives for Commonwealth Agencies .....	8/31/93	
1993-4	State Center for Health Statistics and Research .....	10/13/93	
1994-1	State Commission on National and Community Service .....	1/28/94	
1994-2	Governor's Office of PennPORTS .....	3/29/94	
1994-3	Agricultural Land Preservation Policy .....	Rescinded by 1997-6—10/14/97	
1994-4	Governor's Committee on Education Standards and Assessments .....	5/18/94	
1994-5	Nursing Home Loan Agency's Authorization to Sell Loans .....	11/4/94	
1995-1	Judicial Appointments .....	2/27/95	
1995-2	Drug Policy Planning Coordination .....	12/19/97	
1995-3	Pennsylvania Energy Development Authority .....	7/10/95	
1995-4	Monitoring Supplies of Petroleum Products .....	7/10/95	
1995-5	Money-Back Guarantee Permit Review for the Department of Environmental Protection .....	8/23/95	
1995-6	Governor's Community Partnership for Safe Children .....	9/14/95	
1995-7	Governor's Executive Council on Recycling Development and Waste Reduction .....	10/11/95	
1995-8	Governor's Advisory Commission on Public School Finance .....	10/11/95	
1995-9	Governor's Sportsmen's Advisory Council .....	Rescinded by 2001-5—9/17/01	

		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Executive Orders</b>			
1995-10	Governor's Sports and Exposition Facilities Task Force .....	10/27/95	
1996-1	Regulatory Review and Promulgation .....	2/6/96	
1996-2	Implementation of the IMPACCT Commission Recommendations .....	4/19/96	
1996-3	Governor's Advisory Commission on African American Affairs .....	5/10/99	
1996-4	Governor's Advisory Commission on Latino Affairs .....	4/19/96	
1996-5	Municipal Waste Facilities Review Program .....	8/29/96	
1996-6	Governor's Advisory Commission on Academic Standards .....	9/30/96	
1996-7	Pennsylvania Center for Environmental Education .....	12/20/96	
1996-8	Minority and Women Business Enterprise and Contract Compliance Programs .....	12/20/96	
1996-9	Equal Employment Opportunity .....	Rescinded by 2002-3—5/3/02	
1996-10	State Employee Assistance Program .....	12/20/96	
1996-11	Disability-Related Policy .....	Rescinded by 2002-5—5/3/02	
1996-12	Workplace Policy for HIV/AIDS .....	12/20/96	
1996-13	Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace .....	12/20/96	
1996-14	Prohibition of Sexual Harassment in the Commonwealth .....	Rescinded by 1999-3—5/13/99	
1997-1	Governor's Travel and Tourism Council .....	3/17/97	
1997-2	Developmental Disabilities Council .....	5/30/97	
1997-3	Pennsylvania Commission for Women .....	6/25/97	
1997-4	The 21st Century Environment Commission .....	7/1/97 .....	1
1997-5	Governor's Advisory Council on Physical Fitness and Sports .....	9/24/97	
1997-6	Agricultural Land Preservation Policy .....	10/14/97	
1997-7	Pennsylvania Human Resources Investment Council .....	Rescinded by 2000-2—2/14/00	
1998-1	Governor's Green Government Council .....	3/25/98	
1998-2	Governor's Census 2000 Advisory Panel .....	4/2/98	
1998-3	The Pennsylvania Greenways Partnership Commission .....	8/16/01	
1998-4	Interagency Committee to Coordinate Services Provided to Individuals with Disabilities .....	8/12/98	
1999-1	Land Use Planning .....	1/7/99	
1999-2	Pennsylvania Rural Development Council .....	3/29/99	
1999-3	Prohibition of Sexual Harassment in the Commonwealth .....	Rescinded by 2002-4—5/3/02	
1999-4	Pennsylvania Justice Network (JNET) Governance Structure .....	6/8/99	
1999-5	Rescission of Executive Order 1980-13 .....	12/9/99	
2000-1	Extension of Filing Deadline for Nomination Petitions .....	Terminated 1/26/00	
2000-2	Pennsylvania Workforce Investment Board .....	2/14/00	
2001-1	Directives Management System .....	2/13/01	
2001-2	State Employee Combined Appeal .....	2/14/01	
2001-3	The Voting Modernization Task Force .....	Terminated 12/31/01	
2001-4	Economic and Community Development Partnership .....	6/5/01	
2001-5	Governor's Sportsmen's Advisor, Governor's Sportsmen's Advisory Council, and the Governor's Youth Sportsmen's Advisory Council .....	9/17/01	
2001-6	Governor's Task Force on Security .....	Rescinded by 2002-11— 9/12/02	
2002-1	Commonwealth Internal Operations Emergency Preparedness Steering Committee .....	3/22/02	
2002-2	Governor's Task Force on Early Childhood Care and Education .....	7/15/02	
2002-3	Equal Employment Opportunity .....	5/3/02	

		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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2002-4	Prohibition of Sexual Harassment in the Commonwealth .....	5/3/02	
2002-5	Disability-Related Policy .....	5/3/02	
2002-6	PA Open for Business .....	6/6/02	
2002-7	Integrating Mediation Into State Government .....	6/14/02	
2002-8	Governor's Interagency Task Force on Energy .....	7/18/02	
2002-9	Governor's Fire and Emergency Services Task Force .....	Terminated	10/1/02
2002-10	Governor's Commission and Abandoned Mine Voids and Mine Safety .....	Terminated	11/15/02
2002-11	Pennsylvania Homeland Security Organizational Structure .....	9/12/02	
2002-12	Rescission of Executive Order 1988-10 .....	Terminated	10/15/02
2002-13	Proposed Keystone Opportunity Improvement Sub-zones .....	12/31/02	
2003-1	Commonwealth's Health Care Reform Agenda .....	1/21/03	

**2. Management Directives and Manuals****BUDGET**

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105.2	Contingent Commitments .....	7/2/85	
105.3	Block Grants .....	12/6/82	
105.4	Allocation and Allotment of Funds for Non-ICS Transactions .....	10/22/84	
105.5	Use of the Determination of Tax-Exempt Category for Capital Projects Form .....	9/12/91	

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M110.1	2002-03 Budget Instructions .....	8/01	
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205.4	Delegation of Authority to Sign .....	8/16/00	
205.6	Defense of Suits Against Commonwealth Employees .....	9/30/86	
205.9	Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct .....	3/5/02	
205.10	Financial Disclosures Required by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113 .....	3/5/02	
205.12	Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113 .....	3/5/02	
205.14	Prohibition of Activities Not Specifically or Directly Connected with the Official Business of the Commonwealth on Commonwealth Property .....	2/2/88	
205.15	Memberships in Associations, Organizations, or Societies .....	1/17/85	
205.16	Compliance With the Whistleblower Law, Act 1986-169 .....	11/22/95	
205.17	1987 Chesapeake Bay Agreement .....	3/2/88	
205.18	Ballot Question Advocacy by Executive Branch Employees, Appointees and Officials .....	4/11/88	
205.19	Smoking in Commonwealth Buildings and Facilities .....	7/1/97	
205.20	Documents and Evidence Relating to Asbestos in Commonwealth Buildings .	6/7/89	
205.21	Commonwealth Child Care Program .....	9/12/01	



	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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<b>General</b>		
205.22	Implementation of Act 1988-101, Municipal Waste Planning, Recycling and Waste Reduction Act .....	8/7/89
205.23	Submission of Commonwealth Publications to the State Library for Collection and Distribution to Other Designated Libraries .....	4/27/93
205.24	Display of Flags on Commonwealth Grounds and Buildings .....	5/24/01
205.25	Disability-Related Employment Policy .....	6/19/02
205.26	The Americans With Disabilities Act of 1990, Title II, Subtitle A, Nondiscrimination in State and Local Government Services .....	7/22/92
205.27	Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act .....	11/16/92
205.28	Purchase of Recycled Content Products by State Agencies .....	4/2/93
205.29	Commonwealth Internet Access .....	1/5/99
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205.31	Pro Bono Publico Legal Services .....	2/11/99
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205.33	Workplace Violence .....	6/22/99
205.34	Standards for Employee and Other Authorized User Internet Use and Electronic Mail Communications .....	9/12/00
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210.4	Central Microfilm Management .....	11/18/02
210.5	Records Management .....	9/16/02
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210.8	Micrographics Procedures to be Used in Conjunction With Central Microfilm Management .....	11/18/02
210.9	Electronic Imaging Systems Procedures Relating to the Management of Records .....	4/23/01
210.10	Electronic Records Management .....	4/23/01
210.11	Acceptance of Imaged Documents .....	6/16/97
210.12	Electronic Commerce Initiatives and Security .....	2/14/00
210.13	Retention and Disposition of Records Created on Electronic Mail (E-mail) Systems .....	4/27/01
M210.1	Guide to Efficient Filing .....	7/21/76
M210.3	Index of Issuances—Directives Management System .....	1/27/03
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215.6	Contract Management .....	Rescinded by M215.3—8/20/99
215.7	Affirmative Action/Contract Compliance Program .....	Rescinded by M210.3—4/8/97

		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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215.10	Offset Provision for Commonwealth Contracts .....	Rescinded by 215.9—4/16/99	
215.11	Contractor Responsibility Provisions for Commonwealth Contracts .....	Rescinded by 215.9—4/16/99	
215.12	Provisions for Commonwealth Contracts Concerning the Americans With Disabilities Act .....	1/16/01	
215.13	Contract Provision for Donation of Excess Prepared Food .....	6/21/94	
215.14	Recycled Content Products Provision for Commonwealth Contracts for Services .....	Rescinded by M215.3—8/20/99	
215.15	Statewide Contracts for the Purchase of Services .....	Rescinded by M215.3—8/20/99	
215.16	Contract Compliance Program .....	6/30/99	
M215.1	Contracting for Services .....	Rescinded by M215.3—8/20/99	
M215.2	Commonwealth Contract Compliance Program Guidelines .....	Rescinded by M210.3—4/8/97	
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220.5	Payment of Interagency Billings for Centralized Services .....	5/21/98	
220.9	Graphic Design, Typesetting, Reproduction, and Printing Services .....	6/4/87	
220.10	Processing Automated Mail .....	2/21/91	
220.11	Preservation of Commonwealth Deeds .....	3/29/91	
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230.9	Air Travel Acquisition and Billing for Airline Tickets .....	1/21/88	
230.10	Travel and Subsistence Allowances .....	11/1/00	..... [1]*-2-3-[4]*-5
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230.13	Commonwealth Corporate Card Program .....	11/2/00	
230.14	Foreign Areas Subsistence Allowances .....	2/25/02	
230.15	Continental United States High Cost Subsistence Allowances .....	6/6/02	
230.16	Using E-ZPass in Commonwealth Vehicles .....	9/5/01	
<b>Data Processing Management</b>			
235.10	Commonwealth Data Communications .....	Rescinded by M210.3—8/18/98	
<b>Telecommunications Management</b>			
240.3	Commonwealth of Pennsylvania Telephone Network .....	Rescinded by M210.3—8/18/98	
240.4	Telephone Line Inventory .....	Rescinded by M210.3—8/18/98	
240.6	Processing of Telephone and Telegraph Charges .....	Rescinded by M210.3—8/18/98	
240.7	Submission of Changes to the Commonwealth Telephone Directory, Agency Organizational and Functional Listings, and Employee Locator File .....	9/26/97	
240.8	PANET and TELPAK Cost Reimbursement .....	Rescinded by M210.3—8/18/98	
240.9	Procurement of Pagers .....	Rescinded by M210.3—8/18/98	
240.10	Commonwealth Telephone Management Information System (TMIS) .....	Rescinded by M210.3—8/18/98	

\* Revision Nos. 1 and 4 to 230.10 are rescinded.

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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241.4	Radio Frequency Spectrum Management .....	Rescinded by M215.3—8/20/99
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245.2	Acquisition of Digital Transport Services .....	Rescinded by M210.3—8/18/98
245.3	Interoperability of Electronic Mail Systems .....	Rescinded by M210.3—8/18/98
245.4	Preparation of Agency Automated Technology Multiyear Planning Documents .....	Rescinded by M210.3—8/18/98
245.5	Acquisition, Coordination, and Use of Decentralized and Distributed Automated Technology Equipment and Systems .....	Rescinded by M245.4—1/7/98
245.7	Agency Telecommunications Management .....	Rescinded by M210.3—8/18/98
245.10	State Computer Maintenance Contract for Terminals, Microcomputers Printers, and Other Related Peripheral Equipment .....	Rescinded by M210.3—8/18/98
245.11	Development of Information Technology—Enterprise Continuity/Recovery Plans .....	Rescinded as obsolete.
245.12	Implementation of the Data Center Project Plan .....	7/1/97
245.13	Strategic Direction for Information Technology Investments .....	2/2/99
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245.16	Pennsylvania Justice Network (JNET) Governance Structure .....	6/16/99
M245.1	Guidelines for Preparation of Automated Technology Multiyear Planning Documents .....	Rescinded by M210.3—8/18/98
M245.2	State Computer Maintenance Contract for Terminals, Microcomputers Printers, and Other Related Peripheral Equipment .....	9/1/92
M245.3	Guidelines for Personal Computers .....	Rescinded by M245.4—1/7/98
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250.3	State Contracts Information Document .....	Rescinded by Rev. 1
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260.2	Reorganization Plans for Transfers of Functions Between Agencies .....	11/16/87
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**General**

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305.5	Cash Management .....	11/16/92
305.6	Withholding Payments to Municipalities (Act No. 166 of 1978) .....	5/1/97
305.7	Interest Penalties for Late Payments .....	3/24/95 ..... 1
305.8	Commonwealth Bank Accounts and Special Banking Services .....	6/11/97
305.9	Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/420L, Transmittal of Revenue, When Unaccompanied by Remittances .....	11/5/99 ..... 1-2

		Date of Original or Latest Amendment	Current Revisions
<b>Management Directives and Manuals</b>			
<b>General</b>			
305.10	Receipt of Federal Funds by Wire Transfer .....	1/23/89	
305.11	Depositing Currency and Coin .....	4/21/97	1
305.12	Accounting, Reporting, and Cash Management of Federal Grants and Contracts .....	1/25/99	
305.13	Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/420L, Transmittal of Revenue, When Accompanied by Remittances .....	4/4/00	1
305.14	Identifying Payments to Local Governments and Other Subrecipients .....	12/22/93	
305.15	Processing and Distributing Returned Checks .....	8/30/89	
305.16	Lobbying Certification and Disclosure .....	8/6/90	
305.17	Preparation and Use of Form STD-417, Adjustment Memorandum From Department of Revenue to Treasury Department .....	10/29/90	1
305.18	Obtaining Authority for Electronic Approval of Commonwealth Voucher Transmittals .....	11/30/00	
305.19	Identification of Boards, Commissions, and Councils .....	8/15/97	
305.20	Grant Administration .....	5/26/00	
<b>Accounting</b>			
310.1	Fiscal Guidelines for Federal Reimbursement of Disaster Related Expenditures .....	1/5/83	
310.3	Encumbering and Lapsing of Appropriations .....	5/4/98	1
310.7	Report of Lapse (STD-292) .....	9/28/83	
310.8	Postage Due Procedures .....	1/8/87	
310.9	Purpose and Use of Restricted Receipt and Restricted Revenue Accounts ....	11/20/78	
310.10	Collection, Requests for Compromise, and Write-Off of Delinquent Claims ...	8/29/96	
310.11	Payment and Financial Reporting Requirements for Non-Preferred Appropriations .....	1/19/82	1
310.12	Refunding Erroneously Collected Fees and Charges .....	4/30/82	
310.13	Generally Accepted Accounting Principles (GAAP) .....	6/13/95	
310.14	Fixed Asset Accounting and Reporting .....	8/28/86	
310.14	General Capital Asset and Other Fixed Asset Accounting and Reporting in (SAP)* SAP .....	2/3/03	
310.15	Agency Federal ID Numbers .....	6/7/96	
310.16	Advancement Account Balances .....	8/21/87	
310.17	Accounting for Payments of Federal Funds to Subrecipients .....	4/8/99	
310.18	Reporting of Pending or Threatened Claims .....	Rescinded by Rev. 1—5/27/99 and M210.3—10/3/99	
310.19	Accounting for Disbursements of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant; Accounting for the Subgranting of Federal, Federal Matching Funds, or State Funds Between Commonwealth Agencies .....	9/4/97	
310.20	Charging Equipment Expenditures to Federal Programs .....	8/31/94	
310.21	Master Lease Tracking System .....	4/21/95	
310.22	Central Vendor Information System .....	4/30/96	
310.23	Commonwealth Purchasing Card Program .....	3/24/97	1
310.24	Accepting Debit/Credit Cards and Electronic Funds Transfers for Commonwealth Revenues .....	10/20/00	

\* This version of 310.14 is only for agencies that have converted to SAP. The 8/28/86 version is for agencies that have not converted to SAP.

		Date of Original or Latest Amendment	Current Revisions
<b>Management Directives and Manuals</b>			
<b>Accounting</b>			
310.25	Transfers of Revenue or Expenses in SAP .....	12/05/02	
M310.1	Agency Operated Advancement Accounts .....	8/11/99	
M310.2	Definitions of Major and Minor Objects of Expenditures .....	8/27/98	1
M310.3	Manual of Accounting .....	7/17/96	
M310.4	Fixed Asset Accounting System .....	5/21/90	1
M310.10	Revenue and Receipts Accounting Subsystem .....	8/31/90	
M310.11	Budget Control Subsystem .....	7/15/93	
M310.12	General Ledger Subsystem .....	3/23/89	
M310.13	Project Accounting Subsystem .....	5/7/92	
M310.14	Grant Accounting Subsystem .....	3/12/93	
M310.15	Commitment and Expenditure Control Subsystem .....	8/31/90	
M310.16	ICS Information System (IIS) Terminal Operators Manual .....	8/31/90	1
<b>Payroll</b>			
315.1	Calculation and Payment of Statutory Salaries .....	12/5/02	
315.6	Employees' Requests for Additional State or Federal Income Tax Withholding .....	1/6/81	
315.7	Employee Payroll Deductions for Credit Unions .....	6/1/89	1-2-3
315.8	Restitution of Overpayments .....	10/1/97	
315.9	Withholding of Delinquent Local Taxes from Employees' Paychecks .....	11/4/96	
315.10	Recording and Reporting of Wage, Overtime, Shift Differential, and Short-Term Leave Without Pay .....	4/1/80	
315.11	Distribution and Retention of Payroll Deduction Authorization Documents ..	4/24/80	
315.13	Payments of Wages, Salary, Benefits, and Travel Expenses to Survivors of Deceased Employees .....	8/19/96	
315.14	Charges for State Employees Residing or Subsisting in Commonwealth Facilities .....	5/29/97	
315.15	Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Paychecks .....	3/21/83	
315.16	Payment of Annuitant Medical and Hospital Benefits .....	9/10/97	
315.17	Direct Deposit of Pay Program .....	10/20/00	
315.18	Delivery of Payroll Checks to Employees .....	11/28/90	
315.19	Check Distribution Codes .....	9/20/93	
315.20	Taxability of the Use of State-Provided Vehicles .....	5/6/96	1-[2]*-3-[4]*- [5]*-6
315.21	Deductions for U.S. Savings Bonds .....	11/7/85	
315.22	Preparation and Filing of Federal Forms 1099 and 1096 .....	1/3/95	
315.23	Processing Employee's Withholding Allowance Certificate (W-4) .....	2/9/88	
315.25	Pennsylvania Personal Income Tax .....	9/12/88	
315.26	Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers .....	1/24/94	1
315.27	Recoupment of Conversion Pay Amounts .....	5/4/92	
315.28	Taxability of State-Provided Parking .....	9/12/96	1-2-3
315.29	Mailing SAP-Generated Checks .....	12/5/02	
M315.1	Municipal Tax Rate Schedules .....	Rescinded by Rev. 3	

\* Revision Nos. 2, 4, and 5 to 315.20 are rescinded.

		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>			
<b>Audits</b>			
325.2	Audit Inquiry Relative to Agency Litigation, Claims, and Assessments .....	2/23/95	
325.3	Performance of Audit Responsibilities .....	9/14/94	
325.4	Agency Annual Audit Plan .....	6/11/01	
325.5	Single Audit Costs—State Level .....	9/27/00	
325.6	Auditing Computer Based Systems .....	6/12/87	
325.7	Implementation of the Commonwealth's State Level Single Audit .....	7/13/98	
325.8	Remedies for Recipient Noncompliance with Audit Requirements .....	6/11/99	
325.9	Processing Audits of Federal Pass-Through Funds .....	9/8/97	
325.10	Review of Auditor General, Treasury, and Legislative Budget and Finance Committee Audit Reports .....	8/31/94	
<b>EQUAL EMPLOYMENT OPPORTUNITY</b>			
<b>Equal Employment Opportunity Programs</b>			
410.5	Affirmative Action Program .....	Rescinded by M210.3—4/8/97	
410.9	Personnel Procedures for Affirmative Action Analysts, Affirmative Action Directors, and Compliance Specialists .....	Rescinded by M210.3—4/8/97	
410.10	Guidelines for Investigating and Resolving Internal Discrimination Complaints .....	6/19/02	
410.11	Commonwealth's Equal Employment, Outreach, and Employment Counseling Program .....	5/8/97	
M410.3	Guidelines for Equal Employment Opportunity Plans and Programs .....	5/8/97	
<b>EMPLOYEE DEVELOPMENT AND UTILIZATION</b>			
<b>General</b>			
505.1	Employee Furlough Policy .....	9/11/96	
505.2	Salaried Complement Management System .....	3/10/98	
505.4	Salaried Complement Control .....	2/18/82	..... 1
505.7	Personnel Rules .....	2/24/98	..... 1
505.8	Transmittal of Personnel Action Notifications .....	4/2/98	
505.9	Standard Abbreviations for Use With the Compensation Plan and the Integrated Personnel Payroll System .....	1/5/99	
505.11	Emergency Assignments of Employees During Emergencies .....	6/17/98	
505.12	Annual List of Employees .....	6/26/01	
505.15	Exit Information Program .....	5/22/97	
505.17	Furlough of Employees on Work-Related Disability Leave .....	7/25/00	
505.18	Maintenance, Access, and Release of Employee Information .....	7/15/02	
505.20	Wage Complement Management and Control .....	11/10/99	
505.21	Office Hours .....	1/19/00	
505.22	State Employee Assistance Program .....	1/16/98	
505.23	Employee Recognition Programs .....	3/12/98	
505.25	Substance Abuse in the Workplace .....	1/16/98	
505.26	HIV/AIDS in the Workplace .....	9/9/02	
505.27	The Worker and Community Right to Know Act (P. L. 734, No. 159) .....	8/3/93	
505.28	Family Care Account Program .....	10/6/00	
505.29	Commercial Driver License Drug and Alcohol Testing Requirements .....	Rescinded by M505.5—11/5/99	
505.30	Prohibition of Sexual Harassment in Commonwealth Work Settings .....	6/19/02	..... 1
M505.2	Personnel Management Review .....	7/9/97	
M505.3	State Employee Assistance Program .....	10/29/98	

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>		
<b>General</b>		
M505.4	Personnel Records Retention and Disposition Schedule .....	12/7/98
M505.5	Commercial Driver License Drug and Alcohol Testing and Licensing Requirements Administrative Manual .....	5/30/02
M505.6	An Agency Guide to Workplace Violence Prevention and Response .....	5/28/02
<b>Employment</b>		
515.2	Transfer of Employees From One Agency to Another .....	6/16/00
515.3	Classified Service Emergency Appointments .....	5/14/85
515.4	Seniority Rights of Commonwealth Employees .....	4/29/98
515.10	Selection and Appointment to Non-Civil Service Positions .....	10/30/02
515.12	Confidential Employees .....	10/12/99
515.15	Identification, Employment, and Education Verification Checks .....	6/13/97
515.16	Appointment to Senior Level Positions .....	10/30/02
515.17	Computer Systems Intern Program .....	8/29/89
515.18	Supplementary Employment .....	7/7/98
515.19	Accounting Intern Program .....	10/7/85
515.20	Reemployment of Commonwealth Annuitants .....	2/21/02
515.21	Commonwealth School to Work Program .....	2/18/00
<b>Classification</b>		
520.3	Unclassified Codes and Titles .....	11/7/96
520.4	Position Classification Post-Audits .....	11/16/99
520.5	Centralized Classifications Control System .....	11/7/96
520.6	Processing of Reclassification Actions .....	11/7/96
520.7	Development and Validation of Classification Standards .....	4/3/97
520.8	Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan .....	11/7/96
520.9	Appointments Above the Minimum .....	3/5/98
<b>Pay</b>		
525.4	Temporary Assignment in Higher Classification .....	11/7/96
525.6	Advances on Salaries or Wages Earned .....	8/29/96
525.8	Processing of Pay Increments .....	Rescinded by M210.3—4/8/97
525.11	Dual Employment .....	2/10/97
525.12	Reinstatement of Discharged Employees .....	9/21/79
525.13	Maintenance of Weighted Salaries .....	9/28/01
525.15	Overtime .....	2/10/97
525.16	Physicians and Related Occupations Quality Assurance Program .....	7/10/01
525.17	Internal Revenue Service Levies on Wages, Salary, and Other Income or Payments .....	6/28/91
M525.2	Commonwealth Pay Plan .....	4/24/00
<b>Benefits</b>		
530.1	Agency Employee Services Coordinators .....	9/17/96
530.2	Sick Leave Without Pay, Parental Leave Without Pay, and Family Care Leave Without Pay .....	1/13/97
530.3	State Employee Combined Appeal for New Employees and Employees on Inter-Agency Transfers .....	1/18/96
530.4	State Paid Benefits While on Sick, Parental, or Family Care Leave Without Pay .....	3/21/96

		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>			
<b>Benefits</b>			
530.8	Motor Vehicle Financial Responsibility Law .....	7/22/97	
530.9	Social Security Records .....	10/9/97	
530.10	Administrative Leave to Compete in International and World Championships	7/23/96	
530.11	Benefit Rights of Permanent and Temporary Employees .....	10/6/00	
530.14	Payment for Leave .....	Rescinded by 530.14 Rev. 1 and M210.3—10/3/99	
530.15	Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates .....	7/8/97	
530.17	Partial and Full Day Closings of State Offices .....	12/28/95	
530.18	Benefit Rights of Furloughed Employees .....	2/24/97	
530.20	State Paid Benefits While on Cyclical Leave Without Pay .....	7/8/97	
530.21	Paid Leave for Blood Donation .....	5/13/97	
530.22	Unemployment Compensation, Noncovered Employment—"Major Nontenured Policymaking or Advisory Positions" .....	11/20/96	
530.23	State Employee Combined Appeal .....	11/2/01	..... 1
530.24	Retired Employee Health Program Eligibility Requirements .....	10/5/01	
530.26	Benefit Entitlements for Employees on Military Leave .....	4/26/00	
530.27	Leave Related Policies for Employees Excluded from Earning Leave and Leave Service Credit .....	2/7/97	
530.28	Pennsylvania Employees Benefit Trust Fund (PEBTF) .....	2/23/95	
M530.2	Injury Leave Manual .....	11/29/01	..... 1
M530.3	Group Life Insurance Program Administrative Manual .....	6/26/01	
M530.4	Commonwealth of Pennsylvania Highlights of State Employee Benefits .....	2/02	
M530.7	Leave and Holiday Programs .....	7/7/98	
M530.9	Unemployment Compensation Insurance Administrative Manual .....	12/7/98	
M530.14	Unemployment Compensation and the Supervisor .....	3/82	
M530.15	State Police Health Program/State Police Supplemental Benefits Program Administrative Manual .....	6/5/01	..... 1-2
M530.16	Temporary Clerical Pool Agency User Manual .....	10/99	
M530.17	Temporary Clerical Pool Employee Handbook .....	12/94	
M530.18	The Benefits of a "Healthy" Sick Leave Balance .....	11/97	
M530.19	Leave Without Pay and Injury Leave Processing Instructions .....	4/2/98	
M530.20	Commonwealth of Pennsylvania Employee Benefits .....	2/02	
<b>Training</b>			
535.1	Employee Training and Development .....	2/9/00	
535.2	Physicians and Related Occupations Specialty Board Certification Payments	1/29/97	
535.3	Out-Service Training .....	1/16/99	
535.4	Use of State Work Program and Public Services Trainee Classes .....	2/16/84	
535.5	Use of Trainee Classes in the Classified Service .....	9/12/96	
535.6	Commonwealth Management Development Program .....	2/9/00	
535.7	Annual Agency Training Plan and Report .....	7/8/99	
<b>Performance Evaluations</b>			
540.7	Employee Performance Review .....	3/5/02	



		Date of Original or Latest Amendment	Current Revisions
<b>Management Directives and Manuals</b>			
<b>Retirement</b>			
570.1	State Employees' Retirement System, Duties of Agencies .....	8/4/00	
570.2	Use of Form SERS-147 to Elect Membership in Full Coverage Retirement Group .....	2/22/90	
570.5	Employer Contributions Required on the Purchase of Prior Service .....	5/20/87	
570.6	Optional Membership in State Employees' Retirement System .....	4/30/96	
570.7	Credited State Service .....	11/29/82	
570.8	Reinstatement of Dismissed or Furloughed Employees Into the State Employees' Retirement System .....	8/10/89	
570.9	Reinstatement Into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed .....	6/29/93	
570.10	Final Average Salary—Part-Time Service, State Employees' Retirement System .....	5/22/81	
570.11	Changes to Retirement and Personnel Payroll System and Collection of Arrears Balances .....	3/24/97	
570.12	Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions .....	4/30/96	
570.13	State Employees' Retirement System, Regional Field Offices .....	9/23/92	..... 1
570.14	Deferred Compensation Program .....	1/23/89	
570.15	Public Employee Pension Forfeiture Act No. 1978-140 .....	10/28/94	
M570.3	State Employees' Retirement System Counselors' Manual .....	Rescinded by SERS as obsolete	
<b>Civil Service</b>			
580.2	Civil Service Availability Survey/Interview Notice .....	7/5/94	
580.6	Monthly Report of Classified Service Employees .....	8/23/95	
580.8	Classified Service Probationary Periods .....	4/13/00	
580.10	Rights of Certified Eligibles in the Classified Service .....	5/16/86	
580.11	Documentation of Classified Service Personnel Actions .....	6/6/01	
580.12	Recruitment for Classified Service Positions .....	10/15/87	
580.13*	Report of Personnel Transactions for Non-State Employees .....	8/18/87	
580.15	Selective Certification of Classified Service Eligibles .....	6/26/90	
580.16	Provisional Employment in the Classified Service .....	12/5/86	
580.17	Performance Evaluations to Determine Order of Furlough for Classified Service Employees .....	Rescinded by M580.2—10/16/97	
580.18	Pennsylvania Residency and United States Citizenship Requirements for the Classified Service .....	2/4/97	
580.19	Promotion in the Classified Service Without Examination .....	12/4/01	
580.20	Classified Service Furlough and Reemployment .....	Rescinded by M580.2—10/16/97	
580.21	Veterans' Preference on Classified Service Employment Lists .....	6/5/97	
580.23	Resignation From and Reinstatement to the Classified Service .....	3/12/90	
580.24	Promotion of Employees in Unskilled Positions Into the Classified Service ...	5/28/96	
580.25	Political Activities of Classified Service Employees .....	9/30/92	
580.26	Transfer or Reassignment of Classified Service Employees .....	2/28/90	
580.27	Limited Appointments to Positions Exempted from the Classified Service Pursuant to Section 3(c)(4), Civil Service Act .....	2/18/88	
580.28	Reallocation to a Lower Class in the Classified Service .....	2/27/90	

\* Special Distribution

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<b>Management Directives and Manuals</b>			
<b>Civil Service</b>			
580.29	Rapid Promotion Examinations in the Classified Service .....	8/12/85	
580.30	Classified Service Leave Without Pay and Return Rights .....	3/24/86	
580.31	Classified Service Temporary Appointments .....	7/18/90	
580.32	Substitute Employment in the Classified Service .....	12/11/86	
580.33	Reproductions of Documents for Classified Service Personnel Actions .....	9/14/90	
580.34	Removal of Eligibles for Certification or Appointment in the Classified Service .....	5/20/02	
580.35	Employees Placed in the Classified Service by Position Reallocation .....	3/29/88	
580.36	Engineering Intern Program .....	1/14/94	
580.37	Promotion by Appointment of Unclassified Service Employees Into the Classified Service .....	5/22/02	
M580.1	Certification of Eligibles for the Classified Service .....	4/7/97	
M580.2	Furlough of Classified Service Employees Not Covered by Labor Agreements .....	10/16/97	
<b>Labor Relations</b>			
590.1	Labor Relations .....	8/7/00	
590.2	Confidential Positions and Employees .....	1/29/97	
590.3	Deduction of Union Dues/Fair Share Fees .....	12/20/00	
590.5	Guidelines to be Followed During Legal or Illegal Strikes .....	5/13/97	
590.6	Information Needed to Obtain Injunctions Against Illegal Strikes .....	Rescinded by 590.5—5/13/97	
590.7	Labor Relations—Grievance Administration .....	7/28/97	
590.8	Classification Grievance Processing .....	11/7/96	
M590.2	Digest of Commonwealth Employee Classification Arbitration Cases .....	8/4/82	..... 1 thru 7
<b>SUPPLIES, SERVICES AND EQUIPMENT</b>			
<b>Supplies and Equipment Acquisition/Disposition</b>			
610.2	Release and Receipt of Surplus State Property .....	Rescinded by M215.3—8/20/99	
610.3	Transfer or Sale of Surplus State Property .....	Rescinded by M215.3—8/20/99	
610.4	Procedures for Purchasing Goods and Services Not Exceeding \$1,500 Through Advancement Accounts .....	11/17/83	
610.5	Disposition of Personal Property and Equipment Purchased with GSA Bond Moneys .....	Rescinded by M215.3—8/20/99	
610.7	Acquisition of Surplus Federal Personal Property .....	Rescinded by M215.3—8/20/99	
610.9	Recovery of Precious Metals .....	Rescinded by M215.3—8/20/99	
610.11	Equipment Lease Renewals .....	Rescinded by M215.3—8/20/99	
610.12	Renewal of Multiyear Equipment Leases Containing Purchase Options .....	Rescinded by M215.3—8/20/99	
610.13	Local Bids and Local Awards for Goods Costing \$1,500 to \$10,000 .....	Rescinded by M215.3—8/20/99	
610.14	Review of Sole Source Purchase Requisitions for Equipment and Supplies ...	Rescinded by M215.3—8/20/99	
610.15	Master Lease Program .....	1/3/95	
M610.1	General Services Commodity Distribution Center Catalog .....	8/8/00	
M610.5	Field Purchasing Manual .....	Rescinded by M215.3—8/20/99	
<b>Automotive Services</b>			
615.1	Temporary Assignment of Commonwealth Automotive Fleet Vehicles .....	12/2/92	
615.2	Motor Vehicle Liability Insurance and Accident Reporting .....	6/17/96	
615.3	Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet .....	6/26/02	
615.6	License Plates for Commonwealth-Owned Vehicles .....	6/30/97	
615.7	Commonwealth Vehicle Invoices .....	7/3/97	

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>		
<b>Automotive Services</b>		
615.8	Use of State Automobiles .....	3/26/80
615.9	Permanent Assignment of Commonwealth Automotive Fleet Vehicles .....	11/20/02
615.11	Use and Condition Inspections of Commonwealth-Owned Motor Vehicles ....	4/21/82
615.12	Motor Vehicle Authorization List .....	8/11/83
615.13	Emission Control Program—Commonwealth Automotive Fleet Vehicles .....	9/26/97
615.14	Repairs and Maintenance, Commonwealth Automotive Fleet .....	6/25/97
615.15	Vehicle Parking License Agreements .....	7/19/01
M615.2	Commonwealth Automotive Credit Card Code List—January 1996 .....	Rescinded by DGS & Rev. 1 to M210.3—2/1/00
<b>Commodity Standards</b>		
620.1	Coal Sampling and Reporting .....	2/6/02 ..... [1]*-2
<b>Buildings, Property and Real Estate</b>		
625.1	Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services .....	8/29/00
625.2	Inventory of Commonwealth Real Property .....	6/3/96
625.3	Moving Employee Household Goods and Commonwealth Property .....	3/14/96
625.4	Enforcement of Fire and Panic Regulations .....	3/27/91
625.5	Reporting Surplus Real Property .....	5/6/96
625.6	Lease Amendment Exceptions for Leasehold Construction Improvements Costing Less than \$10,000 .....	2/28/01
625.7	Use of Form STD-291, Request for Lease Action and Budget Approval .....	11/6/97
625.8	Contracting for Bargaining Unit Work .....	2/25/94
625.9	Payment of Contractors and Design Professionals for Agency-Funded Construction Projects Undertaken by the Department of General Services .	3/9/01
625.10	Card Reader Access to Certain Capitol Complex Buildings and Other State Office Buildings .....	8/28/02
<b>Bonds and Insurance</b>		
630.1	Agency Insurance Coordinators .....	10/2/87
630.2	Reporting of Employee Liability Claims .....	4/28/98
<b>COMMONWEALTH PROGRAMS</b>		
<b>Protection and Safety</b>		
720.2	Wage Standards Picketing .....	2/3/77
720.3	Guidelines for Preparing for, Responding to, and Reporting Emergencies at State Offices .....	6/28/02
720.4	Safety and Loss Prevention Program .....	10/2/87

\* Revision No. 1 to 620.1 was rescinded by Revision No. 2

**§ 1.5. Office hours.**

(a) Under sections 221 and 709(d) of The Administrative Code of 1929 (71 P. S. §§ 81 and 249(d)), the Executive Board has, in a resolution dated September 26, 1985, determined the hours when the central administrative offices of State Government are to be open for the transaction of public business at least 8 hours each day, except Saturdays, Sundays, and selected holidays as determined by the Executive Board.

(b) An agency may authorize employees to work a standard schedule at hours outside the office hours shown

on the schedule of office hours. An agency may assign employees to work staggered work hours to meet program or operational needs, or approve employee requests to accommodate transportation, family care, education, or other compelling reasons. An agency also may establish, with Office of Administration approval, alternate work schedules and flex-time arrangements for operational units that measurably will improve efficiency and/or client service. Such scheduling variations outside of an agency's standard operating hours cannot impair the operational efficiency or client service provided by the agency.

(c) The opening and closing hours of field administrative offices shall be determined by each agency head in a manner consistent with its operational needs and in conformance with section 221 of The Administrative Code.

(d) Requests for changes to the schedule shall be forwarded to the Secretary of Administration, with justification, for consideration by the Executive Board.

(e) The schedule of office hours is as follows: 7:30 a.m.—4 p.m. Liquor Control Board; 7:30 a.m.—4:30 p.m. Civil Service Commission, Public School Employees' Retirement System; 7:30 a.m.—5 p.m. Executive Offices, Revenue; 7:45 a.m.—4:15 p.m. Pa. Municipal Retirement System; 8 a.m.—4 p.m. Agriculture, Emergency Management Agency, Fish and Boat Commission, Game Commission, Milk Marketing Board; 8 a.m.—4:30 p.m. Environmental Protection, Insurance, Public Utility Commission, State Employees' Retirement System, State Tax Equalization Board, Transportation, Treasury; 8 a.m.—5 p.m. Conservation and Natural Resources, Corrections, Education, General Services, Health, Labor and Industry, Public Television Network Commission, State; 8:15 a.m.—4:15 p.m. State Police; 8:15 a.m.—4:30 p.m. Military and Veterans Affairs; 8:30 a.m.—4:45 p.m. Probation and Parole Board; 8:30 a.m.—5 p.m. Aging, Attorney General, Auditor General, Banking, Community and Economic Development, Governor's Office, Historical and Museum Commission, Lieutenant Governor's Office, Public Welfare, Securities Commission.

[Pa.B. Doc. No. 03-505. Filed for public inspection March 21, 2003, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CH. 63]

#### Fishing Guide Operations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing the 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 final-form publication of this order 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*

The amendments to § 63.41 (relating to recognition of fishing guide operations) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. *Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to recognized fishing guide operations. The spe-

cific purpose of the final-form rulemaking is described in more detail under the summary of changes.

#### E. *Summary of Final-Form Rulemaking*

The Commission administers a program that provides for the voluntary Official Recognition of Charter Boats and Fishing Guides operating within this Commonwealth. Under existing regulations, operators pay a \$50 annual fee for which they receive an official recognition certificate and two decals. In return, they may proclaim themselves as being officially recognized by the Commission and may field dress fish caught for their customers. They also must report to the Commission the number and species of fish caught and their disposition.

The Commission proposed several significant revisions to § 63.41. The major changes include:

- Changing the title of the section to "Recognition of fishing guide operations." This program enables those so recognized to provide value added services for customers, such as field dressing fish, and imposes a reporting requirement on fish caught. The use of a boat when delivering these services is incidental and not germane to the primary privileges and requirements of participation.
- Including a definition of "concurrent jurisdiction waters" for the purpose of this section.
- Imposing additional requirements when boats are used in fishing guide operations, such as: (1) a Boating Safety Education Certificate; and (2) registration carrying a use classification of "commercial passenger" when the boat is registered in this Commonwealth.
- Requiring additional documentation be included with applications when boats are used, depending on the number of passengers.
- Correcting a reference to Chapter 101 (relating to boating accidents) to refer to Chapter 115 (relating to boats carrying passengers for hire).

On final-form rulemaking, the Commission eliminated the Boating Safety Education Certificate requirement for operators and crew members of charter boats operating on concurrent jurisdiction waters. The Commission determined that a Boating Safety Education Certificate should not be required because the proposed rulemaking already mandated that these operators provide proof that they are licensed by the United States Coast Guard. This change necessitated a reorganization of subsection (c) for clarity's sake. The Commission otherwise adopted the amendments to § 63.41 as proposed.

#### 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 and will impose no new costs on the general public. The final-form rulemaking will impose new costs on the private sector in that it will require that when charter boats are used, applicants for official recognition submit a copy of a valid boat registration certificate, showing the boat use classification as "commercial passenger." The statutory biannual fee for a commercial passenger boat

registration is \$50, as opposed to the biannual fee of \$30 and \$40 to register motorboats 16 feet to less than 20 feet and motorboats 20 feet or longer, respectively. Each year, the Commission receives approximately 100 applications for official recognition, nearly half of which involve charter boats. Thus, the impact on the private sector will be nominal.

*H. Public Involvement*

A notice of proposed rulemaking was published at 32 Pa.B. 6130 (December 14, 2002). Commission staff also provided a copy of the proposed rulemaking to all current participants in the Official Recognition Program. The Commission received two public comments from one individual generally supporting the proposed rulemaking. The commentator, a fishing guide from New Jersey who has not applied for recognition in this Commonwealth, believes that the requirements for recognition should be more stringent than those proposed. Copies of all public comments were provided to the Commissioners.

*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 all comments received were considered.

(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 Chapter 63, are amended by amending § 63.41 to read as set forth in Annex A.

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

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

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-135 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.41. Recognition of fishing guide operations.**

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

*Charter boat*—A boat operated as part of a fishing guide operation on the waters of this Commonwealth.

*Concurrent jurisdiction waters*—Those waters of this Commonwealth over which the Commonwealth and the United States Coast Guard exercise concurrent jurisdiction, including Lake Erie and the Ohio, Monongahela, Allegheny, Delaware and North Branch, Susquehanna and West Branch, Susquehanna (below Williamsport) Rivers.

*Fishing guide operation*—A commercial enterprise operated for the purpose of guiding or leading persons fishing on the waters of this Commonwealth by boat or otherwise.

(b) *Voluntary official recognition.* The Executive Director may upon application grant official recognition of fishing guide operations. Applications for recognition shall be made on forms provided by the Commission and contain information the Executive Director may require. Denial of official recognition may be appealed in accordance with Chapter 51, Subchapter E (relating to permit procedures).

(c) *Charter boats.* When charter boats are used, applicants for official recognition shall submit the following evidence along with their applications:

(1) For charter boats carrying six or fewer passengers for hire on concurrent jurisdiction waters:

(i) A copy of a valid boat registration certificate, showing the boat use classification as “commercial passenger.”

(ii) A copy of the Federal documentation certificate if the boat is required to be documented for commercial service by the United States Coast Guard.

(iii) A copy of the operator’s license issued by the United States Coast Guard appropriate for the waters on which the boat will operate.

(2) For charter boats carrying seven or more passengers for hire on concurrent jurisdiction waters:

(i) A copy of a valid boat registration certificate, showing the boat use classification as “commercial passenger.”

(ii) A copy of the Federal documentation certificate if the boat is required to be documented for commercial service by the United States Coast Guard.

(iii) A copy of the operator’s license issued by the United States Coast Guard appropriate for the waters on which the boat will operate.

(iv) A copy of the most recent inspection report for the vessel.

(3) For charter boats carrying six or fewer passengers for hire on waters other than concurrent jurisdiction waters:

(i) A copy of a valid boat registration certificate, showing the boat use classification as “commercial passenger.”

(ii) A copy of a boating safety education certificate for all operators.

(4) For charter boats carrying seven or more passengers for hire on waters other than concurrent jurisdiction waters:

(i) A copy of a valid boat registration certificate, showing the boat use classification as “commercial passenger.”

(ii) A copy of a boating safety education certificate for all operators.

(iii) A certificate of inspection issued under Chapter 115 (relating to boats carrying passengers for hire).

(d) *Duration and fee.* Official recognition of fishing guide operations shall be valid for a calendar year and shall expire on December 31 of the year of issuance. The annual fee for official recognition is \$50.

(e) *Use of official recognition.* Fishing guide operations recognized under this section may indicate that they have been "Officially Recognized by the Pennsylvania Fish and Boat Commission" in advertisements and by other means.

(f) *Compliance with regulations.* Persons who receive official recognition for fishing guide operations are responsible for ensuring that their employees, passengers and customers comply with fishing and boating regulations. The individual who submits and signs the application shall be the fishing guide or the owner/lessee/captain of the charter boat, and the individual shall be considered the individual party responsible for compliance with regulations. An application for official recognition shall include a provision whereby applicants agree that they will be responsible and are subject to prosecution for any violation of this part that occurs in connection with their operations.

(g) *Reports.* Officially-recognized fishing guide operations shall provide periodic reports to the Commission on the number of passengers or customers, number and species of fish caught and their disposition and other matters the Executive Director may require. Reports shall be submitted on forms approved by the Commission in numbers and at intervals determined by the Executive Director. Not more than four nor less than one report will be required per calendar year.

(h) *Field dressing of fish.*

(1) Notwithstanding § 63.15 (relating to field dressing of fish), fish caught pursuant to officially-recognized fishing guide operations may be filleted and have the head and tail removed before arrival at the place of consumption. The skin shall remain attached to the fillet for species subject to a minimum size limit. The minimum fillet size shall be 75% of the minimum size limit of the fish being filleted.

(2) The fishing guide operation shall give the person who receives the field dressed fish a signed, dated receipt indicating the species and number of fish on a form acceptable to the Commission. A person in possession of the field dressed fish shall carry the receipt with him and display it upon request to an officer authorized to enforce this title until the fish have arrived at the place of consumption. It is the responsibility of the officially-recognized fishing guide operation to ensure that a fish field dressed pursuant to the authority of this subsection complies with applicable season, size and creel limits.

(i) *Holder of official recognition.* Official recognition for a fishing guide operation that does not involve operation of a charter boat will be issued to an individual fishing guide. Each individual fishing guide shall apply for and receive official recognition. Official recognition for charter boats will be issued to the owner/lessee/captain of the boat. Individuals employed as crew members for a charter boat may, but need not necessarily, apply for and receive individual recognition as fishing guides. The operators of charter boats and the crew members shall comply with the licensing and training requirements in subsection (c).

(j) *Suspension or revocation of official recognition.* The Commission may suspend or revoke the official recognition of a fishing guide operation for noncompliance with the terms and conditions of this section or when the guide operation, the individual fishing guide, charter boat owner/lessee/captain or employee or crew member of the guide operation is convicted or acknowledges guilt of a violation of the code or this part related to the fishing guide operation. Suspension or revocation procedures shall comply with Chapter 51, Subchapter C (relating to suspension, denial or revocation of licenses, permits, registration or privileges).

[Pa.B. Doc. No. 03-506. Filed for public inspection March 21, 2003, 9:00 a.m.]

## GAME COMMISSION

### [58 PA. CODE CH. 137]

#### Feeding of Certain Wildlife Prohibited

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

Add § 137.33 (relating to feeding of certain wildlife prohibited) to prohibit the feeding of bears.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final rulemaking was adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 6134 (December 14, 2002).

#### 1. Introduction

The Commission added § 137.33.

#### 2. Purpose and Authority

In recent years, bear populations have increased in parts of this Commonwealth, which has resulted in increased instances of bear/human conflicts. The feeding of bears has aggravated this situation by attracting bears to developed areas. In an effort to limit bear/human conflicts, § 137.33 has been added to make it unlawful to feed bears.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that "The ownership, jurisdiction over and control of game or wildlife is vested in the Commission. . . ." Section 2102(a) of the code (relating to regulations) states that "The Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife. . . including regulations relating to the protection, preservation and management of game or wildlife. . . ." These two provisions provide the statutory authority for the addition of § 137.33.

#### 3. Regulatory Requirements

The final-form rulemaking will forbid the intentional feeding of bears or the causing of bears to congregate or habituate an area.

4. *Persons Affected*

Persons living within areas where black bears are located will be affected.

5. *Comment and Response Summary*

One official comment was received, regarding the addition of § 137.33, in favor of the ban on feeding bears.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

7. *Effective Date*

The final-form rulemaking will be effective on publication in the *Pennsylvania Bulletin* and will remain in effect until October 2004, unless a regulation is promulgated reauthorizing it.

8. *Contact Person*

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

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by adding § 137.33 to read as set forth at 32 Pa.B. 6134.

(b) The Executive Director of the Commission shall certify this order and 32 Pa.B. 6134 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-152 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 03-507. Filed for public inspection March 21, 2003, 9:00 a.m.]

**GAME COMMISSION  
[58 PA. CODE CH. 137]  
Importation of Wildlife**

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

Amend § 137.1 (relating to importation, sale and release of certain wildlife) to permit the importation of cervids under limited circumstances and conditions.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 6368 (December 28, 2002).

1. *Introduction*

The Commission amended § 137.1 to allow the importation of cervids under very limited circumstances.

2. *Purpose and Authority*

Section 2163(a) of the code (relating to unlawful importation of game or wildlife) states that "It is unlawful for any person to bring . . . into this Commonwealth . . . any living game or wildlife . . . the importation of which is prohibited by the Commission . . ." Formerly, § 137.1(a) prohibited the importation of all game and wildlife, including that of cervids. After amending § 137.1(a), the regulation now permits the importation of cervids, but only under very limited circumstances.

Section 2102(c) of the code (relating to regulations) directs that: "The Commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." This section provides the authority for the final-form rulemaking.

3. *Regulatory Requirements*

The final-form rulemaking will relax current restrictions and allow cervids to be imported under certain circumstances and conditions.

4. *Persons Affected*

Persons who wish to import cervids will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

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

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by amending § 137.1 to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-151 remains valid for the final adoption of the subject regulation.

**Annex A****TITLE 58. RECREATION****PART III. GAME COMMISSION****CHAPTER 137. WILDLIFE****§ 137.1. Importation, sale and release of certain wildlife.**

(a) Unless otherwise provided in this section or the act, it is unlawful for a person to import, possess, sell, offer for sale or release within this Commonwealth the following animals or birds or the eggs of the birds or a crossbreed or hybrid of the animals or birds, which are similar in appearance:

(1) *In the family Felidae.* Species and subspecies, except species which are commonly called house cats which may be possessed but not released into the wild. Lawfully acquired bobcats—*Lynx rufus*—may be imported by licensed propagators specifically for propagation for fur farming purposes. Importation permits and transfer permits as mentioned in subsections (d) and (e) are not required for bobcats imported for propagation for fur farming purposes. Bobcats imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild.

(2) *In the family Canidae.* Species and subspecies of the coyote, the red and gray fox and a full-blooded wolf or crossbreed thereof not licensed by the Department of Agriculture. Lawfully acquired coyotes and red or gray foxes may be imported by licensed propagators specifically for propagation for fur farming purposes. Coyotes and red and gray foxes imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild. This subsection does not permit the sale for release or the release of the mammals into the wild.

(3) *In the family Ursidae.* All species of the bears.

(4) *In the family Procyonidae.* All species of raccoons.

(5) *In the family Capromyidae.* The nutria.

(6) *In the family Mustelidae.* All species of the skunks.

(7) *Threatened, endangered or injurious.* An animal, bird or egg of a bird listed by the Commonwealth or the United States Department of the Interior as threatened, endangered or injurious.

(8) *The Monk Parakeet.* Myiopsitts Monachus, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.

(9) *Game or wildlife from the wild.* Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of the Commonwealth's wild fauna.

(10) *Game or wildlife held captive.* Game or wildlife held in captivity or captive bred in another state or nation.

(b) Nothing in this section prevents a Nationally recognized circus from temporarily bringing wildlife into this Commonwealth in connection with presenting circus performances.

(c) Nothing in this section prevents zoological gardens, exotic wildlife dealers or exotic wildlife possession permit holders from importing wildlife.

(d) A person wishing to import lawfully acquired wildlife, or parts thereof, for menagerie, educational or scientific purposes shall first obtain an importation permit from the Commission subject to the following:

(1) Importation permits will be issued for a fee of \$50 for each transaction.

(2) A person wishing to import wildlife for menagerie purposes shall be in possession of a menagerie permit prior to submitting the application for an import permit. See Chapter 147 (relating to special permits).

(3) An application for an importation permit shall state the name and address of the applicant, name and address of the person supplying the wildlife, the common and scientific name and the number of wildlife to be covered by the permit, the purpose for which the wildlife is being imported, the qualifications of the applicant to use the wildlife for the stated purpose and the location where the wildlife will be housed or retained.

(e) Transfer of wildlife imported under subsection (d), or its progeny, or parts thereof, to a second party by sale, trade, barter or gift may only be done subject to the following:

(1) A permit issued by the Commission is required to transfer by sale, trade, barter or gift, wildlife or its progeny, or a part thereof.

(2) The fee for a transfer permit is \$50.

(3) Transfer is limited to persons authorized to lawfully import wildlife.

(f) Live wildlife imported for any reason shall be accompanied by a certificate of veterinary inspection signed by an accredited veterinarian.



(g) Except as provided in subsection (h), a person wishing to import any members of the family cervidae shall first obtain an importation permit from the Commission subject to the following:

(1) An application for an importation permit shall state the name and address of the applicant, name and address of the person supplying the cervid, the common and scientific name and the number of cervids to be covered by the permit, the purpose for which the cervids are being imported, the qualifications of the applicant to use the cervids for the stated purpose and the location where the cervids will be housed or retained. The application shall be received by the Commission at least 10 days prior to the proposed import date and be accompanied by an owner's statement that to his knowledge the cervids to be imported have never resided on a premise or come in contact with equipment used on a premise where Chronic Wasting Disease (CWD) was ever diagnosed. If the cervids are to be purchased at auction the name and address of the person supplying the cervids and number of cervids purchased shall be reported to the Commission by telephone or fax on the date of purchase. An applicant must receive a confirmation number before the animals are imported. A copy of the completed permit will be forwarded to the applicant.

(2) The shipment shall be accompanied at all times by a certificate of veterinary inspection completed by an accredited veterinarian in compliance with the Department of Agriculture health requirements. The certificate shall remain with the permittee's records for 5 years. The applicant shall identify the herd of origin and the herd of destination on both the permit application and the certificate of veterinary inspection. The cervids to be imported shall be identified to the herd they are being transferred or sold from by at least one permanent unique identifier to include, legible tattoo, United States Department of Agriculture (USDA) approved eartag, breed registration or other state approved permanent identification methods and one temporary identifier. If a microchip is used for identification, the owner shall provide the necessary reader.

(3) In states or provinces where CWD has been detected, herds of origin shall be able to demonstrate a minimum of 5 years in a CWD monitoring program. In states or provinces where CWD has not been detected, herds of origin shall be able to demonstrate a minimum of 3 years in a CWD monitoring program. CWD monitoring programs shall meet the following minimum standards or adopted National standards acceptable to the Commission.

(i) In states where CWD has been found in free-ranging wildlife, the state program shall have perimeter fencing requirements adequate to prevent ingress, egress or contact with cervids.

(ii) Surveillance based on testing of all cervid deaths over 16 months of age.

(iii) Physical herd inventory with annual verification reconciling animals with records by an accredited veterinarian or state or Federal personnel is required. Inventory is to include a cross-check of all available animal identifications with the herd inventory and specific information on the disposition of all animals not present.

(iv) Herd additions are allowed from herds with equal or greater time in an approved state CWD monitoring program with no negative impact on the certification status of the receiving herd. If herd additions are acquired from a herd with a later date of enrollment, the

receiving herd reverts to the enrollment date of the sending herd. If a herd participating in the monitoring program acquires animals from a nonparticipating herd, the receiving herd shall start over with a new enrollment date based upon the date of acquisition of the animals. If a new herd begins with animals of a given status, that status will be retained by the new herd, based upon the lowest status of animals received. Animals of different status which are commingled during marketing or transport will revert to the lowest status.

(v) The state or province of origin shall list CWD as a reportable disease and impose an immediate quarantine on a herd or premise, or both, when a CWD animal is found.

(vi) Animal health officials in the state or province of origin shall have access to herd records from the time the herd is enrolled in the CWD monitoring program or for 5 years, whichever is less, including records of deaths and causes of death.

(h) A person wishing to import any members of the family cervidae for slaughter within 72 hours at a USDA inspected facility and in accordance with the Department of Agriculture requirements shall first obtain an importation permit from the Commission subject to the following:

(1) An application for importation permit shall state the name and address of the applicant, name and address of the person supplying the cervid, the common and scientific name and the number of cervids to be covered by the permit, that the cervids are being imported for immediate slaughter, and the location where the cervids will be slaughtered. The application must be received by the Commission at least 10 days prior to the proposed import date and be accompanied by an owner's statement that to his knowledge the cervids to be imported have never resided on a premise or come in contact with equipment used on a premise where CWD was ever diagnosed.

(2) Cervids from herds that are known to have been infected with CWD within the last 5 years may not be imported.

(3) If cervids are from states or provinces where CWD has been detected herds of origin shall be able to demonstrate a minimum of 5 years in a CWD monitoring program as described in subsection (g)(3).

(4) Cervids shall be individually identified as to the herd of origin by legible tattoo, ear tag or other method approved by the Commission.

(5) Cervids may not have contact with any other animals not for immediate slaughter.

(i) A person violating this section is subject to the penalties provided in the act.

[Pa.B. Doc. No. 03-508. Filed for public inspection March 21, 2003, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 141]**  
**Big Game**

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

Amend § 141.41 (relating to general) to be consistent with the flintlock muzzleloading and muzzleloading seasons, to require hunters using muzzleloading rifles during other firearms deer seasons to use calibers .44 or larger as is currently required during the muzzleloading and flintlock muzzleloading seasons.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 5759 (November 23, 2002).

### 1. Introduction

The Commission amended § 141.41 to provide consistency between § 141.41 and § 141.43 (relating to deer).

### 2. Purpose and Authority

Section 141.43 requires individuals hunting during the muzzleloading and flintlock muzzleloading seasons to use muzzleloading firearms and ammunition .44 caliber or larger. The amendment to § 141.41 will make this requirement uniform among the regulations by imposing the restriction during all firearms deer seasons.

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 amendment to § 141.41 was proposed under these provisions.

### 3. Regulatory Requirements

The final-form rulemaking will require hunters carrying muzzleloaders to hunt deer outside of the muzzleloading season to use only muzzleloaders .44 caliber or larger. This final-form rulemaking is consistent with the existing .44 caliber restriction in muzzleloading and flintlock muzzleloading seasons.

### 4. Persons Affected

Hunters using muzzleloading rifles during bear and other firearms deer seasons will be affected by the final-form rulemaking.

### 5. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

### 6. Cost and Paperwork Requirements

Hunters who have hunted during past bear and regular firearms deer seasons using muzzleloading firearms taking ammunition smaller than .44 caliber may need to acquire different firearms to comply with the final-form rulemaking.

### 7. Effective Date

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

### 8. Contact Person

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

### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.41 to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-149 remains valid for the final adoption of the subject regulation.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter C. BIG GAME

#### § 141.41. General.

(a) *Permitted acts.* It is lawful to take:

(1) Bear or elk with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds.

(2) Deer during the regular firearms deer season with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds.

(b) *It is unlawful to:*

(1) Hunt for big game birds or animals with arrows or crossbow bolts other than those tipped with broadheads of a cutting-edge design.

(2) Hunt for or assist to hunt for deer, bear or elk during the regular firearms season or special firearms 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.

(3) Hunt for deer or bear through the use of any one or more of the following:

(i) A muzzleloading handgun.

(ii) A muzzleloading firearm that is not .44 caliber or larger.

(4) Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game fill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.

(5) Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible but no later than 12 hours after the time of kill.

[Pa.B. Doc. No. 03-509. Filed for public inspection March 21, 2003, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 143]**  
**Antlerless Deer Licenses**

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

Amend Chapter 143, Subchapter C (relating to antlerless deer licenses) to provide for the processing and issuance of antlerless deer licenses in new, noncounty based wildlife management units.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 6370 (December 28, 2002).

1. *Introduction*

The Commission amended Chapter 143, Subchapter C to provide for issuance of antlerless deer licenses on the basis of new wildlife management units.

2. *Purpose and Authority*

Antlerless deer licenses are currently issued on a county basis. This system does not take into account variations in topography, habitat and other factors affecting deer. To improve deer management, the Commission is proposing to issue antlerless deer licenses on the basis of improved management units.

Section 2722(g) of the code (relating to authorized license-issuing agents) provides that: "The Commission shall adopt regulations for: . . . (2) The administration, control and performance of activities conducted pursuant to the provisions of this chapter." The amendments were proposed under this authority.

3. *Regulatory Requirements*

The final-form rulemaking will provide for the processing and issuance of antlerless deer licenses on a new, noncounty based wildlife management unit basis.

4. *Persons Affected*

Persons applying for antlerless deer licenses will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking will result in some additional cost to the Commission in the form of expenses to sort and forward antlerless deer license applications to county treasurers.

7. *Effective Date*

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

8. *Contact Person*

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

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.41—143.43, 143.45, 143.48—143.54; and by deleting §§ 143.46 and 143.47 to read as set forth in Annex A

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-150 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTAKER  
LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.41. Purpose and scope.**

(a) The intent of this section is to ensure a fair and equitable distribution of licenses.

(b) The Commission, after reviewing reproductive data, will establish the number of antlerless deer licenses allocated to each wildlife management unit. Licenses will be distributed among county treasurers for issuance on the basis of percentage of land each county represents in the unit.

(c) An application shall be accepted without restriction or regard to the applicant's county of residence. The following procedure shall be adhered to when determining successful applicants for licenses:

(1) Accept applications on a first-come-first-served basis.

(2) The Commission in Harrisburg will serve as the central receiver for all mail-in applications in all wildlife management units.

(3) Envelopes received by first class mail delivered through and by the United States Postal Service will be examined as soon as practicable, unopened, to determine the number of applications received as well as to verify delivery to the intended wildlife management unit.

(4) This process of application distribution will continue until the available supply of licenses for that wildlife management unit is exhausted.

(d) The Commission may act in the capacity of a county treasurer for issuing antlerless licenses in a wildlife management unit if authority to issue licenses has been removed from any or all county treasurers in the wildlife management unit.

(e) Notwithstanding the provisions of this chapter limiting the number of licenses available, the Commission will authorize antlerless deer licenses to be issued regardless of an established quota to:

(1) A resident of this Commonwealth within 60 days of discharge from active duty under honorable conditions from the United States Armed Forces or United States Coast Guard. The issuing county treasurer will designate the license for a specific wildlife management unit by writing the unit's alphanumeric designation on the face of the license.

(2) A disabled veteran as defined in 34 Pa.C.S. § 2706(b)(1) (relating to resident license and fee exemptions). The issuing county treasurer will designate the license for a specific wildlife management unit by writing the unit's alphanumeric designation on the face of the license.

(3) An applicant whom the Executive Director has determined to have been erroneously denied a license.

#### § 143.42. Definitions.

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

*Application*—The form issued with a regular hunting license used in applying for an antlerless license.

*County allocation*—The number of licenses allocated by the Commission to an individual county.

*County treasurer*—A county treasurer in this Commonwealth or a person carrying out the duties and responsibilities of a county treasurer in counties functioning under a home rule charter.

*Date issued*—The date placed on the license by a county treasurer or the Commission indicating when the license was mailed or given to the person named on the license.

*Envelope*—The official envelope issued with a regular hunting license which shall be used by the applicant to mail completed applications to the Commission.

*Home address*—The location where a person is legally domiciled; a true, fixed and permanent home and principal residence; and the place to which, whenever the applicant is temporarily absent, he intends to return.

*License*—The numbered back tag which is issued by the county treasurer or the Commission authorizing the holder thereof to hunt antlerless deer in a specific wildlife management unit.

*Management unit allocation*—The number of licenses allocated by the Commission to an individual wildlife management unit.

*Unsold tag*—An antlerless deer license permitting properly licensed persons to take an antlerless deer during any firearms antlerless deer season, archery or flintlock muzzleloader and muzzleloader deer seasons in the wildlife management unit of issue.

*Unsold tag application*—The form contained in the "Hunting and Trapping Digest" used in applying for an unsold tag.

*Void*—A voided license which remains nonissuable.

#### § 143.43. Preamble.

(a) An application shall be submitted to the Commission wildlife management unit address in Harrisburg and a license shall be issued only in accordance with the act and this subchapter.

(b) A nonresident of this Commonwealth may only apply under § 143.50 (relating to procedure for nonresidents of this Commonwealth).

#### § 143.45. Completing and submitting applications.

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than from the Commission. County treasurers with unsold antlerless deer licenses shall accept applications over the counter and may immediately issue licenses beginning on the first Monday in November.

(b) The Commission will not accept antlerless deer license applications other than by first class mail delivered through and by the United States Postal Service.

(c) Applications will not be accepted by the Commission prior to the start of the normal business day on the first Monday in August.

(d) The application shall be legibly completed, in its entirety, in accordance with instructions on the application.

(e) The application shall be mailed only in the envelope provided.

(f) Applications are limited to not more than three per envelope.

(g) The appropriate preprinted number on the outside of the envelope shall be circled indicating the number of applications enclosed.

(h) The envelope shall contain return first class postage and be self-addressed. If requirements of this subsection are not met, applications shall be placed in a dead letter file and may be reclaimed by the applicant upon contacting the Commission's Hunting License Division in Harrisburg. Postage, both forward and return, is the responsibility of the applicant.

(i) Unless otherwise ordered by the Director, remittance shall be in the form of a negotiable check or money order payable to "County Treasurer" for applications enclosed, and in the total amount specified in the act for each license. Cash may be accepted by county treasurers for over the counter sales.

#### § 143.46. (Reserved).

#### § 143.47. (Reserved).

#### § 143.48. First-come-first-served license issuance.

(a) Envelopes containing applications will be accepted on a first-come-first-served basis. Envelopes will be in-

spected by the Commission in Harrisburg, unopened, to determine if they comply with § 143.45(b), (c), (e) and (g) (relating to completing and submitting applications).

(b) If the conditions in § 143.45(b), (c), (e) and (g) are met, it constitutes initial acceptance, and the applications will be forwarded to a county treasurer within the wildlife management unit for issuance of the appropriate number of licenses. If the conditions are not met, the enclosed applications will be rejected and returned to the sender as soon as possible.

(c) The first-come-first-served procedure will continue until the management unit's allocation is exhausted.

(d) Applications received over the management unit's allocation will be returned to the applicants as soon as practicable.

(e) Envelopes containing applications initially accepted for the issuance of a license shall be opened and inspected by the county treasurer at his earliest convenience. If an application in an accepted envelope fails to comply with § 143.45 (relating to completing and submitting applications), applications enclosed in the accepted envelope shall be rejected and returned by the county treasurer to the sender as soon as practicable. The back tags initially assigned to the envelope shall be marked VOID across the face in ink.

**§ 143.49. Issuing licenses.**

(a) Licenses may be issued by county treasurers immediately following receipt of applications from the Commission.

(b) Licenses shall be validated by the addition of the county treasurer's or the Director's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag. The county treasurer shall write in ink the assigned antlerless license number on the face of the check or money order.

(c) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no later than the third Monday in September, except for licenses issued under § 143.51(f) (relating to application and issuance of unsold tags) which shall be placed with the United States Postal Service no later than October 1. If more than one application is mailed to the county treasurer in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people.

**§ 143.50. Procedure for nonresidents of this Commonwealth.**

The Commission having unsold licenses on the third Monday in August and thereafter will accept applications for those units in compliance with § 143.45 (relating to completing and submitting applications) from nonresidents of this Commonwealth.

**§ 143.51. Application and issuance of unsold tags.**

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth are eligible to receive an unsold tag.

(b) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only use the unsold application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

(c) The applicant shall use the official antlerless deer license application envelope.

(d) Unless otherwise ordered by the Director, remittance in the form of a negotiable check or money order for the total amount due as specified in the act, payable to "County Treasurer," shall accompany the application.

(e) Unsold tags shall be validated by the addition of the county treasurer's or Director's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag.

(f) Beginning on the second Monday in September, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mailing to the appropriate Commission wildlife management unit address in Harrisburg.

**§ 143.52. Procedure for unlimited antlerless licenses.**

(a) The Executive Director will designate by April 30 of each year those wildlife management units where hunters will be allowed to apply for an unlimited number of antlerless deer licenses.

(b) Beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth shall be eligible to apply to designated wildlife management units for an unlimited number of antlerless deer licenses by mailing the application to the appropriate Commission wildlife management unit address in Harrisburg.

(c) Beginning on the date specified in subsection (b), county treasurers within the designated wildlife management units shall accept antlerless applications over the counter from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants.

**§ 143.53. Reapplication.**

(a) A person whose application has been rejected and returned may secure a new official envelope from a hunting license issuing agent and reapply for a license by:

(1) If applicable, correcting the errors which caused the original application to be rejected and returning it to the Commission wildlife management unit address in Harrisburg.

(2) Changing on the application the designated wildlife management unit in which the applicant desires to hunt and forwarding it to another Commission wildlife management unit address in Harrisburg.

(b) A person who was issued a license that was subsequently lost in the United States mail and never received by the licensee may, upon submitting an affidavit stating this fact, receive a replacement license from a county

treasurer within the wildlife management unit for which the license was intended. There will be no additional cost for this license. Prior to issuing a replacement license, county treasurers shall first verify through their records or through communication with another county treasurer that the applicant was issued the original license.

**§ 143.54. Validity of license.**

An antlerless deer license is valid for taking antlerless deer only in the wildlife management unit designated on the antlerless deer license.

[Pa.B. Doc. No. 03-510. Filed for public inspection March 21, 2003, 9:00 a.m.]

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# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 65, 69, 75, 77 AND 111]

### Fishing; Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 65, 69, 75, 77 and 111. The Commission is publishing the proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

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

#### C. Statutory Authority

The proposed amendments to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes). The proposed amendments to §§ 69.21 and 69.24 (relating to limitations on numbers and types of licenses; and limitations on gear) are published under the statutory authority of section 2903 of the code (relating to boat and net licenses for boundary lakes). The proposed amendment to § 75.1 (relating to endangered species) is published under the statutory authority of section 2305 of the code (relating to threatened and endangered species). The proposed amendments to § 77.2 (relating to reptile and amphibian hunt permits) are published under the authority of section 2904 of the code (relating to permits for protection and management of particular fish). The proposed amendments to § 77.6 (relating to season and daily possession limits) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations). The proposed amendments to §§ 111.6, 111.21 and 111.54 (relating to Berks County; Cumberland County; and Schuylkill County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing and boating. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

The Commission's Boating Advisory Board considered the proposed amendments to Chapter 111 (relating to special regulations counties) and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendments.

#### E. Summary of Proposal

(1) *Sections 65.24, 77.2 and 77.9.* A recent review of the Commission's regulations has revealed that certain

housekeeping changes should be made. Accordingly, the Commission proposes to amend these sections to read as set forth in Annex A.

(2) *Sections 69.21 and 69.24.* Beginning on January 1, 1996, the use of gill nets for fishing on boundary lakes became illegal. Since that time, there have been only three commercial fishermen who annually apply for trap net licenses to legally fish in this Commonwealth waters of Lake Erie.

Section 69.21 currently provides that up to 10 individuals may be licensed to fish with up to 20 trap nets each and that each net requires a separate license. Two of the three licensees have not recorded any fishing activity or landings for several years, a requirement for renewing and maintaining a commercial trap net license under § 69.23(c)(1) and (2) (relating to responsibility of licensees). Based upon the performance of the trap net fishery since 1996 and the lack of additional interest in its expansion, there is no reasonable expectation that a vigorous trap net fishery will prosper in the near future. Accordingly, the Commission proposes to amend §§ 69.21 and 69.24 to reduce the number of trap net licenses so that up to three individuals may be licensed to fish up to six trap nets each. The Commission intends to revisit this issue in the future and further reduce the number of trap net licenses if activity continues to be limited and interest is waning.

(3) *Section 75.1.* In 1990, the United States Department of Interior, Fish and Wildlife Service, designated *Alasmidonta heterodon* (dwarf wedgemussel) as Federally endangered in the entire range. This species of freshwater mussel is known to occur in Connecticut, Massachusetts, Maryland, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Virginia, Vermont and New Brunswick, Canada. Until recently, the dwarf wedgemussel was considered extirpated from its former range in the Delaware River drainage.

During mussel surveys of the Upper Delaware Scenic and Recreation River by William Lellis of the United States Geological Survey, from July to August 2000, the dwarf wedgemussel was discovered at six locations in the upper Delaware River, Wayne County. Thirteen live specimens and four shells were located from north of Equinunk, PA to south of Callicoon, NY. Subsequent surveys in 2001 and 2002 by William Lellis have documented additional occurrences in the Upper Delaware River basin.

Section 102 of the code (relating to definitions) defines endangered species as "all species and subspecies of fish which (1) have been declared by the Secretary of the United States Department of Interior to be threatened with extinction and appear on the Endangered Species List or the Native Endangered Species List published in the *Federal Register*; or (2) have been declared by the executive director to be threatened with extinction and appear on the Pennsylvania Endangered Species List published in the *Pennsylvania Bulletin*." Because this Federally endangered species recently has been rediscovered in this Commonwealth, the Commission proposes adding it to the Pennsylvania list of endangered species.

(4) *Section 111.6.* The Commission adopted special regulations in 1971 to allow and control the use of the Felix Dam pool of the Schuylkill River for waterskiing and other uses inconsistent with the 100-foot rule and other special boating requirements. The dam is a very old

wooden crib structure and was breached several years ago during a flood event. It does not appear that the dam will be reconstructed, and the regulations have become superfluous because the type of boating that the regulations were intended to permit can no longer take place. Accordingly, the Commission proposes to delete the regulation as set forth in Annex A.

(5) *Section 111.21.* The Commission adopted special regulations in 1979 to control the use of boats on the pool behind the Good Hope Mill Dam on the Conodoguinet Creek. The dam was removed in 2001, and the circumstances that required these special regulations no longer exist. The general boating regulations adequately regulate boating in this area. Accordingly, the Commission proposes to delete the regulation as set forth in Annex A.

(6) *Section 111.54.* A recent staff review of the Commission's regulations has revealed that they do not include Tuscarora Lake in Schuylkill County as being electric motors only. Accordingly, the Commission proposes to add this lake to its list of electric motors only restrictions as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-139. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. **Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
[ Lehigh ]	[ Leasor Lake ]	[ Closed to public fishing. ]
	* * * * *	
[ Westmoreland ]	[ Northmoreland ]	[ Closed to public fishing. ]
[ Westmoreland ]	[ Bridgeport Dam ]	[ Until December 31, 1994, Bridgeport Dam is a catch-and-release/no-harvest fishery for all species. It is unlawful to take, kill or possess, while in the act of fishing, fish taken from the waters of Bridgeport Dam. ]
	* * * * *	

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter C. COMMERCIAL FISHING LICENSES

§ 69.21. **Limitations on numbers and types of licenses.**

(a) The number and types of commercial fishing licenses for fishing in Lake Erie shall be limited as follows:

- (1) Trap nets: Up to [ ten ] three individuals may be

licensed to fish up to [ 20 ] six trap nets each. Each trap net requires a separate license.

\* \* \* \* \*

§ 69.24. **Limitations on gear.**

(a) A licensed trap netter may not use or fish more than [ 20 ] six trap nets, singularly or in a series or tandem set, at any one time.

\* \* \* \* \*



**CHAPTER 75. ENDANGERED SPECIES**

**§ 75.1. Endangered species.**

\* \* \* \* \*

(b) *Fish.* The following species are endangered:

\* \* \* \* \*

**(31) Dwarf wedgemussel, *Alasmidonta heterodon.***

\* \* \* \* \*

**CHAPTER 77. REPTILES AND AMPHIBIANS**

**§ 77.2. Reptile and amphibian hunt permits.**

\* \* \* \* \*

(b) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the timber rattlesnake (*Crotalus horridus*) that persons who hunt, take, catch or kill timber rattlesnakes have an individual permit for the activity. It is unlawful to take, catch, kill or possess a timber rattlesnake no matter how obtained without procuring the required permit from the Commission. Application for a permit shall be made on a form prescribed by the Commission. Permits may be obtained by applying to: Herpetology and Endangered Species Coordinator, [ **Bureau of Fisheries** ] **Division of Environmental Services**, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. It is unlawful for a permittee to hunt for

timber rattlesnakes without having in his possession the required permit at all times while engaged in the activities. Permittees under this section shall comply with the terms and conditions of the permit, including the requirement for catch reports. The fee for the permit is \$5 per year.

(c) The Commission finds, under section 2904 of the code, that it is necessary for the proper protection and management of reptiles and amphibians in this Commonwealth that organized reptile and amphibian hunts be conducted under permits issued under this section. The sponsor of one or more organized reptile and amphibian hunts shall apply for a permit by no earlier than January 1 and no later than March 1 of the year for which the hunt is proposed on a form prescribed by the Commission. Permits may be obtained by applying to: Herpetology and Endangered Species Coordinator, [ **Bureau of Fisheries** ] **Division of Environmental Services**, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. It is unlawful to engage in organized reptile and amphibian hunts unless the sponsors of the hunts have first procured the required permit for each hunt. The required permits shall be held in possession of the sponsor at all times during each hunt. Permittees shall comply with the terms and conditions of each permit and furnish reports required thereby. The fee for each permit is \$25.

\* \* \* \* \*

**§ 77.6. Season and daily possession limits.**

\* \* \* \* \*

(e) The following seasons, sizes and catch limits apply to amphibians and reptiles except endangered and threatened species:

<i>SPECIES</i>	<i>SEASON</i>	<i>DAILY LIMIT</i>	<i>POSSESSION LIMIT</i>
	* * * * *		
Timber rattlesnake ( <i>Crotalus horridus</i> )	Second Saturday in June to July 31	[ 1 ]	[ 1 (annual limit) ]
	* * * * *	1 (annual limit)*	
	* * * * *		

**\*It is unlawful for a person to take, catch or kill more than one timber rattlesnake per calendar year. It is unlawful for a person to possess more than one timber rattlesnake at any time.**

**Subpart C. BOATING**

**CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.6. Berks County.**

\* \* \* \* \*

(b) [ *Felix Dam Pool, Schuylkill River.* The following special regulations apply to Felix Dam Pool, Schuylkill River:

(1) A boat may not tow more than one water skier at a time.

(2) Ski lines shall be taken onboard immediately after being used by the skier.

(c) [ *Hopewell Lake—French Creek State Park.* The operation of boats powered by internal combustion motors is prohibited.

[ (d) ] (c) \* \* \*

[ (e) ] (d) \* \* \*

**§ 111.21. Cumberland County.**

(a) [ *Good Hope Mill Dam, Conodoquinet Creek.*

(1) Boats are limited to a slow, minimum height swell speed from the Good Hope Mill Dam upstream to the Sample Bridge Road Bridge.

(2) Air propeller driven boats and boats designed for racing, hydroplanes, jet boats, all terrain vehicles, air cushion effect vehicles or similar unique designs and personal watercraft are prohibited.

(b) [ *Laurel Lake—Pine Grove Furnace State Park.* The operation of boats powered by internal combustion motors is prohibited.

[ (c) ] (b) \* \* \*

[ (d) ] (c) *Power Company Dam (Cove Hill)*  
 [ *Conodoquinnet* ] *Conodoquinnet Creek.*

\* \* \* \* \*

#### § 111.54. Schuylkill County.

(a) *Locust Lake—Locust Lake State Park.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Tuscarora Lake—Tuscarora Lake State Park.* The operation of boats powered by internal combustion motors is prohibited.

[Pa.B. Doc. No. 03-511. Filed for public inspection March 21, 2003, 9:00 a.m.]

### [58 PA. CODE CHS. 91, 109 AND 117]

#### Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 91, 109 and 117 (relating to general provisions; specialty boats and waterskiing activities; and boat rental businesses). The Commission is publishing the proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

##### A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

##### B. *Contact Person*

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

##### C. *Statutory Authority*

The proposed amendments to §§ 91.4, 91.6, 91.7, 109.3 and 117.4 are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

##### D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered the proposed rulemaking and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendments.

##### E. *Summary of Proposal*

(1) *Section 91.4.* The act of December 9, 2002 (P. L. 1542, No. 199) (Act 199), which went into effect on February 7, 2003, requires persons born on or after January 1, 1982, to have a Boating Safety Education Certificate to operate a boat propelled by a motor greater than 25 horsepower. As a result of Act 199, certain parts of § 91.6 (relating to Boating Safety Education Certificates) regarding personal watercraft use have become redundant. The proposed amendments eliminate operational requirements for persons 12 to 15 years of age that are redundant with § 109.3(h) (relating to personal watercraft) and Act 199.

Additionally, the current regulations place restrictions on the operation of boats propelled by a motor greater than 10 horsepower. Because Act 199 regulates the use of powerboats based on a horsepower limitation of greater than 25 horsepower, the Commission will retain the current regulations regulating the age-based use of boats powered by motors of 25 horsepower or less.

Accordingly, the Commission proposes to remove the redundant sections and reword the regulation for clarity. The proposed rulemaking does not change the original intent of the regulations, and the current prohibitions remain in effect.

(2) *Section 91.6.* The current definition of a Boating Safety Education Certificate in this section does not adequately define what information a Boating Safety Education Certificate must contain. Accordingly, the Commission proposes to amend this section to include this information.

In addition, Act 199 establishes that persons who violate the new law commit a summary offense of the second degree, which carries a penalty of \$100 or imprisonment not exceeding 20 days. Currently, persons who violate § 91.6 commit a summary offense of the third degree, which carries a penalty of \$50. Accordingly, the Commission has designated § 91.6 as being for the protection of the health and safety of persons on boats, towed by boats or on, in or along the waters of this Commonwealth and has promulgated this section in accordance with section 5123(a)(1) of the code. Persons who violate a rule or regulation promulgated under this subsection and paragraph commit a summary offense of the second degree.

(3) *Section 91.7.* Act 199 requires that the Commission adopt criteria for courses and certificates that are acceptable for the purposes of Act 199. The Commission proposes to add § 91.7 (relating to criteria for courses of instruction in boating safety education) to address this requirement. Under § 91.7, the Commission will accept courses that meet the requirements of the National Association of State Boating Law Administrators (NASBLA). These standards for education courses were developed through a United States Coast Guard grant and meet Nationally accepted education standards for course content. States that incorporate these Nationally accepted standards by adopting NASBLA approval as a minimum requirement assure a degree of uniformity among the states that helps boaters who travel between the states meet the education certification requirements of the states they travel through.

(4) *Sections 109.3 and 117.4.* Section 109.3(f) and (h)(1) refers to the rental of personal watercraft. Therefore, the Commission proposes that these subsections be moved to § 117.4 (relating to personal watercraft liveries).

Section 109.3(h)(2) and (3) provides for the issuance of temporary Boating Safety Education Certificates for purchasers of new personal watercraft. These provisions were initially intended to help boat buyers who could not readily attend a boating class after they had purchased a boat. Since the Commission promulgated this regulation, the Commission has instituted an Internet and a video course that is acceptable for obtaining a certificate. The provision is no longer needed because boaters are able to obtain their permanent certificates in a reasonable amount of time. Dealers should encourage prospective buyers to review the video or go online while they are making purchase decisions or the boat is being prepared

for delivery. Accordingly, the Commission proposes that the provisions for dealer-issued temporary certificates for boat buyers be eliminated.

In addition, the Commission has designated § 109.3 as being for the protection of the health and safety of persons on boats, towed by boats or on, in or along the waters of this Commonwealth and has promulgated this section in accordance with section 5123(a)(1) of the code.

F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-140. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART II. FISH AND BOAT COMMISSION**  
**Subpart C. BOATING**  
**CHAPTER 91. GENERAL PROVISIONS**

**§ 91.4. Age of operator.**

(a) [ **The following age restrictions apply to the operation of a motorboat propelled by a motor greater than 10 horsepower (other than personal watercraft):**

(1) ] A person 11 years of age or younger may not operate [ **such a watercraft** ] a personal watercraft or a boat propelled by a motor greater than 10 horsepower.

[ (2) A person 12 through 15 years of age may not operate such a watercraft unless the person has obtained and has in his possession a Boating Safety Education Certificate or at least one person 16 years of age or older is present onboard. ]

(b) [ **The following age restrictions apply to the operation of personal watercraft:**

(1) A person 11 years of age or younger may not operate a personal watercraft.

(2) A person 12 through 15 years of age may not operate a personal watercraft unless he has obtained and has in his possession a Boating Safety Education Certificate.

(3) ] A person 12 through 15 years of age may not operate a boat propelled by a motor greater than 10 horsepower unless the person has obtained and has in his possession a Boating Safety Education Certificate or at least one person 16 years of age or older is present onboard.

(c) A person 12 through 15 years of age may not operate a personal watercraft if there are any passengers onboard 15 years of age or younger.

**§ 91.6. Boating Safety Education Certificates.**

(a) *Definition.*

[ (1) For residents of this Commonwealth, a Boating Safety Education Certificate is one issued to an individual by the Commission, another state or Canadian province. Upon proper application, the Commission may issue a Boating Safety Education Certificate to a resident of this Commonwealth who successfully completes a course offered by an organization designated by the Executive Director.

(2) For nonresidents, a Boating Safety Education Certificate is one issued to an individual who successfully completes a course offered by the Commission, another state, a Canadian province or an organization designated by the Executive Director. ]

A Boating Safety Education Certificate is a certificate issued by a state to an individual upon the successful completion of a boating safety education course approved by the Commission and the National Association of State Boating Law Administrators (NASBLA). It shall contain the following information:

- (1) Name of the individual
- (2) Type of course
- (3) Certificate number
- (4) Date of issue
- (5) Date of birth
- (6) Eye color
- (7) Hair color
- (8) Sex
- (9) State of issuance
- (10) Whether course is NASBLA-approved

\* \* \* \* \*

**§ 91.7. Criteria for courses of instruction in boating safety education.**

A course of instruction in boating safety education shall meet the National Boating Safety Education Standards of the National Association of State Boating Law Administrators (NASBLA) and shall have received the approval of NASBLA. These standards and procedures for approval may be obtained from NASBLA at 1500 Leestown Road, Suite 330, Lexington, KY 40511 or on the World Wide Web at [http://www.nasbla.org/education\\_standards.htm](http://www.nasbla.org/education_standards.htm).

**CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES**

**§ 109.3. Personal watercraft.**

\* \* \* \* \*

(f) [ A rental business may not lease, hire or rent a personal watercraft to or for use by a person who is 15 years of age or younger.

(g) ] The operator of a personal watercraft with a capacity of two or less persons as determined by the manufacturer, may not tow [water skiers] water-skiers or engage in [water skiing] waterskiing or similar activities while operating a personal watercraft. Other personal watercraft may tow no more than one skier.

[ (h) ] (g) Except as otherwise provided in this subpart, [ on or after January 1, 2000, ] a person may not operate a personal watercraft on the waters of this Commonwealth unless the person has obtained a Boating Safety Education Certificate as defined in § 91.6 (relating to Boating Safety Education Certificates).

[ (1) The Executive Director may authorize boat rental businesses to issue temporary boating safety education certificates, effective for the period of rental only, to operators of rental personal watercraft if the boat rental business and the operator comply with the requirements governing the rental of personal watercraft and the operation of personal watercraft rental businesses as defined in Chapter 117 (relating to boat rental business).

(2) The Executive Director may authorize issuance of temporary boating safety education certificates to operators of newly purchased personal watercraft upon completion of training and examination the Executive Director may require.

(3) New purchasers of personal watercraft and members of their immediate families may be eligible for issuance of temporary certificates, which shall be valid for 60 days from the date of purchase. ]

**CHAPTER 117. BOAT RENTAL BUSINESSES**

**§ 117.4. Personal watercraft liveries.**

(a) A livery operator that rents personal watercraft shall verify that operators of rented personal watercraft comply with § 109.3 (relating to personal watercraft) and the guidelines on providing education and training issued by the Executive Director. A livery operator that rents personal watercraft also shall verify that operators of rented personal watercraft either possess a permanent Boating Safety Education Certificate or have obtained a temporary Boating Safety Education Certificate from the personal watercraft livery. **The Executive Director may authorize boat liveries to issue temporary Boating Safety Education Certificates, effective for the period of rental only, to operators of rental personal watercraft if the boat livery and the operator comply with the requirements governing the rental of personal watercraft and the operation of boat liveries as defined in this chapter. The Executive Director will establish rules and guidelines for the issuance of temporary certificates.**

\* \* \* \* \*

**(c) A personal watercraft livery may not lease, hire or rent a personal watercraft to or for use by a person who is 15 years of age or younger.**

[Pa.B. Doc. No. 03-512. Filed for public inspection March 21, 2003, 9:00 a.m.]

**GAME COMMISSION**

**[58 PA. CODE CH. 143]**

**Deer Management Assistance Program**

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

Add Subchapter L (relating to deer management assistance program licenses) to provide hunters the opportunity to purchase and use area specific deer management assistance program (DMAP) licenses that have been allotted to qualifying applicant landowners.

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

The authority for the proposed regulations 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 add Subchapter L to Chapter 143 (relating to hunting and furtaker licenses) to implement the DMAP, which is designated to specially assist landowners experiencing particularly severe problems related to excessive deer herd populations.

*2. Purpose and Authority*

Under proposed Subchapter L, the regulations will provide qualified landowners with a determined allotment of coupons, which may then be distributed by the landowners to hunters. Hunters receiving the coupons will then be permitted to submit the coupons to purchase and use DMAP antlerless licenses in the qualified specific area related to that coupon. The number of coupons that will be allotted to any qualifying applicant landowner will be determined based on the specific program the landowner qualifies for as well as any approved deer management plans submitted by the landowner. The county treasurer will issue the DMAP licenses without regard to the regular, annual, antlerless license allocation for each wildlife management unit. The intention behind DMAP is to provide both public and private landowners with an additional tool for the future management of local white-tailed deer herds on lands where excessive deer numbers have compromised the landowners' land uses and other interests. Subchapter L will establish application procedures, coupon distribution limits and eligibility guidelines for landowners.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the

code (relating to regulations) 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 rulemaking.

3. *Regulatory Requirements*

The proposed rulemaking will establish a DMAP whereby landowners may qualify to have additional antlerless licenses issued to hunters to harvest antlerless deer on their lands.

4. *Persons Affected*

Persons wishing to hunt for antlerless deer and persons wishing to have more deer harvested from their land will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking will result in some additional cost to the Commission in the form of printing additional antlerless deer licenses and printing and distributing coupons to landowners for this program.

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, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-156. (1) Game Fund; (2) Implementing Year 2003-04 is \$1,490; (3) 1st Succeeding Year 2004-05 is \$1,490; 2nd Succeeding Year 2005-06 is \$1,490; 3rd Succeeding Year 2006-07 is \$1,490; 4th Succeeding Year 2007-08 is \$1,490; 5th Succeeding Year 2008-09 is \$1,490; (4) 2002-03 Program—\$n/a; 2001-02 Program—\$n/a; 2000-01—\$n/a; (7) General Government Operations; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTAKER LICENSES**

**Subchapter L. DEER MANAGEMENT ASSISTANCE PROGRAM LICENSES**

- Sec. 143.301. Purpose and scope.
- 143.302. Definitions.
- 143.303. Eligibility and application for DMAP.
- 143.304. Issuance of DMAP licenses.
- 143.305. Validity of license.
- 143.306. Unlawful acts.

**§ 143.301. Purpose and scope.**

This subchapter establishes rules for application and issuance of antlerless deer licenses for use on lands enrolled in a DMAP and will be reviewed by the Commission in January 2004.

**§ 143.302. Definitions.**

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

*Coupon*—The coupon issued by the Commission to approved DMAP areas entitling the holder to one DMAP license for the DMAP area indicated on the coupon.

*DMAP*—The Deer Management Assistance Program.

*DMAP license*—The numbered back tag which is issued by the county treasurer authorizing the holder thereof to hunt antlerless deer in a specific DMAP area. Each license has its own antlerless deer ear tag and antlerless deer harvest report card attached to be used only for tagging and reporting an antlerless deer harvested.

*Private land*—Land not defined as public land and owned or leased by 3 or fewer natural persons which are not incorporated.

*Public land*—Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

**§ 143.303. Eligibility and application for DMAP.**

(a) In the 2003-2004 license year, DMAP applications will only be accepted for public land, and private land enrolled in one of the Commission's public access programs (Farm Game, Forest Game or Safety Zone—P.10203). Owners or lessees of private land or authorized officers or employees of political subdivisions or government agencies shall apply for the DMAP in a manner and on a form required by the Director for one of the following programs:

(1) *Small landowner program.* Less than 1,000 contiguous acres of land. One DMAP license will be allocated for every 50 acres enrolled in the DMAP. Additional DMAP licenses may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission approved management plan.

(2) *Agriculture program.* Land where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented by the Commission. One DMAP license will be allocated for every 5 acres enrolled in the DMAP. Additional DMAP licenses may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission approved management plan.

(3) *Urban program.* Land owned or controlled by municipalities or community associations. The number of DMAP licenses allocated will depend on current conditions relative to goals and objectives outlined in the management plan.

(4) *Conservation program.* Land where deer damage to threatened or endangered plant or animal species, or both, or communities in which they live has been documented or can be documented by the applicant. The number of DMAP licenses allocated will depend on current conditions relative to goals and objectives outlined in a Commission approved management plan.

(5) *Large landowner program.* One thousand or more contiguous acres of land. The number of DMAP licenses allocated will depend on current conditions relative to goals and objectives outlined in a Commission approved management plan. Applicants engaged in forestry practices shall provide information about forestry practices for the property in the management plan.

(b) Applications shall be submitted to the appropriate regional office by July 1 immediately preceding the first fall deer hunting season.

(c) When a management plan is required with the application, the procedure is as follows:

(1) An application for approval of a management plan that will allow the use of DMAP licenses on a designated land area shall contain the following information:

(i) The name of the owner, lessee, political subdivision or government agency that is requesting approval of a deer management plan.

(ii) If the application is for the urban program, Conservation program or public land, the name and address of the authorized officer or employee of the political subdivision or government agency who will be the contact person for the plan.

(iii) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.

(iv) A description of the management area delineated on the map in subparagraph (iii) including the size in acres, cover types (forested, nonforested), principal land uses, huntable areas and safety zones and hunter access points.

(v) A brief description of the area including access points that the person in control of the land wants to have posted on the Commission web site, as well as the name and address of a contact person for more information.

(vi) An explanation of deer management goals and objectives for the area. Goals include deer density, deer impacts, habitat condition, forest regeneration, other wildlife and recreational opportunities.

(vii) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing use of DMAP on the area. Area specific information shall be provided that supports the deer management goals and objectives, such as deer density estimates, indices of deer abundance, buck/doe ratios, fawn/doe ratios, deer condition, habitat conditions, plant species abundance or diversity, forest regeneration and hunter success rates.

(d) Upon approval of the application, the person in control of the land will conspicuously post the site boundary and all public roadways traversing the property

with signs approved by the Commission. Posting shall be completed by the opening date of the first fall antlerless deer season.

(e) Approved applicants shall receive one coupon for each DMAP license the DMAP area is entitled to. Unused coupons shall be returned to the Commission by January 31 of each license year.

**§ 143.304. Issuance of DMAP licenses.**

(a) DMAP licenses shall be made available without regard to quota limitations and shall be issued by the county treasurer in the county where the majority of the land enrolled in the DMAP is situated.

(b) One coupon for the DMAP area may be issued to persons who possess a valid Pennsylvania hunting license.

(c) Coupon holders shall present the coupon along with an application for an antlerless license to the county treasurer in the county where the majority of the land enrolled in the DMAP is situated and be issued a DMAP license after paying the prescribed antlerless license fee.

**§ 143.305. Validity of license.**

(a) DMAP licenses are valid only during open seasons for hunting antlerless deer.

(b) DMAP licenses are valid only on the DMAP area indicated on the license.

**§ 143.306. Unlawful acts.**

It is unlawful to:

(1) Use, possess or attempt to use or possess more than one DMAP license for a specific DMAP area in any license year.

(2) Issue more than one coupon to any person for a specific DMAP area in any license year.

(3) Fail to tag any deer taken in accordance with provisions of this part and the act relating to tagging big game.

(4) Fail to complete harvest report and survey information in accordance with instructions provided on the report card and/or the survey.

[Pa.B. Doc. No. 03-513. Filed for public inspection March 21, 2003, 9:00 a.m.]

# STATEMENTS OF POLICY

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

### Listing of Wild Trout Streams

The Fish and Boat Commission (Commission) proposes a statement of policy in Chapter 57 (relating to statements of policy). The proposed statement of policy relates to the classification of wild trout streams. Although not required to publish a notice of a proposal to adopt a statement of policy, the Commission is publishing the proposed statement of policy in this manner and is seeking public comments because of the heightened public interest in this issue. The Commission is publishing this notice of a proposed statement of policy under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The proposed statement of policy, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

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

#### C. Statutory Authority

The proposed statement of policy is published under the statutory authority of section 321 of the code (relating to administration and enforcement) that provides that the Commission administer and enforce the code and other laws of the Commonwealth relating to the protection, propagation and distribution of fish.

#### D. Purpose and Background

Section 105.1 of 25 Pa. Code (relating to definitions) defines the term "wild trout stream" as "a stream classified as supporting naturally reproducing trout populations by the Fish Commission." The definition goes on to provide that the list of wild trout streams is available from the Commission's Fisheries Management Division.

In litigation before the Environmental Hearing Board and the Commonwealth Court, the meaning and effect of this regulatory definition was clarified. Under these precedents, it is clear that the Department of Environmental Protection is to make an independent determination of how to use the Commission's classification of a water as a wild trout stream, as well the factual and expert information on which the classification is based, in making regulatory and permitting decisions. The precedents also indicate that the so-called "wild trout criteria" and the "wild trout list" have regulatory significance and should be published under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202). Although the identification of streams as wild trout streams essentially involves the exercise of professional judgment by fisheries managers and fisheries biologists, it is recognized that the public input may be a useful element in this process.

The Commission proposes a statement of policy that sets forth the basis for classification of streams supporting natural reproduction of trout. This wild trout list is not the same as the listing of Class A Wild Trout Waters or Wilderness Trout Streams. The wild trout stream list currently identifies about 1,500 stream sections that support naturally reproducing trout populations.

#### E. Paperwork

The proposed statement of policy will not increase paperwork and will create no new paperwork requirements.

#### F. Fiscal Impact

The proposed statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed statement of policy will impose no new costs on the private sector or the general public.

#### G. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed statement of policy to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to [ra-pfbcregs@state.pa.us](mailto:ra-pfbcregs@state.pa.us). A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-141. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart A. GENERAL PROVISIONS

#### CHAPTER 57. STATEMENTS OF POLICY

#### Subchapter A. FISHERIES POLICIES

#### § 57.11. Listing of wild trout streams.

(a) *Maintenance of list.* It is the policy of the Commission to accurately identify and classify streams supporting naturally reproducing populations of trout as wild trout streams. The Fisheries Management Division will maintain the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin* and on the Internet. Persons with comments, objections or suggestions about the classification of streams listed may submit them to the Commission for review.

(b) *Criteria for classifying wild trout streams.* The classification of a stream as a wild trout stream means that the trout found there have resulted from natural reproduction and that the habitat supports wild trout. Identification of streams for the presence of wild trout typically involves:

(1) *Location and habitat.* Classifications of wild trout streams will involve examination of one or more sites, which may vary in size, within the stream. The exercise of judgment by the investigator is essential in describing the extent of the stream continuum to which the examination applies. The investigator should find that the habitat is such as would support natural reproduction of trout.

(2) *Exclusion of stocked trout.* In classifying a wild trout stream, the investigator should find trout resulting from natural reproduction in the stream section or upstream and downstream areas and their tributaries. In making this finding, the investigator will specifically exclude trout stocked as fingerlings or adults and trout that escape from a hatchery. The exercise of judgment is required in examining the trout for physical appearance such as coloration, fin condition, and body configuration as indicators of the source of the trout. Direct evidence of natural reproduction of trout is a factor in making this classification, but it is not required if the other elements are present.

(3) *Biological criteria.* In identifying a wild trout stream, the investigator should find one or more of the following:

(i) Young of the year trout less than 150 mm occur at some time in the stream section.

(ii) Two or more ages of wild trout occur at some time within the stream section.

(4) *Tributary linkages.* All tributaries to wild trout streams are classified as wild trout streams for their function as habitat for segments of wild trout populations, including nurseries and refuges, and in sustaining water quality necessary for wild trout.

(c) *Existing list.* All streams identified as wild trout streams on or before January 1, 2002, and listed as such by the Fisheries Management Division will continue to be considered as wild streams by the Commission.

(d) *Requests for evaluation or reevaluation of streams.* The Commission staff will evaluate or reevaluate the classification of streams as wild trout streams at the request of the Department of Environmental Protection (DEP) in connection with permitting decisions.

(1) Requests for evaluation or reevaluation from persons or parties other than DEP will be considered for review consistent with available staff and resources and prioritized based on the status of DEP permitting decisions related to the sites.

(2) Requests that the Commission staff evaluate or reevaluate stream sections for inclusion on or removal from the list of streams supporting naturally reproducing populations of trout may be addressed to the Bureau of Fisheries, Fish and Boat Commission, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616.

(3) In evaluating requests to remove streams from the list of wild trout streams, the Commission will take into account circumstances where human intervention or manmade changes have diminished the capacity of a stream to meet the criteria set forth in this section.

(4) Streams will not be removed from the list of wild trout streams in circumstances where the investigator finds evidence that their characteristics and trout populations have been changed solely or principally as a result of human intervention.

(e) *Appeals.* A person aggrieved by the classification of a stream section as a wild trout stream section may appeal the agency action by filing a notice of appeal with the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, Pennsylvania 17106-7000, within 15 days after publication of the notice that the stream section had been so classified in the *Pennsylvania Bulletin*. Nothing in this subsection enlarges or diminishes the appeal rights of persons or parties in connection with permitting decisions and other actions of DEP.

[Pa.B. Doc. No. 03-514. Filed for public inspection March 21, 2003, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Application Period for the Agricultural Land Conservation Assistance Grant Program

An application period for grants under the Agricultural Land Conservation Assistance Grant Program (program) administered by the Department of Agriculture (Department) has started. The program is authorized by 3 P. S. §§ 1207.1 and 1207.3. In summary, the program allows the Department to award grants to certain counties for projects that will establish or improve agricultural conservation easement purchase programs. Regulations for the program are in 7 Pa. Code Chapter 138h (relating to

agricultural land conservation assistance grant program). These regulations can be viewed and downloaded from [www.pacode.com](http://www.pacode.com).

Applications for the program will be accepted by the Department beginning April 22, 2003, for a 45-day period ending at 4 p.m. on June 6, 2003. Information and grant application forms may be obtained from Sandra E. Robison, Bureau of Farmland Preservation, Department of Agriculture, 2301 N. Cameron Street, Room 404, Harrisburg, PA 17110-9408.

DENNIS C. WOLFF,  
*Acting Secretary*

[Pa.B. Doc. No. 03-515. Filed for public inspection March 21, 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 11, 2003.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-11-03	Univest Corporation of Pennsylvania, Souderton, to indirectly acquire 100% of the voting shares of First County Bank, Doylestown, via the merger of First County Bank with and into Univest National Bank and Trust Company, Souderton, wholly owned subsidiary of Univest Corporation of Pennsylvania	Souderton	Approved
3-6-03	Sun Bancorp, Inc., Lewisburg, to acquire 100% of the voting shares of Steelton Bancorp, Inc., Steelton	Lewisburg	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-25-03	National Penn Bank, Boyertown, and FirstService Bank, Doylestown Surviving Institution—National Penn Bank, Boyertown	Boyertown	Effective
3-6-03	Sun Bank, Lewisburg, and Mechanics Savings Bank, Steelton Surviving Institution—Sun Bank, Lewisburg	Lewisburg	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-6-03	Fulton Bank Lancaster Lancaster County	U.S. Route 1 East Concord Township Delaware County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-27-03	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
	(Note: Effective date corrected from previous Summary.)		
3-11-03	Fulton Bank Lancaster Lancaster County	<i>To:</i> Route 1 and School House Road East Marlborough Twp. Chester County  <i>From:</i> 863 East Baltimore Pike East Marlborough Twp. Chester County	Approved

**SAVINGS INSTITUTIONS****Main Office Relocation**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
3-11-03	Washington Savings Association Philadelphia Philadelphia County	<i>To:</i> Route 1 and School House Rd. East Marlborough Twp. Chester County  <i>From:</i> 863 East Baltimore Pike East Marlborough Twp. Chester County	Approved

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-11-03	Superior Credit Union, Collegeville, and ARE Federal Credit Union, Royersford Surviving Institution—Superior Credit Union, Collegeville	Collegeville	Filed

A. WILLIAM SCHENCK, III,  
*Acting Secretary*

[Pa.B. Doc. No. 03-516. Filed for public inspection March 21, 2003, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Consolidated Plan; 2002 Annual Performance Report Availability

The Department of Community and Economic Development (Department) makes available for public review the 2002 Annual Performance Report (APR) for the Commonwealth's Consolidated Plan. The 2002 APR reports on activities that were outlined in the Consolidated Plan for Federal fiscal years 2000—2004 as well as the Action Plan for 2002. The APR describes progress in achieving the Commonwealth's 5-year strategy, including resources made available and activities completed in Federal fiscal year 2002. This report will be submitted to the United States Department of Housing and Urban Development (HUD) by March 31, 2003.

Copies of the draft APR will be available for public comment from March 24, 2002, through March 30, 2003, at the following locations. The final APR will be made available again at the same locations, following approval by HUD.

*County Commissioners*—A copy will be sent to the chairperson of each county board of commissioners.

*The Tri-County Branch of the Pennsylvania Association of the Blind* (on audio cassette)

Patricia Summers, Coordinator  
Harrisburg Area Radio Reading Service  
1800 N. Second Street  
Harrisburg, PA 17102  
Telephone: (717) 238-2531

#### *Department Regional Offices*

Southwest Regional Office  
413 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5002

Northeast Regional Office  
201 Samters Building  
101 Penn Avenue  
Scranton, PA 18503  
(717) 963-4571

Northwest Regional Office  
Third Floor, Rothrock  
Building  
121 West 10th Street  
Erie, PA 16501  
(814) 871-4241

Southeast Regional Office  
908 State Office Building  
Broad and Spring Garden  
Streets  
Philadelphia, PA 19130  
(215) 560-2256

Northcentral and  
Southcentral Regional  
Offices  
576 Forum Building  
Harrisburg, PA 17120  
(717) 787-2412

*Pennsylvania's 27 District Libraries*

B.F. Jones Memorial Library, Aliquippa  
Allentown Public Library, Allentown  
Altoona Area Public Library, Altoona  
Centre County Library, Bellefonte  
Bethlehem Area Public Library, Bethlehem  
Clarion Free Library, Clarion  
Conococheague District Library, Chambersburg  
Bucks County Free Library, Doylestown  
Easton Area Public Library, Easton  
Erie County Library, Erie  
Dauphin County Library, Harrisburg  
Cambria County Library, Johnstown  
Lancaster County Library, Lancaster  
Delaware County Library, Brookhaven  
Monessen Public Library, Monessen

New Castle Public Library, New Castle  
Montgomery County-Norristown Public Library,  
Norristown  
Free Library of Philadelphia, Philadelphia  
Carnegie Library of Pittsburgh, Pittsburgh  
Pottsville Free Public Library, Pottsville  
Reading Public Library, Reading  
Scranton Public Library, Scranton  
Warren Public Library, Warren  
Citizens Library, Washington  
Chester County Library, Exton  
Osterhout Free Library, Wilkes-Barre  
James V. Brown Library, Williamsport

Written comments concerning the APR should be submitted to Gary R. Thomas, Compliance Manager, Office of Community Development and Housing, Center for Community Building, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, fax (717) 214-5416. Written comments must be received by March 30, 2003.

Persons with a hearing disability who wish to review the APR should notify the Department and accommodations will be made. Text Telephone (TT) calls can be placed through the Pennsylvania AT&T Relay Service at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 03-517. Filed for public inspection March 21, 2003, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0070513 Sewage	Edward A. Redding 3432 Sweet Arrow Lake Road Pine Grove, PA 17963-9061	Schuylkill County Washington Township	Upper Little Swatara Creek 7D	Y
PA0061603 Nonmunicipal Renewal	Eagle Lake Community Association, Inc. P. O. Box 305, Route 435 Gouldsboro, PA 18424-0305	Covington Township Lackawanna County	Unnamed tributary to Tamarack Creek 2A	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>
PA0085138	Five Forks Brethern in Christ Church 9244 Five Forks Road Waynesboro, PA 17268	Franklin County Quincy Township	UNT West Branch Antietam Creek 13-C	Y
PA0014591	Pennsylvania American Water Company 800 W. Hersheypark Drive Hershey, PA 17033	Lancaster County Colerain Township	West Branch Octoraro Creek 7K	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>
PA0035688 Sewerage Public	Potter Township Country Club Park 124 Short Road Spring Mills, PA 16875	Centre County Potter Township	Cedar Run SWP 9C	Y
PA0111538 Sewerage	Start Properties, LLC Pine Valley MHP P. O. Box 622 1300 Market St., Suite 201 Lemoyne, PA 17043-0622	West Buffalo Township Union County	North Branch of Buffalo Creek SWP 10C	Y

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

**PA0221473**, Sewage, **Edwards Acres**, 294 Branchton Road, Slippery Rock, PA 16057-3481. This proposed facility is located in Slippery Rock Township, **Butler 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Slippery Rock Creek and Salvation Army Camp Allegheny at River Mile 3.24, 29.5 miles below point of discharge.

The receiving stream, unnamed tributary to Long Run, is in watershed 20-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0015 MGD.

Parameter	Concentration (mg/l)		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Total Residual Chlorine		Monitor and Report	
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.

**PA0210501**, Sewage, **Earl G. Willey, SRSTP**, 3974 Longview Road, West Middlesex, PA 16159. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Western Pennsylvania Water Company and the Shenango River at New Castle, approximately 16 miles below point of discharge.

The receiving stream, Hogback Run, is in watershed 20A and classified for WWF, aquatic life, water supply and recreation.

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

Parameter	Concentration (mg/l)		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N		200/100 ml as a geometric average	
Total Residual Chlorine		Monitor and Report	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

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

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

**PA0051306**, Sewage, **CGL Acquisitions/Camp Green Lane**, 1000 Germantown Pike, F-3, Plymouth Meeting, PA 19462. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Green Lane WWTF in Salford Township, **Montgomery County**. This is an existing discharge to Ridge Valley Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.042 MGD are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	4.0	8.0
(11-1 to 4-30)	12.0	24.0
Phosphorus (as P)		
(4-1 to 10-31)	2.0	4.0
Total Residual Chlorine	0.5	1.0
Fecal Coliform		200 colonies/100 ml as a geometric average
Dissolved Oxygen		Minimum of 2.0 mg/l at all times
pH		Within limits of 6.0—9.0 Standard Units at all times

The EPA Waiver is in effect.

**PA0055620**, Sewage, **David A. Whinfrey**, 60 Chapel Hill Road, Media, PA 19063. This application is for renewal of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in Upper Providence Township, **Delaware County**. This is an existing discharge to an unnamed tributary of Ridley Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	Monitor and Report	Monitor and Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

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

**PA0046396**, Sewage, **Butler Township Authority**, 761 St. Johns Road, P. O. Box 150, St. Johns, PA 18247. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Activity: Renewal and expansion of existing NPDES permit.

The receiving stream, Little Nescopeck Creek, is in the State Water Plan watershed no. 5D and is classified for CWF. The nearest downstream public water supply intake for Danville Borough Water Authority is on the Susquehanna River, 45 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.465 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Instantaneous</i>
CBOD <sub>5</sub>	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	1.0		2.0

**PA0064289**, Sewage, **Johnson's Home for the Aged**, R. R. 2, Box 72, Wapwallopen, PA 18660. This proposed facility is located in Hollenback Township, **Luzerne County**.

The receiving stream, unnamed tributary to Wapwallopen Creek, is in the State Water Plan watershed no. 5B and is classified for CWF. The nearest downstream public water supply intake for Danville Water Authority is on the East Branch Susquehanna River below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.002 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	21		42
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	1.2		2.8

**PA0020915**, Sewage, **Pine Grove Joint Treatment Authority**, 6 Longstretch Road, P. O. Box 426, Pine Grove, PA 17963. This proposed facility is located in Pine Grove Township, **Schuylkill County**.

Description of Proposed Activity: Revoke and reissue of NPDES permit for a new 5 year period to discharge treated sewage.

The receiving stream, Swatara Creek, is in the State Water Plan watershed no. 7D and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Dauphin Consolidated Water Supply is on the Susquehanna River, approximately 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.5 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Phosphorus as "P"	2	3	4
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	.5		1.2
Dissolved Oxygen	Minimum of 6 at all times		

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

**PA0086878**, Industrial Waste 4941, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526. This facility is located in Windsor Township, **Berks County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Furnace Creek, is in Watershed 3-B and is classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the City of Reading is on Maiden Creek, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.03 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	from 6.0 to 9.0 inclusive				
Total Suspended Solids	Monitor and Report	Monitor and Report	30	60	75
Total Residual Chlorine	XXX	XXX	0.80		2.6
Total Aluminum	Monitor and Report	Monitor and Report	4.0	8.0	10
Total Manganese	Monitor and Report	Monitor and Report	1.0	2.0	2.5
Total Iron	Monitor and Report	Monitor and Report	2.0	4.0	5.0

The proposed effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	from 6.0 to 9.0 inclusive				
Total Suspended Solids	Monitor and Report	Monitor and Report	30	60	75
Total Residual Chlorine	XXX	XXX	0.80		2.6
Total Aluminum	Monitor and Report	Monitor and Report	4.0	8.0	10
Total Manganese	Monitor and Report	Monitor and Report	1.0	2.0	2.5
Total Iron	Monitor and Report	Monitor and Report	2.0	4.0	5.0

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.

**PA0119121**, SIC 3251, Industrial Waste, **Glen Gery Corporation**, 423 Pottsville Pike, Shoemakersville, PA 19555. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of the Schuylkill River, in Perry Township, **Berks County**.

The receiving stream is classified for WWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough Authority located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.012 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper		Monitor and Report	
pH		6—9 S. U. at all times	
TSS	30	60	75
Oil and Grease		Monitor and Report	
Total Nitrogen	10	20	25
Total Dissolved Solids	500	1,000	1,250

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Sulfate	250	500	625
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	
TRC	0.68	XXX	1.36
Osmotic Pressure		Monitor and Report	

The EPA waiver is in effect.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA0246875**, CAFO, **Country View Family Farms, Inc. (Quail Ridge Farm)**, 1301 Fulling Mill Road, Suite 1200, Middletown, PA 17057. Country View Family Farms, Inc. has submitted an application for an Individual NPDES permit for a proposed CAFO known as Quail Ridge Farm to be located at 1211 Moselem Springs Road, Perry Township, **Berks County**.

The CAFO is situated near an unnamed tributary of Maiden Creek (WWF) in Watershed 3-B. The CAFO will be designed to maintain an animal population of approximately 1,380 AEU's consisting of 2,800 gestating sows, 336 sows with litter, 688 gilt finishers and 4 boars. Two barns are proposed—a farrowing barn and a gestation barn. Both barns will have in-ground concrete manure storage facilities. Manure collected in the farrowing barn manure storage facility will flow into the gestation barn manure storage facility. The total storage capacity of the gestation barn manure storage facility will be 3.05 million gallons. The expected annual manure production is approximately 3 million gallons. Approximately 35% of the manure generated will be applied onsite from subsurface injection on approximately 167 acres and the remainder will be exported off site to two farms in Perry Township and one farm in Richmond Township, Berks County. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate Pennsylvania Technical Guide Standards and the Part II permit. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

**PA0008508**, Industrial Waste, SIC Code 3671, **Burle Industries, Inc.**, 1000 New Holland Avenue, Lancaster, PA 17601. This facility is located in Lancaster City, **Lancaster County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Conestoga River, is in Watershed 7-J and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is on the Susquehanna River, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.321 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 Standard Units	
Oil and Grease	15		30
Total Copper	0.8	1.6	2.0
Hexavalent Chromium	0.4	0.8	1.0
Total Phosphorus	2	4	5
Total Residual Chlorine	0.5		1.6



The proposed effluent limits for Outfall 101 based on a design flow of 0.193 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 Standard Units	
Suspended Solids	31	60	77.5
Total Chromium	1.71	2.77	4.3
Total Cadmium	0.26	0.69	0.86
Total Lead	0.43	0.69	1.0
Total Nickel	2.38	3.98	6.0
Total Silver	0.24	0.43	0.6
Total Zinc	1.48	2.61	3.7
Total Cyanide	0.65	1.2	1.6
TTO		2.13	

The proposed effluent limit for Outfall 201 based on a design flow of 0.128 MGD is:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature		110°F as Daily Average	

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

The EPA waiver is not in effect.

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

**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 via this outfall shall consist of uncontaminated stormwater runoff only.				

**PA0219037**, Industrial Waste, SIC, **Greater Johnstown Water Authority**, P. O. Box 1287, Johnstown, PA 15907-1287. This application is for issuance of an NPDES permit to discharge backwash water from Saltlick Water Treatment Plant in East Taylor, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Saltlick Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Water Authority on the Conemaugh River, approximately 64 miles below the discharge point.

*Outfall 001: new discharge, design flow of 0.28 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0042587**, Sewage, **MLM Enterprises**, 12 North Jefferson Avenue, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated sewage from MLM Enterprises STP in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Little Chartiers Creek, which are classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Borough Municipal Water Authority on the Ohio River.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
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.

**PA0091146**, Sewage, **North Union Township Municipal Services Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456. This application is for renewal of an NPDES permit to discharge treated sewage from Industrial Park No. 2 STP in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Gist Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.054 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	6.0	9.0		12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.135 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	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)	3.5	5.3		7.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA011520**, Sewage, **The Picking Company**, 100 Longview Lane, Johnstown, PA 15905-9639. This application is for renewal of an NPDES permit to discharge treated sewage from Miller-Picking Corporation Sewage Treatment Plant in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Soap Hollow Road, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.011 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	6.5			13.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217671**, Sewage, **Canterbury Coal Company**, R. D. 1, Box 119, Avonmore, PA 15618. This application is for renewal of an NPDES permit to discharge treated sewage from DiAnne Mine Shaft STP in Kiskiminetas Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Carnahan Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

*Outfall 001*: existing discharge, design flow of 0.0056 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	4.5			9.0
(11-1 to 4-30)	13.5			27.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,500/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219428**, Sewage, **Gary Regelman**, 142 Wampum Road, Wampum, PA 16157. This application is for issuance of an NPDES permit to discharge treated sewage from the Regelman single residence sewage treatment plant in Big Beaver Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Beaver River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Falls Municipal Authority on Beaver River.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
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	Monitor and Report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219436**, Sewage, **Jack Lentz**, 12554 Route 286 Highway West, Clarksburg, PA 15725. This application is for issuance of an NPDES permit to discharge treated sewage from Clarksburg Mobile Home Park Sewage Treatment Plant in Young Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Blacklegs 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 Buffalo Township Municipal Authority Freeport Plant on Allegheny River.

*Outfall 001: new discharge, design flow of 0.00585 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.8			5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine*	0.08			0.18
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

\*This parameter shall be effective if chlorination is used for disinfection.

The EPA waiver is in effect.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**PA0239119**, CAFO, **George A. Smith (Smiths Incredibull Farm)**, P. O. Box 85, North Washington, PA 16048-0085. George A. Smith, Manager, has submitted an application for an individual NPDES permit for a proposed CAFO known as Smiths Incredibull Farm, 2335 Oneida Valley Road, Washington Township, **Butler County**.

The CAFO is situated near an unnamed tributary to Christy Run and an unnamed tributary to Silver Creek in Watersheds 17-C and 20-C, which are classified for CWF and EV. The CAFO will be expanded to maintain an animal population of approximately 2,537 AEUs consisting of 1,200 cows, 200 dry cows, 940 heifers, 100 steers and 25 cows and calves on pasture. The animals will be housed in existing structures and heifer barns to be constructed in the future. Manure is stored in a circular concrete structure, 140 feet by 16 feet. The total capacity of the manure storage facility is 1.8 million gallons. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

Chapter 93.4(c)(b)(1)(ii) requires the Department to hold a public hearing for any proposed new, additional or increased discharges to exceptional value watersheds when requested by interested persons. The Department will hold a hearing if requested. To request a public hearing, interested persons must submit a written request to Ricardo Gilson at the Department address listed in this notice. If a hearing is requested, the Department will publish the date, time and location of the hearing in the *Pennsylvania Bulletin* and a local newspaper at least 30 days prior to the date of the hearing. A press release to local news organizations announcing the hearing will also occur.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in

formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

The permit application and draft permit are on file at the Northwest Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (814) 332-6340.

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

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

**PA0239020**, Sewage, **Alan Ladner SRSTP**, P. O. Box 333, 114 S. Main Street, Springboro, PA 16435. This proposed treatment facility is located in Summit Township, **Crawford County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, 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 36 miles below point of discharge.

The receiving stream, unnamed tributary to Watson Run, 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 0.0004 MGD.

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Fecal Coliform (All year)		200/100 ml as a geometric average	
Ultraviolet Disinfection Unit		Report on/off bulb status—monthly checks to be reported on Annual Maintenance Report.	
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 *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

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

**WQM Permit No. 5403401, Twin County Joint Municipal Authority**, 200 West Chapel Street, Hazleton, PA 18201. This proposed facility is located in North Union Township, **Schuylkill County** and Black Creek Township, **Luzerne County**.

Description of Proposed Action/Activity: This project consists of the construction of a .13 MGD municipal wastewater treatment plant and a sewer collection and conveyance system to serve Nuremburg, North Union Township, Schuylkill County and Weston, Black Creek Township, Luzerne County.

**WQM Permit No. 3903401, Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: This project will rerate the existing wastewater treatment plant from a capacity of 2.0 MGD to a capacity of 2.5 MGD.

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

**WQM Permit No. 0601411**, Sewerage, **Bear Creek Management Company, LLC**, 1950 Old Gallows Road, Suite 600, Vienna, VA 22182. This proposed facility is located in Longswamp Township, **Berks County**.

Description of Proposed Action/Activity: Construction/installation of a package wastewater treatment plant to serve Bear Creek Ski & Recreation Area.

**WQM Permit No. 0599406**, Sewerage, **Kenneth Secrest, Brush Creek Country Estates**, P. O. Box 454, New Kingstown, PA 17072. This proposed facility is located in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Permit amendment to fulfill CO&A.

**WQM Permit No. 0703401**, Sewerage, **Joseph Himes**, R. D. 4, Box 20, Boyertown, PA 15912. This proposed facility is located in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Construction of sewage treatment plant to serve Himes Mobile Home Park.

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

**WQM Permit No. 4903401**, Sewerage, SIC 4952, **Thomas B. Aunkst**, 602 Elm Street, Watsonstown, PA 17777. This proposed facility will be located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction and operation of residential sewage treatment plant consisting of a septic tank, buried sand filter and disinfection.

**WQM Permit No. 1703401**, Sewerage 4952, **Muddy Run Regional Authority**, P. O. Box 474, Malvern, PA 16661-0474. This proposed facility is located in Glen Hope Borough, **Clearfield County**.

Description of Proposed Action/Activity: The project will entail the construction of wastewater collection, conveyance and treatment facilities for Glen Hope Borough. The system will include one wastewater pumping station, two grinder pump stations, approximately 12,600 LF of gravity sanitary sewer and 2,740 LF of force main. The wastewater treatment plant will discharge an average of 22,000 GPD to Clearfield Creek and will utilize an extended aeration activated sludge process.

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

**WQM Permit No. 4303202**, Industrial Waste, **Watergait Community Water Association**, 10 Northgait Drive, Slippery Rock, PA 16057. This proposed facility is located in Liberty Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a new water treatment plant's backwash water treatment system.

**WQM Permit No. 2503403**, Sewerage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a lift station and sewers to serve the proposed Whispering Woods Estates.

**WQM Permit No. 3703404**, Sewerage, **Shenango Township**, 1000 Willowbrook Road, New Castle, PA 16101. This proposed facility is located in Shenango Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a lift station and force main to serve the proposed Cambridge at Hidden Lake development.

**WQM Permit No. 1003404**, Sewerage, **Paul Caldwell, Perry Lake Estates**, R. D. 4, Box 278, Greensburg, PA 16501. This proposed facility is located in Lancaster Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve a mobile home park.

**WQM Permit No. 2503402**, Sewerage, **Gerald S. and Lori A. Zimmer**, 9656 Sampson Road, Erie, PA 16509. This proposed facility is located in LeBoeuf Township, **Erie County**.

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

**WQM Permit No. 2002429**, Sewerage, **David L. and Anna Schaffer**, 303 Linton Street, McKees Rocks, PA 15136. This proposed facility is located in Cussewago Township, **Crawford County**.

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

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#### **NPDES Stormwater Individual Permit**

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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 PAI2011503013**, Stormwater, **Thompson Homes**, 981 South Bolmar Street, West Chester, PA 19382, has applied to discharge stormwater associated with a construction activity located in East

Fallowfield Township, **Chester County** to West Branch Brandywine Creek (EV).

**NPDES Permit PAI2012303001**, Stormwater, **Penn State University**, 214 Physical Plant Building, University Park, PA 16802, has applied to discharge stormwater associated with a construction activity located in Middletown Township, **Delaware County** to Rocky Run (HQ-CWF-MF).

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI024503003	Major Motors of Pennsylvania, Inc. R. R. 7, Box 7389 Stroudsburg, PA 18360	Monroe County Stroud Township	UNT to Pocono Creek HQ-CWF

*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>
PAI023903004	Kim Synder Eastern Industries 4401 Camp Meeting Rd., Suite 200 Center Valley, PA 18034	Lehigh County Lower Macungie Township	Little Lehigh Creek HQ-CWF

*Susquehanna County Conservation District: County Office Building., 31 Public Ave., Montrose, PA 18801, (570) 278-4600.*

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

*Pike County Conservation District: HC6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI020003001	Tennessee Gas Pipeline Co. 197 Tennessee Rd. Coudersport, PA 16915	Susquehanna County Auburn, Springville, Lathrop and Lenox Townships  Wayne County Dyberry and Berlin Townships Honesdale Borough  Pike County Lackawaxen, Shohola and Milford Townships	UNT to White Creek, CWF White Creek, CWF UNT to Tunkhannock Creek, CWF  UNT to West Branch Lackawaxen River, HQ-CWF UNT to Dyberry Creek, HQ-CWF Indian Orchard Brook, HQ-CWF UNT to Lackawaxen River, HQ-CWF  UNT to West Falls Creek, HQ-CWF Twin Lake Creek, HQ-CWF Saventine Creek, EV Deep Brook, EV

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

*Berks County Conservation District, 1238 County Welfare Road, P. O. Box 520, Leesport, PA 19533-0520.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2030603001	Ronald Frey First National Bank of Fleetwood Main and Franklin Streets Fleetwood, PA 19522	Richmond Township Berks County	Moselem Creek HQ-CWF

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

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI204041403005	Lyons Pointe Subdivision 171 Anaconda Dr. Pennsylvania Furnace, PA 16865	Centre County Ferguson Township	UNT Beaver Branch HQ-CWF

*Clinton County Conservation District: 216 Spring Run Road, Mill Hall, PA 17751-9543, (570) 726-3798, Ext. 5.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2041803001	Kuber Hospitality LLC 31 Comfort Inn Lane Mill Hall, PA 17751	Clinton County Porter Township	Fishing Creek HQ

*Sullivan County Conservation District; R. R. 2, Box 2022B, Dushore, PA 18614, (570) 928-7057.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2045703001	George Jenkins 215 Hermitage Dr. Radnor, PA 19087	Sullivan County Laporte Township	Shanersburg Run EV Pole Bridge CWF

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

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931.*

**NPDES Permit PAI001103002**, Stormwater, **Conectiv Mid-Merit, Inc.**, P. O. Box 6066, Newark, DE 19714-6066, has applied to discharge stormwater associated with a construction activity located in Jackson Township, **Cambria County** to Laurel Run (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>
PAI001003002	Moranda Homes Inc. 202 Park West Drive Pittsburgh, PA 15275	Butler County Buffalo Township	Sarver Run a tributary of Little Buffalo Creek HQ:TSF

## **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).**

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

<b>Permit No. 4603502</b> , Public Water Supply.	
Applicant	<b>Pennsylvania Suburban Water Company</b>
Township	Perkiomen
Responsible Official	Morrison Coulter 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112



Application Received Date March 4, 2003  
 Description of Action Construction of arsenic removal facilities at the Meyers Tract pump station.

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

**Permit No. 0703501**, Public Water Supply.  
 Applicant **Freedom Township Water and Sewer Authority**  
 Municipality Allegheny, Blair and Freedom Townships  
 County **Blair**  
 Responsible Official Daniel Giarth, Chairperson  
 Municipal Building  
 P. O. Box 156  
 East Freedom, PA 16637  
 Type of Facility PWS  
 Consulting Engineer Steven R. McGraw, P. E.  
 Stiffler, McGraw & Associates Inc.  
 19 N. Juniata Street  
 P. O. Box 156  
 Hollidaysburg, PA 16648

Application Received Date January 13, 2003  
 Description of Action New consecutive water system that will receive its source of supply from the Altoona City Authority. The system will serve the customers in Freedom and Blair Townships and Newry Borough. The system will consist of 16,000± feet of 12-inch waterlines and 12,000± feet of 8-inch waterline. A booster chlorination facility will be located at the metering station.

**Permit No. 3603502**, Public Water Supply.  
 Applicant **Quarryville Presbyterian Home**  
 Municipality East Drumore Township  
 County **Lancaster**  
 Responsible Official Bruce A. Hartshorne, President  
 CEO  
 625 Robert Fulton Highway  
 Quarryville, PA 17566  
 Type of Facility PWS  
 Consulting Engineer David T. Lewis, P. E.  
 ARRO Consulting Inc.  
 270 Granite Run Drive  
 Lancaster, PA 17601  
 Application Received Date January 17, 2003  
 Description of Action The addition of Cornfield Well to augment the existing sources of supply. The project will also include the addition of reverse osmosis, softening and UV disinfection to the system.

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

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

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Township White Deer Township  
 Responsible Official Steven J. Seidl, Vice President,  
 Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer Scott M. Thomas, P. E.  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Application Received Date March 5, 2003  
 Description of Action Paint removal and repainting inside the White Deer Clearwell tank.

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

**Permit No. 2603501**, Public Water Supply.  
 Applicant **National Pike Water Authority**  
 4888 National Pike  
 P. O. Box 10  
 Markleyburg, PA 15459  
 Township or Borough Henry Clay, Stewart, Wharton Townships  
 Markleysburg Borough  
 Responsible Official Richard Dennis, Chairperson  
 National Pike Water Authority  
 4888 National Pike  
 P. O. Box 10  
 Markleyburg, PA 15459  
 Type of Facility New PWS system  
 Consulting Engineer McMillen Engineering  
 115 Wayland Smith Drive  
 Uniontown, PA 15401  
 Application Received Date February 10, 2003  
 Description of Action Development of a water distribution system supplied by two wells in Beaver Creek. The project proposes the construction of 19+ miles of line, storage tanks, pump stations and telemetry control.

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

**Permit No. 1003502**, Public Water Supply.  
 Applicant **Meadows Manor Boarding Home**  
 600 Freeport Road  
 Butler, PA 16001  
 Township or Borough Jefferson Township, **Butler County**  
 Responsible Official Ron Paule, Owner  
 Type of Facility PWS  
 Consulting Engineer McGarvey Engineering  
 172 Woodcrest Road  
 Butler, PA 16002.  
 Application Received Date March 3, 2003  
 Description of Action New well no. 3

## 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, please 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:

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

**Manhattan Bagel (Former Mobil Facility No. 15GPX)**, Darby Township, **Delaware County**. Andrew J. Huber, Geologic Services Corp., 1 AAA Drive, Suite 203, Hamilton, NJ 08691, on behalf of Exxon Mobil Corp., John J. Hoban, 220 Commerce Dr., Suite 205, Fort Washington, PA, has submitted a Notice of Intent to Remediate soil contaminated with unleaded gasoline and groundwater contaminated with MTBE and unleaded gasoline. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on February 5, 2003.

**Proposed Broad-Moore Development**, City of Philadelphia, **Philadelphia County**. Stuart Levitch, Pennoni Associates, Inc., 950 Clifton Ave., Clifton, NJ 07013, on behalf of Redevelopment Authority of the City of Philadelphia, Hope Yusem, 1234 Market St., 16th Floor, Philadelphia, PA 19107, has submitted a Notice of Intent to Remediate soil contaminated with lead and other organics. 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 Philadelphia Daily News* on February 17, 2003.

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

**Shapiro Residence**, Choconut Township, **Susquehanna County**. Chris A. Purvis, Senior Project Manager, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 has submitted a Notice of Intent to Remediate (on behalf of David Shapiro, Stanley Lake Road, Friendsville, PA) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil as the result of an accidental release. A summary of the Notice of Intent to Remediate was published in the *Susquehanna County Independent* on January 29, 2003. A Final Report was simultaneously submitted.

**Laubach Farm Property**, Bethlehem Township, **Northampton County**. James S. Meenan, III, Environmental Scientist, Marshall Miller & Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Notice of Intent to Remediate (on behalf of Mrs. George Laubach, Bethman Road, Easton, PA) concerning the remediation of soils found or suspected to have been contaminated with kerosene as the result of a

vehicular accident on the property. A summary of the Notice of Intent to Remediate will reportedly be published in *The Morning Call*.

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

**Coyne Textile Services**, West Manchester Township, **York County**. Coyne Textile Services, 140 Cortland Avenue, Syracuse, NY 13202-3499, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with perchloroethylene. The applicant proposes to remediate the site to meet the requirements for a combination of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record* on June 21, 2002.

#### RESIDUAL WASTE GENERAL PERMITS

**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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR093. Tosco Corporation**, 4101 Post Road, Trainer, PA 19061. General Permit Numbered WMGR093 is for the beneficial use of dewatered dredge material from the Trainer Refinery docks to fill two impoundments along the Delaware River to create new land for placement of additional petroleum storage tanks at the facility. Central Office determined the application to be administratively complete on March 5, 2003.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### 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.**

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

**Permit Application No. 300742. Quaker Alloy, Inc.**, 200 E. Richland Ave., Myerstown, PA 17067, Jackson Township, **Lebanon County**. The application is for cap reconfiguration for the residual waste landfill. The application was determined to be administrative complete by the Southcentral Regional Office on March 6, 2003.

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

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the Act.

### PLAN APPROVALS

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

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

**45-302-073: Aventis Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370) for construction of three no. 2 fuel oil, 800 horsepower boilers at their facility in Pocono Township, **Monroe County**.

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

**49-00007B: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) for installation of an air cleaning device (a condenser) on a pharmaceutical reaction vessel (EX-2640) in Riverside Borough, **Northumberland 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.*

**PA-09-0040B: Consolidated Graphics** (315A West Street Road, Warminster, PA 18974) for modification of four lithographic printing presses, at their facility in Warminster Township, **Bucks County**. This facility is a major facility. The modification of this source will not increase any emissions. The Plan Approval will contain recordkeeping requirements to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**48-309-122: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064-8928) for replacement/installation of an air cleaning device (fabric collector) for the existing No. 3 raw mill (also identified as the No. 6 finish mill) at Nazareth Plant III in the Borough of Nazareth, **Northampton County**. The particulate emissions from the fabric collector will not exceed the Best Available Technology standard of 0.01 grain/dscf (12.0 tons per year). The Plan Approval and Operating Permit will include testing, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00007. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

**21-05064C: Atlas Roofing Corp.** (802 Highway 19 North, Suite 190, Meridian, MS 39307) for the use of a lower VOC emitting chemical formulation (that is, blowing agent) that would justify the removal of the existing regenerative thermal oxidizer currently used to control VOC emissions from the foam laminator operation at their polyisocyanurate foam manufacturing facility in Camp Hill Borough, **Cumberland County**. The company will limit the actual (total) facility VOC emissions to less than 50 tons per 12-month rolling total so as to maintain a State-only operating permit status. The Department reserves the right to require further stack testing and the plan approval and operating permit shall contain monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**38-05023B: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) for construction of a shredder for unused and rejected shingles at the Prescott Quarry in South Lebanon Township, **Lebanon County**. This plan approval will be incorporated into the facility's current application for a State-only operating permit and will include appropriate conditions designed to keep the source operating within all applicable air quality requirements.

**67-05069C: Bonsal American, Inc. d/b/a Oldcastle Stone Products, formerly Cemex, Inc.** (P. O. Box 220, Thomasville, PA 17364) for installation of a cage mill and dust collector to the existing closed circuit Plant 2A operation at their Thomasville Facility in Jackson Township, **York County**. The new cage mill is expected to be able to process approximately 25 tons per hour of limestone. Particulate matter emissions associated with the new mill will be controlled by a new dust collector and shall stay below 0.02 grain per dry standard cubic foot. The source is subject to 40 CFR 60, Subpart OOO—Standards of Performance for New Stationary Sources. The plan approval and operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

### OPERATING PERMITS

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

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

**46-00012: Philadelphia Newspapers, Inc./Schuylkill Printing Press** (800 River Road, West Conshohocken, PA 19428) for an administrative amendment to Title V Operating Permit 46-00012 in Upper Merion Township, **Montgomery County**. The permit is being amended to incorporate changes based on the appeal of the Title V Operating Permit. The facility's major emission points include 9 printing presses, 3 main boilers, 12 miscellaneous heaters and boilers, 1 backup generator, 1 platemaking developer, 1 fire pump and 1 gasoline storage and dispensing area. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements and will include the revisions listed:

- Section A, Site Inventory List—revised the Capacity/Throughput values for Sources IDs Nos. 001—015 to

include a maximum rated heat input capacity, in units of mmBtu/hr and a maximum throughput capacity for natural gas in units of CF/hr.

- Section A, Site Inventory List—revised the Capacity/Throughput values for Sources IDs Nos. 031 and 032 to include a maximum rated heat input capacity, in units of mmBtu/hr.

- Sections A and D, Source 014—revised the Capacity/Throughput value to 0.2 mmBtu/hr. Changed the name of the source to “Pump House HW Boiler 6.”

- Section A, Site Inventory List, Source FML01—removed this duplicate entry for the natural gas pipeline.

- Section C, Condition 017—revised the cross-reference to include the term “Condition 23(b).”

- Section D, Source ID Nos. 001—004, Conditions 003 and 004—revised monitor and recordkeeping frequency of the fuel usage to a monthly basis. Include paragraph the states that the frequency of the required monitoring and recordkeeping, is consistent the “Alternative Monitoring Frequency of Fuel Usage” approval granted to the permittee by letter, dated March 29, 2001, from the EPA Region III and that a copy letter has been attached to this permit and designated “Attachment A.”

- Section D, Source 031 and 032, Condition 002—revised the condition to include the term “To assure compliance with the Condition 001, . . . ” to provide for monthly monitoring of the hours of operation for these sources.

- Section D, Source 126, Condition 006—revised this condition to require the facility to maintain a functional Stage II Vehicle Refueling Control Program.

- Section D, Source ID: 127, Conditions 005 and 007—revised these conditions to require the facility monitor and record the following parameters on a daily basis:

- (a) The ink throughput for each press, using the allocation method between pairs of presses.

- (b) The amount of fountain solution used at the facility using the allocation method between pairs of presses.

- (c) The amount of blanket wash used at the facility.

- Section D, Source ID: 127, Condition 008—revised these conditions to change the term “all” to “any.”

- Section F, Emission Restriction Summary—omitted the 2.7 tons per year limit for Sources 031 and 032.

- Section G, Miscellaneous—included the miscellaneous fugitive emissions from Source 101, Developing Process and the propane powered floor maintenance equipment to the list of activities that do not require limitations, monitoring or recordkeeping.

This Administrative Amendment of the Title V Operating Permit is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**46-00015: Occidental Chemical Corp.** (375 Armand Hammer Boulevard, P. O. Box 699, Pottstown, PA 19464) for an administrative amendment to Title V Operating Permit 46-00015 in Lower Pottsgrove Township, **Montgomery County**. The permit is being amended to incorporate changes based on the appeal of the Title V Operating Permit, as well as to incorporate changes approved under plan approval number PA-46-0015A (Product Collector for Line No. 6). The facility's major emission points include 38 dispersion resin reactors, 23 suspension resin reactors, 4 spray dryers, 4 grinders, 4 primary dust collectors and 3 secondary dust collectors.

The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements and will include the revisions listed:

- Section A and D, Source C29—corrected the source diagram to indicate that the ungrounded product collector exhausts to stack S13.

- Section A and D, Source 101—corrected the source diagram for this source.

- Section D, Source 104, Condition No. 001(b)—corrected the PM10 emission limit for stack S13 to 32.7 tons/year to account for all the PM10 sources which exhaust to stack S13.

- Section D, Source 104, Condition No. 005(c)—the operating range for the pressure drop for this source has been amended to be maintained at a minimum of 0.5 foot and a maximum of 12 feet (w.g.).

- Section D, Source 114, Condition No. 005—removed the condition requiring a bag break on the outlet of the fabric collectors.

- Section D, Source 129, Condition No. 006—removed the reference to the specific filter bag manufacturer.

- Section D, Source 129, Condition No. 004(c)—the operating range for the pressure drop for this source has been amended to be maintained at a minimum of 0.5 foot and a maximum of 12 feet (w.g.).

- Sections A, D and F, Source C29—inclusion of applicable Conditions Nos. 001—006 for this source, including emission restrictions, monitoring, recordkeeping, work practice standard conditions and emission summary.

- Section D, Source C29, Condition No. 002—revised the condition to require daily monitoring of the pressure drop when the source is operating.

- Section D, Source C29, Condition Nos. 005 and 006—removed the reference to the specific filter bag manufacturer.

- Section D, Source C35A, Condition No. 004—revised condition to clarify between the certified continuous emissions monitoring system required for VCM concentration and the noncertified procedures for the monitoring of the thermal incinerator operating temperature.

- Section D, Source C35A, Condition No. 008—inclusion of the recordkeeping requirement for monitoring data as specified in the Department's Continuous Source Monitoring Manual.

- Section D, Source C35A, Condition No. 012—inclusion of the work practice standard for operation and calibration of temperature monitoring instrumentation.

- Section D, Source C35A, Condition No. 013—inclusion of the work practice standard for maintenance performed on the T-Thermal Incinerator, monitoring and recording equipment.

This Administrative Amendment of the Title V Operating Permit is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

**13-00003: Panther Creek Partners** (1001 Industrial Road, Nesquehoning, PA 18240-2244) for operation of an electric generating station in Nesquehoning Borough,

**Carbon County.** This action is a renewal of the Title V Operating Permit issued in 1998.

**39-00019: Buckeye Pipe Line Co., LLP** (5002 Buckeye Road, Emmaus, PA 18049) for operation of a refined petroleum pipeline pumping and storage facility in Lower Macungie Township, **Lehigh County.** This action is a renewal of the Title V Operating Permit issued in 1998.

**39-00020: Lehigh Valley Hospital—Cedar Crest** (P. O. Box 7017, Allentown, PA 18105-7017) for operation of a hospital medical waste incinerator, three natural gas-fired heating boilers and various emergency generators and space heaters in Salisbury Township, **Lehigh County.**

**39-00069: Victaulic Co. of America—Alburtis Facility** (4901 Kesslerville Road, Easton, PA 18042) for operation of an iron foundry in Lower Macungie Township, **Lehigh County.**

**40-00005: Hunlock Creek Energy Ventures** (P. O. Box 224, Hunlock Creek, PA 18621) for operation of an electric generating station in Hunlock Township, **Luzerne County.** This action is a renewal of the Title V Operating Permit issued in 1998.

**64-00001: Department of Corrections—SCI Waymart** (P. O. Box 598, Camp Hill, PA 17001) for operation of three coal-fired heating boilers in South Canaan Township, **Wayne County.** This action is a renewal of the Title V Operating Permit issued in 1998.

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

**25-00025: General Electric Co.—Erie Plant** (2901 East Lake Road, Building 9-201, Erie, PA 16531) on September 18, 2002, for modification of the NOx emission limits to reflect the limitations agreed upon as part of a signed Consent Order and Agreement in Lawrence Park Township, **Erie County.** The changes to the permit are as follows:

- Site Level (Section C):
- Added Condition No. 018(m)—(r) pertaining to ERC (plan approval: 25-025D Conditions No. 21—26).
- Sources 031, 033 and 035 (Section D):
- Capacity throughput revised to 217 mmBtu/hr for Source 031.
- Capacity throughput revised to 145.2 mmBtu/hr for Source 033.
- Deleted Condition No. 003(b). This condition limited the NOx emissions from boilers 1, 5 and 9 to 900 tpy.
- Changed the NOx emission limit to 324 tpy for Source 033 (RACT OP: 25-025A Condition 6).
- Changed the NOx emission limit to 520 tpy for Source 035 (RACT OP: 25-025A Condition 7).
- Added a condition that required the coal consumption be submitted quarterly (RACT OP: 25-025A Condition 9).
- Added a condition that required annual tune-ups (RACT OP: 25-025A Conditions 5—7).
- Source 032 (Section D):
- Deleted this source and all conditions from the permit. The ERCs associated with this source has been addressed in Section C.
- General Notes: The company has received a new RACT OP (25-025A) on August 26, 2002, a new plan approval (25-025D) on August 28, 2002, and a Consent

Order and Agreement (September 18, 2002). The conditions for the major modification come from the preceding approvals issued by the Department. The ERC conditions are for the permanent shutdown of Boiler No. 2 (Source 032).

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

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

**06-05037: McConway and Torley Corp.** (230 Railroad Street, Kutztown, PA 19530) for operation of a steel foundry in Kutztown Borough, **Berks County.** The facility has emission caps to limit the emissions to below 100 tons per year of CO, NOx, SOx and PM10, 50 tons per year of VOC, 10 tons per year of HAP and 25 tons per year HAPs. The State-only operating permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**36-03103: Kunzler and Co., Inc.** (652 Manor Street, Lancaster, PA 17604) for operation of a meat processing facility in the City of Lancaster, **Lancaster County.** The facility has the potential to emit 14.9 tons per year of carbon monoxide, 14.2 tons per year of NOx, 5.8 tons per year of VOCs, less than 1 ton per year of sulfur oxides and 1.4 tons per year of particulate matter, after controls. The State-only operating permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-03118: Global Stone PenRoc, LP** (501 Hokes Mill Road, York, PA 17405) for operation of a limestone crushing plant in West Manchester Township, **York County.** The facility's particulate matter emissions are controlled by wet suppression and the particulate matter emission rate is approximately 45 tons per year. The State-only operating permit will include monitoring, recordkeeping, reporting requirements and work practice standards in addition to the New Source Performance Standards requirements found in 40 CFR, Part 60, Subpart 000.

**01-05033: Knouse Foods Cooperative, Inc.** (P. O. Box 807, 53 East Hanover Street, Biglerville, PA 17307) for operation of a fruit processing facility at 800 Peach Glen—Idaville Road, Peach Glen, in Tyrone Township, **Adams County.** The facility has a potential to emit 120 TPY of sulfur oxides. The permit restricts the amount of sulfur oxides that may be emitted. The facility's operating permit shall contain additional recordkeeping and operating restrictions 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.*

**37-00181: New Castle Industries, Inc.—Tanner Plating Division** (925 Industrial Drive, New Castle, PA 16102). Natural Minor operating permit for emissions from hard chromium electroplating of steel rolls and related manufacturing activities in the City of New Castle, **Lawrence 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 or objections, or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as 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.

*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:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0mg/l	6.0mg/l	7.0mg/l
Manganese (total)	2.0mg/l	4.0mg/l	5.0mg/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.*

**40030201. Jeddo-Highland Coal Company** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), commencement, operation and restoration of a coal refuse reprocessing operation in Exeter Borough, **Luzerne County** affecting 83.69 acres, receiving stream: none. Application received February 24, 2003.

**40930201R2. Lonsetta Trucking & Excavating Company** (P. O. Box 644, Hazleton, PA 18201), renewal of an existing coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 27.6 acres, receiving stream: none. Application received February 26, 2003.

**40930201T. Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), transfer of an existing

coal refuse reprocessing operation from Lonsetta Trucking & Excavating Company in Hazle Township, **Luzerne County** affecting 27.6 acres, receiving stream: none. Application received February 26, 2003.

**35910102R2. Silverbrook Anthracite, Inc.** (1 Market Street, Laflin, PA 18702-7105), renewal of an existing anthracite surface mine operation in Archbald Borough, **Lackawanna County** affecting 1,000.3 acres, receiving stream: Middle Lehigh River. Application received February 28, 2003.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**17030104 and NPDES Permit No. PA0243451. E. P. Bender Coal Co., Inc.**, P. O. Box 594, Carrolstown, PA 15722. Commencement, operation and restoration of a

bituminous surface mine-auger permit in Beccaria Township, **Clearfield County** affecting 220 acres. Receiving streams: Snyder Run and unnamed tributaries to Clearfield Creek (CWF). The first downstream potable water supply intake from the point of discharge is: none. Application received February 27, 2003.

**17860135 and NPDES Permit No. PA0115622. Strishock Coal Company**, 220 Hillcrest Drive, DuBois, PA 15801. Revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 361.4 to 367.6 acres. The permit is located in Union, Brady and Sandy Townships, **Clearfield County**. Receiving streams: one unnamed tributary to Stony Run; Stony Run; LaBorde Branch; Sugar Camp Run. Application received February 11, 2003.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**32970111 and NPDES Permit No. PA0234567. Dutch Run Coal, Inc.**, R. D. 2, Box 366, Shelocta, PA 15774, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 49.2 acres. Receiving streams: unnamed tributaries to/and Sulfur Run (CWF). The first downstream potable water supply intake from the point of discharge is Saltsburg Municipal Waterworks Conemaugh River intake. Application received March 3, 2003.

**56823008 and NPDES Permit No. PA0608637. Croner, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal and for continued operation of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 176.0 acres. Receiving streams: unnamed tributaries to Buffalo Creek and to Tubs Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received March 5, 2003.

**56030102 and NPDES Permit No. PA0249424. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 29.6 acres. Receiving streams: unnamed tributary to/and Hays Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received March 3, 2003.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**33930108 and NPDES Permit No. PA0211630. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface strip and auger operation in Oliver Township, **Jefferson County** affecting 53.0 acres. Receiving streams: unnamed tributary B to Little Sandy Creek and Lick Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received February 28, 2003.

**1192-33020105-E-2. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary A in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**1192-33020105-E-3. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary

B in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**1192-33020105-E-4. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary C in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**1192-33020105-E-5. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary D in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**1192-33020105-E-6. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary E in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**1192-33020105-E-7. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary F in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**1192-33020105-E-8. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary G in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**1192-33020105-E-9. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary H in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**1192-33020105-E-10. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to mine through unnamed tributary I in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: unnamed tributaries to Five Mile Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 14, 2003.

**33980104 and NPDES Permit No. PA0227765. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Perry Township, **Jefferson County**, affecting 25.6 acres. Receiving streams: unnamed tributary to McCracken Run (CWF). There are no



potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received March 4, 2003.

### PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. For landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by any person or any office 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.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

#### *Project Proposals Received*

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

**EGS26003, Trout Unlimited, Chestnut Ridge Chapter** (P. O. Box 483, Uniontown, PA 15401). A project to passively treat abandoned mine drainage pollution in Stewart Township, **Fayette County**, affecting less than 5 acres. Receiving stream: Glade Run. Project proposal resubmitted March 4, 2003.

**EGS63002, Manor Care Health Services, Inc.** (333 N. Summit Street, P. O. Box 1086, Toledo, OH 43699-0086). A project to abate mine drainage pollution in Robinson Township, **Washington County**, affecting 7 acres. Receiving stream: St. Patrick Run. Project proposal received January 20, 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 any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain

the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E35-365. Borough of Old Forge**, 314 South Main Street, Old Forge, PA 18518, in Borough of Old Forge, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To excavate within the floodway and floodplain of St. Johns Creek (CWF) for the purpose of constructing the Sibley Avenue Soccer Field Project. The project is located along the northeast side of Sibley Avenue approximately 0.25 mile southeast of its intersection with SR 3011 (Keyser Avenue) (Scranton, PA Quadrangle N: 1.8 inches; W: 15.0 inches).

**E40-618. Marina Commons at Harveys Lake, LLC**, R. R. 3, Box 3016, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain three stormwater outfall structures (two 15-inch outfalls and one 18-inch outfall) and one dry hydrant intake structure along the shoreline of Harveys Lake, for the purpose of constructing a residential and commercial development known as Marina Pointe. The project is located along the west side of SR 0415, within a cove at the southern end of Harveys Lake (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 4.4 inches).

**E40-621. John Metz**, R. R. 1, Box 236, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing pile-supported dock/boathouse structure in Harveys Lake, with work including the expansion of the structure by approximately 1,122 square feet. As modified, the total area of the structure will be approximately 4,236 square feet. The structure extends approximately 45 feet from the shoreline (as existing and proposed). The project includes the placement of 4 inches of gravel over 1,417 square feet of

the existing cobble lake bed, to serve as a sponing area. The project is located at Pole No. 103, along the north-eastern shoreline of Harveys Lake (Noxen, PA Quadrangle N: 1.0 inch; W: 3.7 inches).

**E45-442. Keystone Hollow Corporation, The Village Center No. 10**, P. O. Box 1158, Marshalls Creek, PA 18335-1158, in Middle Smithfield Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain eight road crossings in a tributary to the Delaware River (HQ-CWF) and in approximately 0.10 acre of adjacent wetlands for the purpose of constructing new roadways to serve the proposed estates at Great Bear residential subdivision. The project also includes various stormwater outfall structures and utility line stream crossings. The project is generally located on the northside of Township Road T517 (Hidden Lake Drive), approximately 0.6 mile southwest of Township Road T550 (Keystone Road) (Bushkill, PA-NJ Quadrangle N: 9.3 inches; W: 8.8 inches).

**E58-252. Choconut Township**, R. R. 1, Box 1702, Friendsville, PA 18818-9608, in Choconut Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain stream restoration project in a 3,130-foot reach of Choconut Creek (CWF). The purpose of the project is to create a narrower deeper channel that will more efficiently transport sediment, alleviate flooding potential and enhance fish habitat. The project will utilize natural stream design techniques to reconfigure the stream channel geometry, including rock veins and cross veins and will include two sections, totaling 700 linear feet of bank protection utilizing stepped large rocks, along the left bank. The project is located parallel to and west of SR 0267, extending north of T-769 (Stanley Lake Road) (Friendsville, PA-NY Quadrangle N: 16.8 inches; W: 0.5 inch).

**E45-443. Farda Realty Associates, L. P. c/o The Summit Resort**, P. O. Box 130, Tannersville, PA 18372, in Pocono Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structures in and along tributaries to Pocono Creek (HQ-CWF) that are associated with the former Summit Resort and to construct and maintain the following water obstructions and encroachments: (1) three road crossings and a stream enclosure in tributaries to Pocono Creek (HQ-CWF) for the purpose of constructing new access roads and parking areas; (2) to backfill and eliminate approximately 2.8 acres of a 4.1 acre pond for a proposed parking area—the remaining portion of pond will be used as a wet bottom stormwater detention basin; (3) a 36-inch diameter stormwater outfall structure and an 8-inch diameter stormwater outfall structure and an 8-inch diameter sewage treatment plant outfall structure in a tributary to Pocono Creek; and (4) various utility line stream crossings of tributaries to Pocono Creek. This work is part of a commercial development known as Tannersville Factory Stores which includes approximately 480,000 S.F. of retail factory outlets, two restaurants and a 102-unit hotel. The project is located west of Interstate 80 at Exit 299 and on both sides of SR 0715 (Mount Pocono, PA Quadrangle N: 6.5 inches; W: 9.3 inches).

**E40-619. PP&L Electric Utilities Corporation, GENN-4**, 2 North Ninth Street, Allentown, PA 18101, in Hazle Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain an aerial utility line attached to single poles crossing Tomhicken Creek and adjacent wetlands and to construct and maintain a gravel access/maintenance road across PEM wetlands having a length of approximately 130 feet, impacting a de minimis area equal to 0.04 acre. The project is located approximately 1,000 feet south of the intersection of SR 0924 and Oakridge Road (Conyngham, PA Quadrangle N: 8.4 inches; W: 11.1 inches).

**E40-620. Hazle Township Supervisors**, P. O. Box 506, Harleigh, PA 18225-0506, in Hazle Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a road crossing at Little Black Creek (CWF) consisting of approximately 90 lineal feet of 12.0 foot by 6.0 foot precast concrete box culvert followed by approximately 50 lineal feet of rip rap energy dissipater. The project includes regrading/relocation of the channel upstream and downstream of the structure, for a total project impact of approximately 270 lineal feet of channel. A temporary flow diversion utilizing a 24 inch culvert is proposed during construction. The project, known as the Vine Street Extension, is located approximately 1,000 feet upstream of the confluence of the Little Black Creek and Black Creek between 28th Street and 30th Street (Hazleton, PA Quadrangle N: 19.1 inches; W: 14.7 inches).

**E58-253. Elk Mountain Ski Resort, Inc.**, R. R. 2, Box 3328, Uniondale, PA 18470-9528, in Herrick Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To excavate 0.27 acre of wetlands for the purpose of enlarging the impoundment area behind an existing nonjurisdictional dam; to construct and maintain an intake structure in a tributary to East Branch Tunkhannock Creek consisting of two adjacent inlets in a 27 inch diameter pipe; to construct and maintain an outfall and a pond consisting of a 27 inch diameter pipe and rip rap apron; and to construct and maintain a 27 inch diameter utility line crossing of 35 feet of wetlands and a tributary to East Branch Tunkhannock Creek.

The purpose of the project is to provide additional water storage and supply for snow making. The project is located on the north side of SR 0374, approximately 4.3 miles northeast of its intersection with SR 0106 (Clifford, PA Quadrangle N: 19.3 inches; W: 9.1 inches).

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

**E22-455. Wren Dale Golf Club**, 2213 Forest Hills Drive, Harrisburg, PA 17112, South Hanover Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain an intake structure along Swatara Creek (WWF) and a parking area and a manhole in a wetland adjacent to Swatara Creek (WWF) at a point along SR 2010 (Carol Street) (Hershey, PA Quadrangle N: 9.9 inches; W: 6.4 inches) for the purpose of constructing an intake for a golf course in South Hanover Township, Dauphin County.

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

**E18-351. Beech Creek Borough**, R. R. 1, Box 216, Beech Creek, PA 16822. Stream Intake Structure, in Beech Creek, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 13.7 inches; W: 12.8 inches).

To construct and maintain a stream intake structure consisting of two parallel 18 inch diameter high density polyethylene pipes with gate valves to divert water from Beech Creek into a former mill race located off the south side of Route 150 at the Clinton County/Centre County boundary line and to construct and maintain 40 lineal feet of stream bank (left and right banks) and channel stabilization at the mill race of the intake site. The project will not impact wetlands while impacting approximately 20 feet of Spring Creek while the area impacted within the millrace is approximately 20 feet by 40 feet. Beech Creek is a CWF stream.

**E41-522. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 0414 Section 017 Pine Creek Bridge 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. This application was previously published with the wrong SR number.

**E53-385 Department of Conservation and Natural Resources, Bureau of Forestry, District 15**, 3150 East Second Street, P. O. Box 673, Coudersport, PA 16915-0673. Culvert construction, in Abbott Township, **Potter County**, ACOE Baltimore District (Oleona, PA Quadrangle N: 17.8 inches; W: 4.0 inches).

To construct and maintain a 6-foot 1-inch by 4-foot 7-inch by approximately 30 foot long arch culvert pipe with approximately 10 linear feet of inlet and outlet riprap on both creek banks for scour control in the Indian Run Branch (EV) of Kettle Creek approximately 8,000 feet upstream from the confluence of Indian Run with Kettle Creek. The project will not impact wetlands while impacting approximately 50 linear feet of waterway.

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

**E26-307. Georges Township Board of Supervisors**, 1151 Township Drive, Uniontown, PA 15401. Georges Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 137 foot by 87 foot corrugated metal pipe arch culvert in an unnamed tributary to Georges Creek (WWF) located on T-411 approximately 2,000 feet east of SR 3027 (Brownfield, PA Quadrangle N: 13.7 inches; W: 15.8 inches).

**E65-820. Hempfield Township**, R. D. 6, Box 500, Woodward Drive, Greensburg, PA 15601. Hempfield Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 27.0 foot long 5.0 foot by 5.0 foot concrete box culvert in an unnamed tributary to Sewickley Creek (WWF) located on Wilson Fox Road (Mt. Pleasant, PA Quadrangle N: 21.0 inches; W: 12.6 inches).

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

**E10-373, Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066. T-313 Garvin Road Across Wolfe Run, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 20.1 inches; W: 10.8 inches).

To remove the existing structure and to install and maintain a 168-foot long concrete arch stream enclosure having a span of 12 feet and a rise of 6 feet or an aluminized steel arch having a span of 14 feet and a rise of 7.25 feet in Wolfe Run and fill a total of 0.129 acre of adjoining wetlands associated with the increase in roadway elevation to improve the roadway grade on T-313 Garvin Road approximately 1 mile east of Ehrman Road. Project includes creation of 0.162 acre of replacement wetland adjacent to Wolfe Run and existing wetlands onsite.

**E27-070, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3004 Bridge Across Little Hickory Run, in Hickory Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 9.9 inches; W: 3.5 inches).

The applicant proposes to remove the existing bridge and: (1) to construct and maintain a concrete channel beam bridge having a clear span of 31.75 feet and an underclearance of 5.0 feet on a 60 degree skew across Little Hickory Run (HQ-CWF) on SR 3004, Section 011, Segment 0030, Offset 0955 approximately 0.10 mile east of the intersection of SR 3004 and T-326 (Connelly Hill Road); and (2) to place R-7 rock riprap for scour protection around the left and right abutments and wingwalls.

**E61-260, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 0036 Bridge Across Pithole Creek, in Allegheny Township, **Venango County** (Pleasantville, PA Quadrangle N: 10.1 inches; W: 5.1 inches).

The applicant proposes to remove the existing structure and: (1) construct and maintain a prestressed concrete spread box beam bridge having a clear span of 87.75 feet and an underclearance of 6.71 feet on a 60 degree skew across Pithole Creek (CWF) on SR 0036, Section B00, Segment 0040, Offset 1142 in Allegheny Township, Venango County approximately 1,000 feet east of the intersection of SR 0036 and SR 1006 (Bailey Road); and (2) place R-7 rock riprap for scour protection around the left and right abutments and wingwalls.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA4513-155. East Stroudsburg Borough**, 24 Analomink Street, P. O. Box 303, East Stroudsburg, PA 18301. Middle Smithfield Township, **Monroe County**, ACOE Philadelphia District.

Project proposes to construct a swale and measuring weirs at the base of the East Stroudsburg Reservoir Dam temporarily impacting approximately 0.07 acre of wetland (PEM) to monitor seepage through the dam. The dam is located across Sambo Creek (CWF, MF) approximately 500 feet northwest of the intersection of Brushy Mountain Road (T513) and Wooddale Drive (T527) (East Stroudsburg, PA Quadrangle N: 11.5 inches; W: 5.3 inches).

**EA0913-244. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Tincin Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to modify Wildcat Dam to address existing structural inadequacies with the dam impacting a de minimis area of wetland (PEM) equal to 0.03 acre. The modifications will include regrading the dam embankment to a uniform elevation, armoring the emergency spillway with concrete block mats, installing a stone drain along the downstream embankment toe and repairing the principal spillway structure. Modifications will lower the normal pool 6 to 9 inches below the level maintained in recent years. The dam is located across a tributary to Beaver Creek (EV) approximately 2,000 feet north of the intersection of T425 and T485 (Frenchtown, NJ-PA Quadrangle N: 2.60 inches; W: 15.65 inches).

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

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

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

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

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

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

**NPDES Permit No. PA0058602**, Industrial Waste, **Delaware Valley Concrete Company, Inc.**, 248 East County Line Road, Hatboro, PA 19040. This proposed facility is located in Hatboro Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge into a tributary to Pennypack Creek-3J.

**NPDES Permit No. PA0027383**, Sewage, **Southwest Delaware County Municipal Authority**, One Gamble Lane, Aston, PA 19014-0466. This proposed facility is located in Aston Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into Chester Creek-3G Watershed.

**NPDES Permit No. PA0026247**, Sewage, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915. This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into West Branch Neshaminy Creek.

**WQM Permit No. 4602418**, Sewerage, **Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA 19444-1821. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the construction and operation to modify the existing treatment plant with the installation of an influent screening system to improve plant operations.

**WQM Permit No. 4600414**, Sewerage, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915. This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Proposed Action/Activity: Applicant granted approval for the rerating of the sewage treatment plant for a maximum monthly flow of 8.37 MGD.

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

**NPDES Permit No. PA0011801**, Industrial Waste, **Ashland Specialty Chemical Co., Inc.**, 400 Island Park Road, Easton, PA 18042. This proposed facility is located in Glendon Borough, **Northampton County**.

Description of Proposed Action/Activity: Renewal of NPDES permit to discharge treated industrial wastewater to Lehigh River.

**NPDES Permit No. PA0014681**, Industrial Waste, **Nestle Purina Petcare Company**, 2050 Pope Road, Allentown, PA 18104-9308. This proposed facility is located in South Whitehall Township, **Lehigh County** and discharge to an unnamed tributary to Jordan Creek.

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

**NPDES Permit No. PA0024015**, Sewage, **Cressona Borough Authority**, 78 South Sillyman Street, Cressona, PA 17929. This proposed facility is located in Cressona Borough, **Schuylkill County** and discharge to West Branch Schuylkill River.

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

**NPDES Permit No. PA0063690**, Sewage, **Melissa Evans—Mel-Roe's Family Restaurant**, 832 Salem Boulevard, Berwick, PA 18603. This proposed facility is located in Salem Township, **Luzerne County** and discharges to an unnamed tributary to Susquehanna River.

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

**WQM Permit No. 4802408**, Sewerage, **Bath Borough Authority**, P. O. Box 87, Bath, PA 18014. This proposed facility is located in Bath Borough, **Northampton County**.

Description of Proposed Action/Activity: Issuance of a water quality management permit to make modifications at the Bath Borough Waste Water Treatment Plant.

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

**Permit No. PA0083089, Tyco Electronics Corporation**, M. S. 140-042, P. O. Box 3608, Harrisburg, PA 17105-3608. Final Notice is given that the Department, after public notice, on March 5, 2003, issued an NPDES permit to Tyco Electronics Corporation.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Monthly Average</i>	<i>Maximum Daily</i>
pH	From 5.0 to 9.0 inclusive	
1,1-Dichloroethylene	XXX	0.007
1,1,2-Trichloroethane	XXX	0.005

**Permit No. PA0083305, Tyco Electronics Corporation—Brodbeck's Facility**, M. S. 140-042, P. O. Box 3608, Harrisburg, PA 17105-3608. Final Notice is given that the Department, after public notice, on March 3, 2003, issued an NPDES permit to Tyco Electronics Corporation.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Monthly Average</i>	<i>Maximum Daily</i>	<i>Frequency</i>
pH	From 5.0 to 9.0 inclusive		1/quarter

**NPDES Permit No. PA0084514**, Sewage, **Shape Gap Area Joint Municipal Authority**, P. O. Box 185, Shade Gap, PA 17255. This proposed facility is located in Dublin Township, **Huntingdon County**.

Description of Proposed Action/Activity: Shade Creek in Watershed 12-C.

**NPDES Permit No. PA0111422**, Sewage, **Thompson-town Municipal Authority**, P. O. Box 154, Thompson-town, PA 17094-0154. This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Delaware Creek in Watershed 12-B.

**NPDES Permit No. PA0080004**, Sewage, **Martin's Famous Pastry Shoppe, Inc.**, 1000 Potato Roll Lane, Chambersburg, PA 17201. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Conocheague Creek in Watershed 13-C.

**NPDES Permit No. PA0028886**, Sewage, **Borough of Quarryville**, 300 Saint Catherine Street, Quarryville, PA 17566. This proposed facility is located in Providence Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to South Fork of the Big Beaver Creek in Watershed 7-K.

**NPDES Permit No. PA0024147**, Sewage, **Cumberland Township Municipal Authority**, 1370 Fairfield Road, Gettysburg, PA 17325. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Willoughby Run in Watershed 13-D.

**NPDES Permit No. PA008876 and WQM Permit No. 3602406**, Sewerage, **Millbrooke Manor Mobile Home Park**, 100 East Queen Street, Stevens, PA 17578. This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to construction of sewage treatment plant with discharge to Indian Run in Watershed 7-J.

**WQM Permit No. 6772405, Amendment 03-1, Borough of Wellsville Municipal Authority**, 299 Main Street, Wellsville, PA 17365. This proposed facility is located in Wellsville Borough, **York County**.

Description of Proposed Action/Activity: Rehabilitation of the Doe Run pump station, tributary to the Gifford Pinchot State Park STP, consisting of the installation of two new submersible pumps rated at 240 GPM at 98 feet TDH and a new 6-foot diameter precast wet well and valve chamber. Discharge from the facility will be to the existing 6-inch force main.

**NPDES Permit No. PA0083305**, Industrial Waste, **Tyco Electronics Corporation, Brodbeck's Facility**, M. S. 140-042, P. O. Box 3608, Harrisburg, PA 17105-3608. This proposed facility is located in Codorus Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Krebs Valley Run in Watershed 7-H.

**NPDES Permit No. PA0083089**, Industrial Waste, **Tyco Electronics Corporation, Glen Rock Facility**, M. S. 140-042, P. O. Box 3608, Harrisburg, PA 17105. This proposed facility is located in Springfield Township, **York County**.

Description of Proposed Action/Activity: Larkin Pond and UNT to Seaks Run in Watershed 7-H.

**NPDES Permit No. PA0246891**, Industrial Waste, **Letterkenny Army Depot**, One Overcash Avenue, Chambersburg, PA 17201. This proposed facility is located in Greene, Hamilton and Letterkenny Townships, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT Rocky Spring Branch in Watershed 13-C.

**WQM Permit No. 567I007, Amendment 02-1**, Industrial Waste, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction and lining of two larger volume filter backwash water and residual storage impoundments at the Silver Spring Water Treatment Plant.

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

**NPDES Permit No. PA0115215**, Industrial Waste, SIC 4231, **Lucas Trucking Corp.**, R. D. 5, Box 151, Jersey Shore, PA 17740. This existing facility is located in Piatt Township, **Lycoming County**.

Description of Action/Activity: Renewal of NPDES permit to discharge 0.00072 MGD to unnamed tributary of West Branch Susquehanna River.

**NPDES Permit No. PA0020338**, Sewage, SIC 4952, **Kulpmont-Marion Height Joint Municipal Authority**, 860 Spruce Street, Kulpmont, PA 17834-1346. This existing facility is located in Coal Township, **Northumberland County**.

Description of Proposed Action/Activity: Amendment to the NPDES permit to discharge 0.5 MGD to an unnamed tributary of Quaker Run.

**NPDES Permit No. PA0112381**, Sewerage, SIC 4952, **Columbia Investment Corporation**, 6009 New Columbia Blvd., Bloomsburg, PA 17815. This existing facility is located in Madison Township, **Columbia County**.

Description of Action/Activity: Renewal of NPDES permit to discharge treated sewage wastewater from the Madison Estates Mobile Home Park to Little Fishing Creek.

**NPDES Permit No. PA0112054**, Sewerage, SIC 4952, **Joel K. Hart**, 2155 Stopper Drive, Montoursville, PA 17754. This existing facility is located in Mifflin Township, **Lycoming County**.

Description of Action/Activity: Renewal of NPDES permit authorizing the discharge of treated effluent to Larrys Creek (WWF) from a facility serving Mifflin Manor.

**NPDES Permit No. PA0209341**, Sewerage, SIC 4952, **Sandhoo's Inc.**, R. R. 1, Box 4, Liberty, PA 16930. This existing facility is located in Liberty Borough, **Tioga County**.

Description of Action/Activity: Renewal of NPDES permit to discharge treated sewage wastewater from the Landing Strip Restaurant to Blockhouse Creek.

**NPDES Permit No. PA0113506**, Sewerage, SIC 4952, **David D. Valenti**, 1343 Highway 315, Plains, PA 18702. This existing facility is located in Derry Township, **Montour County**.

Description of Action/Activity: Renewal of NPDES permit to discharge treated sewage wastewater from the Shady Oaks Mobile Home Park to UNT to Mud Creek.

**WQM Permit No. 0803401**, Sewerage, SIC 4952, **John E. Stanko**, R. R. 2 Box 428, Sayre, PA 18840. This proposed facility will be located in Athens Township, **Bradford County**.

Description of Proposed Action/Activity: Issuance of a permit authorizing the construction and operation of small flow treatment facility that will serve the Stanko residence. Discharge will be to an unnamed tributary to Orcutt Creek (WWF).

**WQM Permit No. 4902407**, Sewerage, SIC 4952, **Kulpmont-Marion Height Joint Municipal Authority**, 860 Spruce Street, P. O. Box 126 Kulpmont, PA 17834-1346. This proposed facility is located in Coal Township, **Northumberland County**.

Description of Proposed Action/Activity: Applicant is granted a Water Quality Management Part II permit for proposed upgrades to the wastewater treatment plant and sewage collection system. The plant upgrades include a rotary influent screen, process lift station, a two basin intermittent cycle extended aeration system, reed sludge drying beds and ultraviolet disinfection. Plant capacity will be increased to 0.5 MGD. The sewage collection system rehabilitation will include approximately 10,500 LF of 24-inch and 4,945 of LF 18-inch gravity sewer pipe.

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

**NPDES Permit No. PA0091219**, Sewerage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239 is authorized to discharge from a facility located at Laurel Gardens STP, Plum Borough,

**Allegheny County** to receiving waters named unnamed tributary of Little Plum Creek.

**Permit No. 1183407-A2**, Sewerage, **E. J. Holtz Sewerage Plant, Inc.**, 633 Logan Boulevard, Altoona, PA 16602. Construction of Sewage Treatment Plant expansion located in Allegheny Township, **Cambria County** to serve Lake Cresson Manor STP.

**Permit No. 2602406**, Sewerage, **Western Pennsylvania Conservancy**, Box R, Route 281, Mill Run, PA 15464. Construction of Fallingwater Treatment and Recycle System located in Stewart Township, **Fayette County** to serve Fallingwater.

**Permit No. 6302403**, Sewerage, **Peters Township Authority**, 3244 Washington Road, McMurray, PA 15317, Construction of Pump Station and Force Main located in Peters Township, **Washington County** to serve Hidden Brook and Hidden Valley Manor.

**Permit No. 5602402**, Sewerage, **Laurel Highlands Municipal Authority**, 164 Jubilee Street, Rockwood, PA 15557. Construction of treatment plant and sewers located in New Centerville Borough, **Somerset County** to serve New Centerville Borough and adjoining portions of Milford Township.

**Permit No. 6384422-A1**, Sewerage, **North Strabane Township Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317. Construction of Pumping Station Upgrade and Force Main Relocation-Enlargement Project located in North Strabane Township, **Washington County** to serve Route 19 Pumping Station and Force Main.

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

**NPDES Permit No. PA0029122**, Sewerage, **Saxonburg Area Authority**, 420 West Main Street, Saxonburg, PA 16056. This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Thorn Creek. The final NPDES permit is being issued in accordance with the limitations noticed in the November 26, 2002, *Pennsylvania Bulletin* instead of the redrafted limitations noticed on February 1, 2003.

**NPDES Permit No. PA0238996**, Sewerage, **Shawgo/Karns Small Flow Treatment Facility**, 157 Shay Road, Franklin, PA 16323. This proposed facility is located in Jackson Township, **Venango County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Sugar Creek.

**NPDES Permit No. PA0222429**, Sewerage, **Best Oil Travel Center**, 3033 Duncan Lane, Pittsburgh, PA 15236. This proposed facility is located in Muddy Creek Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Muddy Creek.

**NPDES Permit No. PA0037117**, Sewerage, **Cornell Abraxas Group, Inc.**, Blue Jay Village Forest Road, Box 59, Marienville, PA 16239-0059. This proposed facility is located in Howe Township, **Forest County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to the branch.

**NPDES Permit No. PA0210714**, Sewerage, **Mark D. and Wendy J. Watt**, 344 North Park Street, Sykesville,

PA 15865. This proposed facility is located in Winslow Township, **Jefferson County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to unnamed tributary to Fehley Run.

**NPDES Permit No. PA0238961**, Sewage, **Oak Grove Wesleyan Methodist**, 10 Oak Grove Road, Mercer, PA 16137. This proposed facility is located in Fairview Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Cool Spring Creek.

**WQM Permit No. 6102402**, Sewerage, **Shawgo/Karns Small Flow Treatment Facility**, 157 Shay Road, Franklin, PA 16323. This proposed facility is located in Jackson Township, **Venango County**.

Description of Proposed Action/Activity: This project is for a small flow treatment facility to serve two homes.

**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.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G401	Edward A and Patricia A. Frankel 312 Dampman Road Honeybrook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAS10G415	James M. and Karyn Adler Fasel 1245 School House Road Chester Springs, PA 19425	Chester	West Vincent Township	Schuylkill River HQ-TSF
PAS10G436	South Coventry Township 1002 Ridge Road Pottstown, PA 19465	Chester	South Coventry Township	French Creek/Schuylkill River HQ-TSF
PAS10G471	Heritage Building Group 3326 Old York Road, Suite A100 Furlong, PA 18925	Chester	East Coventry Township	Pigeon Creek HQ-TSF
PAS10G474	Doutrich Homes, Inc. P. O. Box 278, 3333 Lincoln Highway Paradise, PA 17563	Chester	Honey Brook Township	Tributary West Branch Brandywine Creek HQ-TSF-MF
PAS10G483	Spring Oak Associates, Inc. 55 Country Club Dr., Ste. 200 Downingtown, PA 19335	Chester	Charlestown Township	Pickering Creek HQ-TSF
PAS10G494	Willis D. Hocking 1067 Wickerton Road Landenberg, PA 19350	Chester	New London Township	Hodgson Run HQ-TSF-MF
PAS10G495	Robert I. Baldwin 1275 West Kings Highway Coatesville, PA 19320	Chester	West Caln Township	Indian Spring Run EV
PAS10G510	Dealer Properties 720 Wheeler School Road Whiteford, MD 21160	Chester	Lower Oxford Township	Unnamed tributary West Branch Big Elk Creek HQ-TSF-MF
PAS10G512	West Bradford Township 1385 Campus Drive Downingtown, PA 19335-0690	Chester	West Bradford Township	Unnamed tributary Broad Run EV

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G522	John H. Rorke and James Wadsworth 403 West Lincoln Highway Exton, PA 19341	Chester	Wallace Township	Indian Run HQ-CWF
PAS10G525	Genterra 101 Marshwood Road Exton, PA 19341	Chester	West Nantmeal Township	Perkins Run, Unnamed tributary East Branch Brandywine Creek HQ-TSF
PAS10G526	Columbia Gas Transmission Corp. P. O. Box 1273 1700 MacCorkle Avenue Charlestown, WV 25325-1273	Chester	Caln, East Brandywine, Uwchlan, Upper Uwchlan, West Bradford and West Vincent Townships	South Branch Beaver Creek TSF-M Beaver Creek TSF-MF Unnamed tributary East Branch Brandywine Creek HQ-TSF-MF East Branch Brandywine Creek WWF-MF Shamona Creek HQ-TSF-MF Unnamed tributary Marsh Creek HQ-TSF-MF Unnamed tributary Pickering Creek HQ-TSF
PAS10G528	Heritage Building Group, Inc. 3326 Old York Road, Suite A100 Furlong, PA 18925	Chester	North Coventry Township	Pigeon Creek HQ-TSF
PAS10G531	Heritage Building Group, Inc. 3326 Old York Road, Suite A100 Furlong, PA 18925	Chester	East Coventry Township	Unnamed tributary Schuylkill River and Pigeon Creek HQ
PAS10G533	Land Associates, Inc. 100 Colonial Way West Chester, PA 19382	Chester	Penn Township	Tributary to Big Elk Creek HQ
PAS10G538	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Unnamed Erosional Ditch to Pickering Creek HQ
PAS10G540	Gambone Brother Development 1030 West Germantown Pike Fairview Village, PA 19409	Chester	North Coventry Township	Unnamed tributary to Pigeon Creek HQ-TSF
PAS10G542	All County Properties, Inc. 2500 East High Street, Suite 610 Pottstown, PA 19464	Chester	East Coventry Township	Unnamed tributary to Pigeon Creek HQ-TSF
PAS10G543	Valley View Property Development Corporation 180 Pumpkin Hill Road Glenmoore, PA 19343	Chester	East Coventry Township	Unnamed tributary to Pigeon Creek HQ-TSF
PAS10G552	Misty Meadows Homes, Inc. 2 Huntrise Lane West Chester, PA 19380	Chester	East Nottingham Township	Little Elk Creek HQ
PAS120G555	Cornerstone Communities, Inc. Radnor Building 771 Lancaster Avenue Villanova, PA 19085	Chester	East Caln Township	Unnamed tributary East Branch Brandywine Creek HQ



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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI001003002	Maronda Homes Inc. 202 Park West Drive Pittsburgh, PA 15275	Butler	Buffalo Township	Saver Run a tributary of Little Buffalo Creek HQ-TSF
PAS102709	Pennsylvania General Energy Corporation 208 Liberty Street Warren, PA 16365	Forest	Jenks Township	Little Salmon Creek HQ-CWF
PAS102710	Pennsylvania General Energy Corporation 208 Liberty Street Warren, PA 16365	Forest	Jenks and Kingsley Townships	Salmon Creek and a UNT to Salmon Creek HQ-CWF

#### 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>
Trappe Borough Montgomery County	PAR10T896	WB Homes, Inc. 404 Sumneytown Pk., Ste. 200 North Wales, PA 19454	Unnamed tributary to Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Pottsgrove Township Montgomery County	PAR10T887	John Kibblehouse, Jr. 392 Saratoga Road Pottstown, PA 19464	Unnamed tributary to Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<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>
Lower Salford Township Montgomery County	PAR10T846	Heritage Building Group, Inc. 3326 Old York Rd., Ste. A100 Furlong, PA 18925	Perkiomen Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Gwynedd Township Montgomery County	PAR10T901	Horgan Brothers 2188 Detwiler Road Harleysville, PA 19438	Towamencin Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAG2004603013	Commerce Bank 11000 Atrium Way Mt. Laurel, NJ 08054	Davis Grove Tributary WF-M	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Gwynedd Township Montgomery County	PAG2004603028	Upper Gwynedd Township P. O. Box 1 West Point, PA 19486	Wissahickon Creek and Schuylkill River TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Northampton County Bethlehem Township	PAG2004803004	Nathaniel Jenkins PPL Electric Utilities 2 North 9th St. (GENN-4) Allentown, PA 18101	Lehigh River (UNT) CWF	Northampton County Conservation District (610) 746-1971
Pike County Westfall Township	PAG2005203001	Thunder Mountain Partners P. O. Box 800 New York, NY 10021	Delaware River WWF	Pike County Conservation District (570) 226-8220
Hampden Cumberland County	PAG2002103007	Triple Crown Corp. Mark Disanto 5351 Jaycee Avenue Harrisburg, PA 17112	Sears Run and Conodoguinet WWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
West Donegal Township Lancaster County	PAG2003603026	West Ridge Heights Inc. 48 S. Market St. Elizabethtown, PA 17022	UNT Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Clay Township Lancaster County	PAG2003603027	P. Thomas Zeager 1737 W. Main St. Ephrata, PA 17522	Middle Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Township Lancaster County	PAG2003603028	Sherman & Walton Inc. 180 Good Dr. Lancaster, PA 17603	UNT Strickler Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Lancaster County	PAR10O284-R	Frey-Hoffer Joint Venture 419 Coffee Goss Rd. Marietta, PA 17547	UNT Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Centre County Ferguson Township	PAR10F136-1	Hillside Farm Estates Pine Grove Mills, PA 16868	UNT Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County College Township	PAG2001403002	College Township Park at Houserville School 217 Scholl St. State College, PA 16801	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County College Township	PAG2001403005	Windmere Centre 2583 Gateway Dr. Suite 140 State College, PA 16801	UNT Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Northumberland County Point Township	PAG2004903002	Queens Point Associates R. R. 2, Box 181 Turbotville, PA 17772	Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Northumberland County Riverside Borough	PAG2004903008	Honey Run Development Richard Cormell 26 N. 7th St. Lewisburg, PA 17837	Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Tioga County Charleston Township	PAG2045903004	Jackson Township Municipal Authority P. O. Box 115 Wellsboro, PA 16901	Charelston Creek WWF Catlin Hollow Creek Hills Creek TSF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Washington County Carroll Township	PAG2006303006	Mon Valley YMCA P. O. Box 64 Charleroi, PA 15022	Monongahela River WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Rostraver Township	PAG2056503001	Donald Ivill 15 Artenzen Blvd. Charleroi, PA 15022	Pollock Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Mt. Pleasant Township	PAG2056503007	Marion Shinsky 163 Lakewood Road Greensburg, PA 15601	Jacobs Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Mt. Pleasant Township	PAG2056503013	Jess Stairs R. D. 1 Acme, PA 15610	Jacobs Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Murrysville	PAR10X313	Walnut Capital Partnership Suite 300 5500 Walnut Street Pittsburgh, PA 15232	Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271
Elk County Benzette Township	PAG22002403001	Department of Environmental Protection Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Dents Run and Trout Run CWF	Elk County Conservation District (814) 776-5373

<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>
Mercer County Findley Township	PAG2004303001	Mercer County 103 Courthouse Mercer, PA 16137	Neshannock Creek TSF	Mercer County Conservation District (724) 662-2242
Washington County City of Monongahela	PAG2096303001	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Pigeon Creek WWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Clearfield County Boggs Township	PAG2091703002	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Long Run CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Clearfield County Chest Township	PAG2101703001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Pine Run CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Fayette County Dunbar Township	PAG2102603004	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Youghiogheny WWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Somerset County Shade Township	PAG21105603002	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Dark Shade Creek CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Clarion County Redbank Township	PAG2101603003	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Pine Creek CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Clearfield County Gulich Township	PAG2101703005	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Moshannon Creek CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Clinton County Beech Creek Township	PAG2101803006	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Middle Branch Big Run CWF (below project) EV (above project)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
<i>General Permit Type—PAG-3</i>				
<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>
Luzerne County Hazle Township	PAR232225	National Starch & Chemical Co. 504 White Birch Road Hazleton, PA 18202	Catawissa-Roaring Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Clearfield County Sandy Township	PAR604829	Dorothy Spencer R. R. 2, Box 350 DuBois, PA 15801	Muddy Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
<i>General Permit Type—PAG-4</i>				
<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>
Athens Township Bradford County	PAG045150	John E. Stanko R. R. 2 Box 428 Sayre, PA 18840	Unnamed tributary to Orcutt Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Richland Township Allegheny County	PAG046129	Richard and Heide Engel 5713 Wesleyann Drive Gibsonia, PA 15049	UNT of Willow Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cook Township Westmoreland County	PAG046151	Charles H. Allen III 70 U. P. Church Road Ligonier, PA 15658	Keffer Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Shenango Township Mercer County	PAG048510	Robert W. Cheney 145 Grange Road New Wilmington, PA 16142-2123	Unnamed tributary to the Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048538	Herbert E. Hockenberry 16664 Ridge Road Meadville, PA 16335	Unnamed tributary to Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Findley Township Mercer County	PAG048481	David M. McCoy 104 Buckley Road Mercer, PA 16137	Tributary to Mill Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township Mercer County	PAG048523	Richard A. Pearce 124 1/2 District Road Greenville, PA 16125	Unnamed tributary to Lawango Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

## PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

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

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

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

### SAFE DRINKING WATER

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

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

**Operations Permit** issued to **Audubon Water Company**, 2650 Eisenhower Drive, Norristown, PA 19403, PWS ID 1460055, Lower Providence Township, **Montgomery County** on March 7, 2003, for the operation of facilities approved under Construction Permit 4697516.

**Operations Permit** issued to **Springfield Township**, 2320 Township Road, Quakertown, PA 18751, PWS ID 1090064, Springfield Township, **Bucks County** on March 10, 2003, for the operation of facilities approved under Construction Permit 0903501.

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

**Operations Permit** issued to **Crescent Lake North Community Association, Inc.**, 121 Hebola Road, Milford, PA 18337, PWS ID 2520086, Dingman Township, **Pike County**, on February 20, 2003, for the operation of facilities approved under Construction Permit 5290503.

**Operations Permit** issued to **Eagle Springs, Inc.**, 88 West Donaldson Street, Tremont, PA 17981, PWS ID 3546441, Hegins Township, **Schuylkill County**, on February 25, 2003, for the operation of facilities approved under Construction Permit Minor Amendment issued February 6, 2003.

**Operations Permit** issued to **Hometown Mountain View, LLC**, 150 North Wacker Drive, Suite 900, Chicago, IL 60606, PWS ID 3480075, Lehigh Township, **Northampton County** on February 25, 2003, for the operation of facilities approved under Construction Permit 4888506.

**Operations Permit** issued to **Melanie Manor Mobile Home Park Estates, LLC**, P. O. Box 537, Bainbridge, PA 17502, PWS ID 3540040, Union Township, **Schuylkill County** on February 25, 2003, for the operation of facilities approved under Construction Permit 5496505.

**Operations Permit** issued to **Pennsylvania American Water Company/Crystal Lake**, 100 Pennsylvania Avenue, Wilkes-Barre, PA 18701, PWS ID 2409003, Mountain Top Borough, **Luzerne County**, on February 27, 2003, for the operation of facilities approved under Construction Permit Minor Amendment.

**Operations Permit** issued to **Silver Springs Mountain Water Company**, R. R. 1, Box 1365, Friendsville, PA 18818, PWS ID 2586246, Silver Lake Township, **Susquehanna County**, on February 28, 2003, for the operation of facilities approved under Construction Permit Minor Amendment issued April 11, 2002.

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

**Operations Permit** issued to **Wood-Broad Top-Wells Joint Municipal Authority**, 4310032, Broad Top Township Wood and Wells Townships, **Huntingdon County** on March 7, 2003, for the operation of facilities approved under Construction Permit No. 3102503 MA.

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

**Permit No. 4902502—Operations.** Public Water Supply.

Applicant	<b>Start Properties, II, LLC</b> c/o David Jarjisian P. O. Box 116 Gradyville, PA 19039
Township	Delaware Township
County	<b>Northumberland</b>
Type of Facility	PWS—Operation of the aeration tank, greensand filters, disinfection facility, final storage tank and booster station.
Consulting Engineer	PMI P. O. Box 622 Lemoyne, PA 17043-0622
Permit to Operate Issued	March 3, 2003

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

Applicant	<b>Pennsylvania American Water Company</b> c/o Bruce Juergens 800 West Hersheypark Drive Hershey, PA 17033
Borough	Philipsburg Borough
County	<b>Centre</b>

Type of Facility PWS—Construction of West Decatur Pressure Reducing Vault, modification to Mock Hill Booster Station and relocation of the Edendale Booster Station.

Consulting Engineer Bruce Juergens  
800 West Hersheypark Drive  
Hershey, PA 17033

Permit to Construct Issued March 5, 2003

**Permit No. 0801503—Operation.** Public Water Supply.

Applicant **Borough of New Albany  
New Albany Borough Council**  
P. O. Box 67  
New Albany, PA 18833

Township Albany Township  
County **Bradford**

Type of Facility PWS—This permit approves operation of the interconnection, pump station and transmission line.

Permit to Operate Issued March 11, 2003

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

**Operations Permit** issued to **Bradys Bend Township Water and Sewer Authority**, R. D. 1, East Brady, PA 16028, PWS ID 5300037, Brady's Bend Township, **Armstrong County** on March 4, 2003, for the operation of facilities approved under Construction Permit 0396502.

**Operations Permit** issued to **NWL, Inc.**, 1001 LaFayette Drive, Farmington, PA 15437, PWS ID 5260045, Wharton Township, **Fayette County** on February 25, 2003, for the operation of facilities approved under Construction Permit 2602502.

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

**Operations Permit** issued to **Fairview Township Water Authority**, 7485 McCray Road, Fairview, PA 16415-0821, PWS ID 6250087, Fairview Township, **Erie County** on March 5, 2003, for the operation of facilities approved under Construction Permit 2570504-T2-MA2.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Portland Borough	P. O. Box 476 Portland, PA 18351	Northampton

Plan Description: An Update Revision to the Act 537 Plan of Portland Borough has been approved by the Department that provides for:

- The construction of a collection system that will consist of approximately 18,000 lineal feet of gravity sewers and mains with approximately 4,000 feet of low

pressure sewers and force main. A pump station having a capacity to pump 200,000 GPD will be located centrally in an area behind the existing Portland Diner. This pump station will have sufficient conveyance capacity to serve the initial service area in the Borough and any adjacent areas in Upper Mount Bethel Township that may need to be connected in the future.

- The construction of a 105,000 GPD wastewater treatment plant that will be on property located within the existing Portland Industrial Park. The treated effluent of the plant will be discharged into the Delaware River at a location east of the Industrial Park's entrance. The plant will be owned and operated by Portland Borough.

- The proposed method of financing this project consists of funds from the Rural Utilities Service and grant moneys from the Northampton County Bond Issue for infrastructure development. The estimated cost per equivalent dwelling unit single-family residence is \$53 per month with a tapping fee of \$1,500.

*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>
Susquehanna Township	R. R. 1, Box 73 Liverpool, PA 17045	Cumberland

Plan Description: The approved plan provides for the implementation of an onlot sewage disposal system management program that require pumping and inspection of onlot sewage disposal systems on a scheduled basis. 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Moon Township	1000 Beaver Grade Road Coraopolis, PA 15108	Allegheny County
Cresson Township	225 Spring Run Road Cresson, PA 15046	Allegheny County
South Heights Borough	P. O. Box 302 South Heights, PA 15081	Beaver County

Plan Description: The approved plan provides for abandonment of the Cresson South Heights Sewage Treatment Plant and installation of a forced main to redirect the flow to the Flaugherty Run Sewage Treatment Plant. The Flaugherty Run STP will be expanded from 1.0—2.0 MGD and the outfall will be extended to the Ohio River. The Glenwillard and Bocktown pump stations will be upgraded and the South Heights pump station will be replaced. 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.

## 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, please 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:

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

**Brenntag Northeast, Inc.—Frazer Facility**, East Whiteland Township, **Chester County**. Jeremy W. Bolyn, Earth Data Northeast, Inc., 924 Springdale Dr., Exton, PA 19341, on behalf of Brenntag Northeast, Inc., Huller Lane and Pottsville Pike, P. O. Box 13788, Reading, PA 19612-3788, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Gary's Plaza Shopping Center**, Lansdale Borough, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of EG&G Realty, Inc., 414 W. Main St., Lansdale, PA 19446, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with solvents.

**The Reserves at Gwynedd (Groundwater)**, Upper Gwynedd Township, **Montgomery County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA, on behalf of Carmen Danella, Danella Companies, 470 E. Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site groundwater contaminated with chlorinated solvents.

**Former McCandless Fuels, Inc. Facility**, Narberth Borough, **Montgomery County**. Rodd W. Bender, Esq., Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Borough of Narberth, Municipal Bldg., 100 Conway Ave., P. O. Box 385, Narberth, PA 19072-0385, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with lead, BTEX, polycyclic aromatic hydrocarbons, solvents, cumene and MTBE and site groundwater contaminated with lead, BTEX, polycyclic aromatic hydrocarbons, cumene and MTBE.

**Spring Lock Scaffolding Company**, City of Philadelphia, **Philadelphia County**. Paul Ledebur, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Randy Rapoport, Spring Lock Scaffolding Co., 2600 N. 2nd St., Philadelphia, PA 19133, has submitted a Final Report concerning remediation of site soil contaminated with Fuel Oil No. 2 and used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Shapiro Residence**, Choconut Township, **Susquehanna County**. Chris A. Purvis, Senior Project Manager, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 has submitted a Final Report (on behalf of David Shapiro, Stanley Lake Road, Friendsville, PA) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil as the result of an accidental release. The report was submitted to document remediation of the site to meet the residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

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

**Huntingdon Armory**, Borough of Huntingdon, **Huntingdon County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veterans Affairs, Environmental Section, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002 submitted a Final Report concerning remediation of site soils and groundwater contaminated with Fuel Oil No. 2. The report is intended to document remediation of the site to the Statewide Health Standard.

**Daniel Boone Homestead**, Exeter Township, **Berks County**. Spotts, Stevens and McCoy, Inc., 345 North Wyomissing Boulevard, P. O. Box 6307, Reading, PA 19610-0307, on behalf of the Historical and Museum Commission, 300 North Street, Harrisburg, PA 17120, submitted a Final Report concerning remediation of site soils contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

**Hass Gorman Inc. Site (formerly Smith's Garage)**, Watts Township, **Perry County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Hass Gorman Inc., P. O. Box 308, Bartonsville, PA 18321, submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with BTEX and MTBE. The report is intended to document remediation of the site to a combination of the Statewide Health and Site Specific Standards.



**Former American Can Site**, City of Harrisburg, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Lenard and Lois Brenner, 3880 Union Deposit Road, Harrisburg, PA 17109, submitted a Final Report concerning remediation of site soils contaminated with lead and PHCs. The report is intended to document remediation of the site to the Statewide Health Standard.

**Bennett Truck Transportation**, Upper Leacock Township, **Lancaster County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Bennett Truck Transport, LLC, 1001 Industrial Parkway, McDonough, GA 30253 and Ruth Widders, 213 West Main Street, Leola, PA 17540, submitted a Final Report concerning remediation of site soils contaminated with benzene, cumene, ethyl benzene, fluorene, naphthalene, phenanthrene and toluene. The report was submitted within 90 days of a contaminant release and is intended to document remediation of the site to the Statewide Health Standard.

**Federal Mogul Corporation**, City of Lancaster, **Lancaster County**. Environmental Strategies Corporation, Four Penn Center West, Suite 315, Pittsburgh, PA 15276, on behalf of Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034, submitted a revised combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site the Site-Specific Standard.

**Former Elliot & Hatch Typewriter Facility**, City of Harrisburg and Swatara Township, **Dauphin County**. Skelly & Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of the City of Harrisburg, 10 North Second Street, Harrisburg, PA 17101, submitted a Final Report concerning remediation of site soils contaminated with inorganics, leaded gasoline, lead, PAHs and pesticides. The report is intended to document remediation of the site to the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. 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, please 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:

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

**Village Center Mart (Has Has Cleaners)**, Bensalem Township, **Bucks County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingessing Ave., Philadelphia, PA, on behalf of Kent Boyer, P. O. Box 585, Bensalem, PA 19020, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents. The Final report demonstrated attainment of Site-Specific Standards and was approved by the Department on February 14, 2003.

**New Jersey Transit-Morrisville Railyard**, Falls Township, **Bucks County**. Michael Gonshor, P. G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of Consolidated Rail Corp., Neil Ferrone, 1000 Howard Blvd., Suite 400, Mt. Laurel, NJ 08054, has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents, diesel fuel, Fuel Oil No. 2, inorganics, lead, other organics and PAH. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 10, 2003.

**Former ABAR Site**, Northampton Township, **Bucks County**. Randy Shuler, ERM, Inc., 250 Phillips Blvd., Suite 280, Ewing, NJ 08618, on behalf of Dennis Duffy, Superior Group, Inc., 3 Radnor Corp. Center, Suite 400, Radnor, PA 19087, has submitted a Final Report for Soils concerning the remediation of site soil contaminated with chlorinated solvents, Fuel Oil No. 2, PAH and used motor oil. The Final Report demonstrated attainment of the Statewide Health Standard for soil only and was approved by the Department on January 31, 2003.

**Hilltown Orchard**, Hilltown Township, **Bucks County**. Walter Hungarter, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Heritage Building Group, 3326 Old York Rd., Furlong, PA 18925, has submitted a Final Report concerning remediation of site soil contaminated with pesticides. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 6, 2003.

**PECO Energy Company—Former Darby MGP Plant**, Darby and Sharon Hills Boroughs, **Delaware County**. Ronald F. Carper, Jr., P. G., ENSR International, 2005 Cabot Blvd., Suite 100, Langhorne, PA 19047, on behalf of PECO Energy Co., Attn: Jennifer Sowers, 300 Front St., Bldg. 1, West Conshohocken, PA 19428, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics, other organics and PAH. The report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on February 27, 2003.

**C & D Technologies, Inc. Facility**, Conshohocken Borough/Whitemarsh Township, **Montgomery County**. Michael Gonshor, P. G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of C & D Technologies, Inc., Linda Hansen, 1400 Union Meeting Rd., Blue Bell, PA 19422, has submitted a combined Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil contaminated with inorganics, lead and PAH and groundwater contaminated with inorganics and PAH. The combined report was approved by the Department on February 24, 2003.

**The Reserves at Gwynedd (Soil)**, Upper Gwynedd Township, **Montgomery County**. Paul Martino, P. G., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Carmen Danella, Danella Companies, 470 E. Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents and inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 13, 2003.

**Anzon Facility**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 2145 W. Church Rd., King of Prussia, PA 19406, on behalf of Cookson America, Inc., 1 Cookson Pl., Providence, RI 02903, has submitted a combined Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil contaminated with inorganics, lead, other organics and PAH and groundwater contaminated with chlorinated solvents, inorganics, lead, MTBE, other organics and PAH. The combined report was approved by the Department on January 27, 2003.

**CSX Intermodal—Snyder Ave. Yard Facility**, City of Philadelphia, **Philadelphia County**. Gary A. Rozmus, P. E., Gannett Fleming, Inc., 480 Forest Ave., P. O. Box 707, Locust Valley, NY 11560-0707, on behalf of CSX Transportation, Attn: Marshall L. Williams, 301 W. Bay St., Suite 800, Jacksonville, FL 32202, has submitted a Final Report concerning remediation of site soil contaminated with PCB, lead, heavy metals, BTEX, PAH and solvents; and groundwater contaminated with lead, heavy metals, PAH and solvents. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 24, 2003.

**JECA Corporation**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services,

Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of JECA Corp., 3375 Richmond St., Philadelphia, PA 19134, has submitted a Final Report concerning remediation of site soil contaminated with lead and BTEX. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 6, 2003.

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

**Conectiv Bethlehem Power Plant**, Lower Saucon Township, **Northampton County**. Charles C. May, Environmental Consultant, Conectiv Energy Engineering and Environmental, P. O. Box 6066, Newark, DE 19714-6066 submitted a Final Report concerning the remediation of soils contaminated with a low sulfur light petroleum product similar to no. 2 fuel oil. The Final Report was submitted within 90 days of the release. The report documented attainment of the residential Statewide Health Standard and was approved on March 7, 2003.

**Howard Property**, West Mahanoy Township, **Schuylkill County**. Thomas Jimmie, Jr., Datom Products, Inc., Environmental Division, 113 Monahan Avenue, Dunmore, PA 18512 submitted a Final Report (on behalf of Jenny Howard, Main Street, Gilberton, PA) concerning the remediation of soils contaminated with no. 2 fuel oil. The Final Report was submitted within 90 days of the release. The report documented attainment of the residential Statewide Health Standard and was approved on March 5, 2003.

**Smilko Residence**, City of Pottsville, **Schuylkill County**. Rudy Ghergel, SECI Waste Securities, P. O. Box 265, Orwigsburg, PA 17961 submitted a Final Report (on behalf of Barbara Smilko, Pierce Street, Pottsville, PA) concerning the remediation of soils contaminated with no. 2 fuel oil as the result of an accidental release. The report documented attainment of the residential Statewide Health Standard and was approved on February 26, 2003.

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

**Kenneth St. Arnauld Property**, West Lampeter Township, **Lancaster County**. Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of Kenneth St. Arnauld, 2016A Rockvale Road, Lancaster, PA 17602-1406, submitted a final report within 90 days of a contaminant release concerning remediation of site soil contaminated with kerosene. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 18, 2003.

**Former DuPont Electronics Fishing Creek Facility**, Fairview Township, **York County**. DuPont Engineering, Barley Mill Plaza, Building 27, Lancaster Pike and Route 141, Wilmington, DE 19805 submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with solvents. The combined report demonstrated attainment of a combination of the Statewide Health and Site Specific Standards and was approved by the Department on March 3, 2003.

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

**Lucas Brothers Garage**, Westover Borough, **Clearfield County**. Bolger Brothers, Inc., on behalf of Gene Hagens, 120 N. Main Street, Westover, PA 16692, has submitted a Baseline Environmental Report in partial fulfillment of the Special Industrial Area require-

ments concerning site soil and groundwater contaminated with BTEX, PAHs and PHCs. The Baseline Environmental Report was approved by the Department on January 7, 2003.

**North Penn Gas Company Buckwheat Hollow Check EK-5**, Lawrence Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with inorganics. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2003.

**North Penn Gas Company Learn No. 1 Well TW-205**, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with inorganics. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2003.

**North Penn Gas Company Leslie Well TW-207**, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with inorganics. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2003.

**North Penn Gas Company Meeker to Elms Meter/Regulator Station M-57**, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with inorganics. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2003.

**North Penn Gas Company Petticrew Well MW-508**, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with inorganics. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2003.

**North Penn Gas Company Treat Well TW-300**, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with inorganics. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2003.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

**PAD000824805. GE Betz**, 4636 Somerton Road, Trevoise, PA 19053, Middletown Township, **Bucks County**. Permittee (formerly Betz Laboratories) has chosen not to renew its Part B permit and will conduct all hazardous waste storage operations under generator accumulation standards. Certifications have been accepted for clean closure to satisfy the Part B permit's closure requirements and a partial bond release will be pro-

cessed. Accordingly, the permit was revoked by the Southeast Regional Office on February 26, 2003.

**PAD042259374. Sartomer Co. Inc.**, 610 S. Bolmar St., West Chester, PA 19382-3797. Borough of West Chester, **Chester County**. Permittee requested permit revocation since storage operations will be conducted under the generator accumulation standards rather than under the RCRA Part B permit. Permit revoked by the Southeast Regional Office on February 26, 2003.

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

*Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit No. PAD982576258. Safety-Kleen Corporation, West Mifflin Service Center**, 650 Noble Drive, West Mifflin, PA 15122. Operation of a hazardous waste storage facility in West Mifflin Borough, **Allegheny County**. Permit issued in the Regional Office on March 7, 2003.

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

#### Permit revoked 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. 400267. York Hospital**, 1001 S. George St., York, PA 17405, City of York, **York County**. The request for permit renovation and release of bond liability for the York Hospital Medical Waste Incinerator has been approved in the Southcentral Regional Office on March 5, 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.

#### Permits Renewal was 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.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 400468. Geisinger Health Systems**, 100 N. Academy Avenue, Danville, PA 17822-2900 for the Geisinger Medical Center located in Mahoning Borough, **Montour County**. A major permit modification was received for renewal by the Williamsport Regional Office on February 27, 2003.

Persons interested in reviewing the permit may contact David Garg, P. E., Acting Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101,

Williamsport, PA 17701, (570) 327-3653. 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.*

**TRMA Inc.**, 1000 Valley Brook Ave., Lyndhurst, NJ 07071. Authorization No. WH1533. Effective February 28, 2003.

**Axe Trucking Inc.**, 1393 Brookside Dr., Union, NJ 07083. Authorization No. WH1534. Effective February 28, 2003.

**Shedden Trucking Inc.**, R. R. 4 T395, P. O. Box 66, Canton, PA 17724-0066. Authorization No. WH2685. Effective February 28, 2003.

**Matthew Trucking/Frances J. Bauer**, 422 Tippen Drive, Clarion, PA 16214. Authorization No. WH2687. Effective February 28, 2003.

**Zdzislaw Lekawski**, Apt. 9A, 225 Vandalia Ave., Brooklyn, NY 11239. Authorization No. WH2729. Effective February 28, 2003.

**Wilbert W. Tolliver Jr.**, 4245 Upview Terrace, Pittsburgh, PA 15201. Authorization No. WH2737. Effective February 28, 2003.

**Eagle Express Cargo, Inc.**, 6205 Palisade Avenue, West New York, NJ 07093. Authorization No. WH2821. Effective March 3, 2003.

**Department of Military Veteran Affairs**, Building 11-19, Environmental Division, Annville, PA 17003-5002. Authorization No. WH2822. Effective March 3, 2003.

**Felton Trucking, Inc.**, 1878 Skiff Court, Toms River, NJ 08753. Authorization No. WH2834. Effective March 3, 2003.

**Brian E. Steinman Hauling**, 121 Mealy Lane, Tionesta, PA 16353-2423. Authorization No. WH2835. Effective March 3, 2003.

**Luis Veintimilla**, 332 Summer Avenue, Newark, NJ 07104. Authorization No. WH2842. Effective March 3, 2003.

**J. C. Ziccardi Builders**, P. O. Box 151, Harmonsburg, PA 16422. Authorization No. WH2855. Effective March 3, 2003.

**Gary Dyer Excavating & Tank Service, Inc.**, 2198 SR 26, Endicott, NY 13760-6410. Authorization No. WH2856. Effective March 3, 2003.

**David W. Barnett**, 113 Broken Trail, Summerville, SC 29483. Authorization No. WH3400. Effective March 3, 2003.

**Jairo Hidalgo-Rodriguez**, 926 Floyd Terrace, Union, NJ 07083. Authorization No. WH3401. Effective March 3, 2003.

**Franz J. Lehmkuhler**, R. R. 1 Box 287, Bushkill, PA 18324. Authorization No. WH3402. Effective March 3, 2003.

**Service Transport Group Inc.**, P. O. Box 2132, 321 Lincoln Ave., Bristol, PA 19007. Authorization No. WH2419. Effective March 4, 2003.

**Department of Transportation, Engineering District 12-0**, 825 N. Gallatin Ave., P. O. Box 459, Uniontown, PA 15401-0459. Authorization No. WH2557. Effective March 4, 2003.

**LSG Enterprises Inc.**, P. O. Box 153, 407 Washington St., Aliquippa, PA 15001. Authorization No. WH2559. Effective March 4, 2003.

**Scranton City, Lackawanna County**, 800 Providence Road Rear, Scranton, PA 18508-2507. Authorization No. WH2562. Effective March 4, 2003.

**Anthony Phillips Jr. Hauling Co. Inc.**, P. O. Box 40175, Pittsburgh, PA 15201. Authorization No. WH2564. Effective March 4, 2003.

**Datom Products Inc.**, 113 Monahan Ave., Dunmore, PA 18512. Authorization No. WH2567. Effective March 4, 2003.

**Angel G. Anazco**, P. O. Box 737926, Elmhurst, NY 11373. Authorization No. WH2568. Effective March 4, 2003.

**Suburban Carting Corp.**, 524 Waverly Ave., Mamaroneck, NY 10543. Authorization No. WH2571. Effective March 4, 2003.

**IEC Inc.**, P. O. Box 40, Port Reading, NJ 07064-0040. Authorization No. WH2572. Effective March 4, 2003.

**LJF Inc.**, 1223 Parks Road, Irvona, PA 16656. Authorization No. WH2573. Effective March 4, 2003.

**Tom Simonds & Son Excavating Inc.**, R. R. 1 Box 50B, Sayre, PA 18840-9700. Authorization No. WH2574. Effective March 4, 2003.

**Charles E. Steuhl**, 132 Market Road, Greeley, PA 18425-9746. Authorization No. WH2575. Effective March 4, 2003.

**Charles Steuhl & Sons Inc.**, 132 Market Road, Greeley, PA 18425. Authorization No. WH2576. Effective March 4, 2003.

**White Oak Group Inc.**, 1180 Dillerville Road, Lancaster, PA 17601. Authorization No. WH2577. Effective March 4, 2003.

**Bilsher Inc.**, 230 S. 10 St., Lemoyne, PA 17043. Authorization No. WH2581. Effective March 4, 2003.

**Atlanta 96 Enterprises Inc.**, 221 Manor Parkway, Uniondale, NY 11513. Authorization No. WH2584. Effective March 4, 2003.

**Moore's Refuse**, 1077 Horsham Road, North Wales, PA 19454. Authorization No. WH2586. Effective March 4, 2003.

**Raymond J. Bannon**, 514 Twin County Road, Honey Brook, PA 19344. Authorization No. WH2588. Effective March 4, 2003.

**Mayer Bros. Construction Co.**, 1902 Cherry St., Erie, PA 16502-2648. Authorization No. WH2592. Effective March 4, 2003.

**Velez Transport Service Inc.**, 84 Somme St., Newark, NJ 07105. Authorization No. WH2597. Effective March 4, 2003.

**Jose M. Romero**, 2718 Morris Ave. Apt. 4D, Bronx, NY 10468. Authorization No. WH2598. Effective March 4, 2003.

**American Rescue Workers Inc.**, 643 Elmira St., Williamsport, PA 17701. Authorization No. WH2652. Effective March 4, 2003.

**Garber Hauling**, R. R. 1 Box 367A, Hollidaysburg, PA 16648-9513. Authorization No. WH2653. Effective March 4, 2003.

**Charles C. Caracciolo**, P. O. Box 1924, 1327 Tyler Ave., Altoona, PA 16601. Authorization No. WH2654. Effective March 4, 2003.

**Cocolamus Creek Disposal Service**, R. R. 1 Box 660, McAlisterville, PA 17049. Authorization No. WH2655. Effective March 4, 2003.

**Miller Bros. Construction Inc.**, 950 E. Main St., P. O. Box 472, Schuylkill Haven, PA 17972-0472. Authorization No. WH2657. Effective March 4, 2003.

**K & L Delivery Service**, 5 Edinburgh Road, Blackwood, NJ 08012-4525. Authorization No. WH2658. Effective March 4, 2003.

**M. H. Brenner Recycling Inc.**, 282 S. Wyoming St., Hazleton, PA 18201. Authorization No. WH2659. Effective March 4, 2003.

**Laurel Valley Farms Inc.**, 705 Penn Green Road, P. O. Box 640, Avondale, PA 19311-0640. Authorization No. WH2660. Effective March 4, 2003.

**Fayetteville Contractors Inc.**, P. O. Box FCI, Fayetteville, PA 17222-0610. Authorization No. WH2661. Effective March 4, 2003.

**Penn Township Road District**, 500 Melody Road, R. R. 1 Box 43, Grampian, PA 16838. Authorization No. WH2663. Effective March 4, 2003.

**Custom Transport LLC**, 16949 Bollinger School Road, Emmitsburg, MD 21727. Authorization No. WH2664. Effective March 4, 2003.

**Chuckin It LLC**, 120 Maple Road, Easton, CT 06612. Authorization No. WH2665. Effective March 4, 2003.

**B & S Carting Co. Inc.**, P. O. Box 1111, Stamford, CT 06904. Authorization No. WH2667. Effective March 4, 2003.

**Dunmore Borough, Lackawanna County**, 400 S. Blakely St., Dunmore, PA 18512-2235. Authorization No. WH2668. Effective March 4, 2003.

**Oil Recovery Corp.**, P. O. Box 1065, 138 Palmer Ave., West Springfield, MA 01089. Authorization No. WH2669. Effective March 4, 2003.

**Union Roofing Contractors Inc.**, 6900 Loretto Ave., Philadelphia, PA 19111-4515. Authorization No. WH4200. Effective March 5, 2003.

**VMS Transportation Corp.**, 91 Appleby Ave., Old Bridge, NJ 08857. Authorization No. WH2040. Effective March 6, 2003.

**Tyler Truck Repair Inc.**, 37 St. Michael St., Piscataway, NJ 08854. Authorization No. WH2890. Effective March 6, 2003.

**Patricio R. Olalla**, 136 Central Avenue, Plainfield, NJ 07060. Authorization No. WH2892. Effective March 6, 2003.

**Will Huggins**, 2165 Avenue B, Marysville, SC 29104. Authorization No. WH2893. Effective March 6, 2003.

**Nilson M. Dasilva**, 705 Penn Street, Perth Amboy, NJ 08861. Authorization No. WH2894. Effective March 6, 2003.

**Christoph Cutaia**, 415 Madison Street, Boonton, NJ 07005. Authorization No. WH2897. Effective March 6, 2003.

**Robert Kocoski**, 45 Ferromonte Avenue, Kenil, NJ 07847. Authorization No. WH2898. Effective March 6, 2003.

**Sam Dimick Excavating & Trucking Inc.**, 1185 Shoemaker Ave., West Wyoming, PA 18644. Authorization No. WH2791. Effective March 5, 2003.

**Slippery Rock University**, 145 Keister Road, Slippery Rock, PA 16057-1233. Authorization No. WH2792. Effective March 5, 2003.

**Lincoln Metal Process Co. Inc.**, P. O. Box 8127, 1602 Selinger Ave., Erie, PA 16505. Authorization No. WH2793. Effective March 5, 2003.

**David M. Denbraven**, 204 S. Mount Airy Road, Coatesville, PA 19320. Authorization No. WH2795. Effective March 5, 2003.

**Gerald C. Griffin**, 700 W. Coal Street, Shenandoah, PA 17976-1414. Authorization No. WH2796. Effective March 5, 2003.

**Shireys Trucking**, 1375 Geigertown Road, P. O. Box 201, Geigertown, PA 19523. Authorization No. WH2797. Effective March 5, 2003.

**Susquehanna Disposal**, R. R. 5 Box 101A, Montrose, PA 18801. Authorization No. WH2798. Effective March 5, 2003.

**RL Keller Trucking Inc.**, 18716 Bennetts Valley Highway, P. O. Box 246, Weedville, PA 15868. Authorization No. WH2799. Effective March 5, 2003.

**Recycle Oil Co.**, 1600 South 25th Street, Easton, PA 18042. Authorization No. WH2509. Effective March 7, 2003.

**Charles C. White III**, 104 South Pearl Street, Lancaster, PA 17603. Authorization No. WH2833. Effective March 7, 2003.

**John R. Orsino**, 112 Orsino Drive, Franklin, PA 16323. Authorization No. WH2836. Effective March 7, 2003.

**Jorge A. Aviles**, 253—16 149th Road, Rosedale, NY 11422. Authorization No. WH2837. Effective March 7, 2003.

**Orion Express, Inc.**, 260 Florida Avenue, Paterson, NJ 07503. Authorization No. WH2839. Effective March 7, 2003.

**Kittanning Borough, Armstrong County**, 300 South McKean Street, Kittanning, PA 16201. Authorization No. WH2841. Effective March 7, 2003.

**Saul Cubillos**, 332 Summer Avenue, Newark, NJ 07104. Authorization No. WH2844. Effective March 7, 2003.

**Krzysztof Wiensko**, 255 Kingsland Avenue, Brooklyn, NY 11222. Authorization No. WH2848. Effective March 7, 2003.

**Lakeland Sanitation**, 1422 Country Club Road, Jermyn, PA 18433-3200. Authorization No. WH2850. Effective March 7, 2003.

**Scranton Sewer Authority**, 307 North Washington Avenue, Scranton, PA 18503-1501. Authorization No. WH2851. Effective March 7, 2003.

**Gargas Excavating, Inc.**, Shiloh Road, R. R. 1 Box 244, Woodland, PA 16881. Authorization No. WH2852. Effective March 7, 2003.

**Armstrong Cabinet Products**, P. O. Box 146, Old Route 22, Thompsettown, PA 17094-0146. Authorization No. WH2853. Effective March 7, 2003.

**Volpe Express, Inc.**, 565 Hollow Road, Phoenixville, PA 19460. Authorization No. WH2854. Effective March 7, 2003.

**Rischitelli Brothers, Inc.**, 101 Kennedy Road, Charleroi, PA 15022. Authorization No. WH2857. Effective March 7, 2003.

**Norwegian Township**, 506 Maple Avenue, Marlin, PA 17951. Authorization No. WH2858. Effective March 7, 2003.

**H & P Contractors, Inc.**, 224 North Street, Minersville, PA 17954. Authorization No. WH2859. Effective March 7, 2003.

**Rogers Trucking**, 76 Wilt Road, Bechtelsville, PA 19505. Authorization No. WH2860. Effective March 7, 2003.

**C & J Transportation**, 1074 Pugsley Avenue, Bronx, NY 10472. Authorization No. WH2861. Effective March 7, 2003.

**J. Sparrow Excavating**, 815 Meade Street, Dunmore, PA 18512. Authorization No. WH2862. Effective March 7, 2003.

**Gamby's Disposal Service, Inc.**, 3940 Locust Grove Road, Columbia, PA 17512-0205. Authorization No. WH2863. Effective March 7, 2003.

**Scranton Housing Authority**, 400 Adams Avenue, Scranton, PA 18510. Authorization No. WH2864. Effective March 7, 2003.

**Southwest Greensburg Borough, Westmoreland County**, 564 Stanton Street, Greensburg, PA 15601. Authorization No. WH2865. Effective March 7, 2003.

**Mark Walters Trucking & Excavating, Inc.**, 4254 Jefferson Avenue, Bethlehem, PA 18015. Authorization No. WH2866. Effective March 7, 2003.

**Nicolella Roofing**, 657 Lakeview Drive, Washington, PA 15301. Authorization No. WH2494. Effective March 3, 2003.

**Arrow Oilfield Service Co.**, 17181 Bugtown Road, Pleasantville, PA 16341. Authorization No. WH2529. Effective March 3, 2003.

**Lanesboro Borough**, P. O. Box 97, 79 Main Street, Lanesboro, PA 18827. Authorization No. WH2670. Effective March 3, 2003.

**Marlon A. Rodriguez**, 252 Clifton Avenue, Newark, NJ 07104. Authorization No. WH2671. Effective March 3, 2003.

**Peter Rubinetti Private Disposal LLC**, P. O. Box 50, New Vernon, NJ 07976. Authorization No. WH2672. Effective March 3, 2003.

**Throop Borough, Lackawanna County**, 436 Sanderson Street, Throop, PA 18512-1224. Authorization No. WH2673. Effective March 3, 2003.

**Furia Dankovich Enterprises**, 69 Dora Village, P. O. Box 221, Greensboro, PA 15338-0221. Authorization No. WH2677. Effective March 3, 2003.

**C. W. Markel & Sons Trucking**, 710 Smith Street, P. O. Box 209, Beaverdale, PA 15921. Authorization No. WH2679. Effective March 3, 2003.

**Reiss Brothers Hauling, LLC**, 1154 Passer Road, Coopersburg, PA 18036-9631. Authorization No. WH1233. Effective March 7, 2003.

**M. I. Transporters, Inc.**, 775 Forest Street, Lehighton, PA 18235-8832. Authorization No. WH1711. Effective February 28, 2003.

**Carribbean Operators**, 921 East Dorset Street, Philadelphia, PA 19150. Authorization No. WH1726. Effective March 7, 2003.

**Formula I Feeds, Inc.**, R. R. 2, Box 230, New Albany, PA 18833-9687. Authorization No. WH2024. Effective March 5, 2003.

**Craig Stutzman d/b/a Stutzman Trucking**, 157 Pyle Drive, Somerset, PA 15501. Authorization No. WH2135. Effective March 7, 2003.

**Gabriel B. Diaz**, 6424 Buist Avenue, Philadelphia, PA 19142. Authorization No. WH2180. Effective March 5, 2003.

**B & R Nauman, Inc.**, HCR 1, Box 63, Woodland Road, Mount Pocono, PA 18344-9715. Authorization No. WH2474. Effective March 5, 2003.

**N & B Enterprises, Inc.**, 484 Shoemaker Avenue, West Wyoming, PA 18644. Authorization No. WH2765. Effective March 7, 2003.

**Mount Carmel Township, Northumberland County**, Forrest and Laurel Streets, P. O. Box 388, Mount Carmel, PA 17851-0388. Authorization No. WH2766. Effective March 7, 2003.

**Heisler's Cloverleaf Dairy, Inc.**, R. R. 1, Box 1169, Tamaqua, PA 18252-9719. Authorization No. WH2768. Effective March 7, 2003.

**Alfonso Polanco**, 154 West Central Avenue, Wharton, NJ 07885. Authorization No. WH2770. Effective March 7, 2003.

**Serafin Trucking**, Suite B, 1254 Sherlin Drive, Bridgewater, NJ 08807. Authorization No. WH2771. Effective March 7, 2003.

**Cresson Township, Cambria County**, 771 Portage Road, Cresson, PA 16630. Authorization No. WH2773. Effective March 7, 2003.

**H & H Disposal**, P. O. Box 102, Rockwood, PA 15557-0102. Authorization No. WH2774. Effective March 7, 2003.

**Jesus Villanueva**, 1270 Jackson Avenue, Lindenhurst, NY 11757-1633. Authorization No. WH2775. Effective March 7, 2003.

**Hanover Township, Luzerne County**, 1267 Sans Souci Parkway, Wilkes-Barre, PA 18702-1229. Authorization No. WH2777. Effective March 7, 2003.

**J. H. Beers, Inc.**, Male Street, P. O. Box 669, Wind Gap, PA 18091-0669. Authorization No. WH2779. Effective March 7, 2003.

**Gross Brothers Trucking**, 2412 Glades Pike, Somerset, PA 15501-1416. Authorization No. WH2780. Effective March 5, 2003.

**Roger A. Stanislaw**, R. D. 1, Box 310, Bolivar, PA 15923. Authorization No. WH2781. Effective March 5, 2003.

**Lackawanna County Housing Authority**, 2019 West Pine Street, Dunmore, PA 18512-2208. Authorization No. WH2782. Effective March 5, 2003.

**TSI Transfer Systems, Inc.**, 307 White Street, Danbury, CT 06810. Authorization No. WH2783. Effective March 5, 2003.

**Pieros Construction Company, Inc.**, 58 Tannery Road, Somerville, NJ 08876-6000. Authorization No. WH2785. Effective March 5, 2003.

**Versailles Borough, Allegheny County**, 5100 Walnut Street, McKeesport, PA 15132-6399. Authorization No. WH2786. Effective March 5, 2003.

**F. M. Brown's Sons, Inc.**, P. O. Box 2116, 205 Woodrow Avenue, Sinking Spring, PA 19608-2116. Authorization No. WH2789. Effective March 5, 2003.

**Lewis Run Borough, McKean County**, 60 Main Street, P. O. Box 265, Lewis Run, PA 16738-0265. Authorization No. WH2790. Effective March 5, 2003.

**City of Altoona**, 1301 12th Street, Altoona, PA 16601. Authorization No. WH2809. Effective March 5, 2003.

**Plains Township**, 126 N. Main Street, Plains, PA 18705. Authorization No. WH2810. Effective March 5, 2003.

**Stapleton Transportation**, 377 South Hurrison Street, Apartment 11M, East Orange, NJ 07018. Authorization No. WH2811. Effective March 5, 2003.

**Hudson Valley Industrial Services Inc.**, 14 Reservoir Road, Wallkill, NY 12589. Authorization No. WH2812. Effective March 5, 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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact Michael Safko, Facilities Permitting Chief, (570) 826-2531.*

**64-310-011GP: Leeward Construction, Inc.** (R. R. 6, Box 6825, Honesdale, PA 18431) for construction and operation of a portable stone crushing operation and associated air cleaning device in Cherry Ridge Township, **Wayne County**.

**40-320-021GP: Kappa Graphics LP** (50 Rock Street, Pittston, PA 18640) for construction and operation of two nonheat web lithographic presses (nos. 7 and 8) at their facility in Hughestown Borough, **Luzerne County**.

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

**GP1-28-05005: York Refrigeration** (P. O. Box 997, Waynesboro, PA 17268) on March 5, 2003, was authorized to operate a small gas and no. 2 oil fired combustion unit under GP1 in Waynesboro Borough, **Franklin County**.

**GP3-29-03009: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on February 5,

2003, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Thompson Township, **Fulton County**.

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

**GP5-18-03: Equitable Production Co., Inc.** (1710 Pennsylvania Avenue, Charleston, WV 25302) on February 20, 2003, to authorize the operation of a 500 horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a catalytic converter under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Beech Creek Road Station in Noyes Township, **Clinton County**.

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

**GP1-11-00052: Hiram G. Andrews Center** (727 Goucher Street, Johnstown, PA 15905) on March 10, 2003, for operation of two Hurst 500 series 25.2 mmBtu/hr gas/oil boilers under GP1 in Johnstown City, **Cambria 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.*

**46-0037P: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on March 4, 2003, for operation of a scrubber in Douglass Township, **Montgomery County**.

**09-0080A: Milford Enterprises, Inc.** (200 and 300 Commerce Boulevard, Quakertown, PA 18951) on March 10, 2003, for operation of a silk screening process in Milford Township, **Bucks County**.

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

**48-309-121: Keystone Cement Co.** (P. O. Box A, Bath, PA 18014-0058) on March 5, 2003, for installation of an air cleaning device (replacement) to control particulate emissions from Cement Kiln No. 2 at their facility in East Allen Township, **Northampton County**.

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

**36-03092A: Donegal Rock Products, LLC** (P. O. Box 10, Rheems, PA 17570-0010) on March 5, 2003, for modification of the former Union Quarries, Inc. limestone crushing plant in West Donegal Township, **Lancaster County**.

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

**12-399-015C: GE Transportation Systems** (55 Pine Street, Emporium, PA 15834) on February 4, 2003, for construction of an armature and motor frame vacuum



pressure impregnation and surface coating operation in Emporium Borough, **Cameron County**.

**41-00013A: Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) on February 18, 2003, for installation of a replacement air cleaning device (a thermal regenerative oxidizer) on seven coil coating lines in the City of Williamsport, **Lycoming County**. The coil coating lines are subject to Subpart TT of the Federal Standards of Performance for New Stationary Sources.

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

**04-705A: Pittsburgh Coatings** (8105 Perry Highway, Pittsburgh, PA 15237) on March 10, 2003, for construction of a blast and surface coating plant in Ambridge Borough, **Beaver County**.

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

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

**09-0152: Gelest, Inc.** (Steel Road East, Morrisville, PA 19067) on March 6, 2003, for operation of equipment for specialty chemicals in Falls Township, **Bucks County**.

**23-0001S: Sunoco, Inc.—R and M** (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) modified on March 10, 2003, for operation of a boiler and heater in Marcus Hook Borough, **Delaware County**.

**09-0015D: Rohm and Haas Co.** (2900 River Road, Croydon, PA 19021) on March 11, 2003, for operation of a catalytic oxidizer in Bristol Township, **Bucks County**.

**15-0115: QVC, Inc.** (1365 Enterprise Drive, West Chester, PA 19380) on March 11, 2003, for operation of two 12.55 mmBtu/hr gas/fuel boilers in West Goshen Township, **Chester County**.

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

**18-00006B: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) on March 4, 2003, to extend the authorization to operate six natural gas-fired reciprocating internal combustion compressor engines (Engines 4, 5, 6, 9, 10 and 11) on a temporary basis until July 2, 2003, at the Leidy Compressor Station in Leidy Township, **Clinton County**.

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

**56-00177A: Somerset County Courthouse** (300 North Center Avenue, Suite 500, Somerset, PA 15501) on March 6, 2003, for installation of hot water boilers in Somerset Township, **Somerset County**. This plan approval has been extended.

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

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

**46-00020: Superior Tube Co.** (3900 Germantown Pike, Collegetown, PA, 19426) for operation of their facility in Lower Providence Township, **Montgomery County**. This amendment is to address several typographical errors for source 104. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

**34-05002: Texas Eastern Transmission LP** (P. O. Box 1642, Houston, TX 77251-1642) on March 5, 2003, for operation of a natural gas transmission compressor station at the Perulack Compressor Station in Lack Township, **Juniata County**. This is a renewal of the operating permit.

**50-05001: Texas Eastern Transmission LP** (P. O. Box 1642, Houston, TX 77251-1642) on March 10, 2003, for operation of a natural gas transmission compressor station at the Shermans Dale Compressor Station in Carroll Township, **Perry County**. This is a renewal of the operating permit.

**67-05027: York Wallcoverings, Inc.** (P. O. Box 5166, York, PA 17405) on March 4, 2003, for operation of a wallcovering manufacturing facility in the City of York, **York County**. This is a renewal of the operating permit.

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

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

**46-00227: W. A. Schmidt, Inc.** (38 Souderton Pike, Franconia, PA 18964) on March 10, 2003, for operation of a Synthetic Minor Operating Permit in Franconia Township, **Montgomery County**.

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

**20-00005: W. L. Dunn Construction Co.** (180 North Franklin Street, Cochran, PA 16314) on March 5, 2003, a Synthetic Minor Operating Permit for operation of the facility's air contamination sources consisting of a 200 tph asphalt plant, a concrete mixing plant and a 100 tph sand and gravel operation in East Fairfield Township, **Crawford County**.

**10-00047: Mine Safety Appliances Co.—Evan City Plant** (1420 Mars-Evans City Road, Evans City, PA 16033). Natural Minor Operating Permit was issued on March 5, 2003, for the operation of the facility's air contamination sources consisting of two (natural gas and no. 2 oil) boilers, a natural gas-fired boiler, several miscellaneous natural gas-fired combustion units, four



cooling towers, the superoxide process, the MDEB and TEB process, diborane packaging, batch borane chemical synthesis, drum cleaning and labs, borane derivatives, bag filling station, hydrogen production, storage tanks, alkali metals oxide production, potassium production, rubber bonding and processing, several diesel emergency generators in Forward Township, **Butler County**.

**25-00964: FMCTI—Smith Meter** (16022 Wagner Avenue, Erie, PA 16502) for a Natural Minor Operating Permit in the City of Erie, **Erie County**. The facility's primary sources of emissions are facility heaters, two surface coating operations and associated equipment.

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

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

**46-0077: Harvard Industries** (400 Old Reading Pike, Stowe, PA 19464) revoked on March 4, 2003, for facility NOx ract in West Pottsgrove Township, **Montgomery County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); and The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

### Coal Permits Actions

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

**17860140 and NPDES Permit No. PA0115673. Waroquier Coal Company**, P. O. Box 128, Clearfield, PA 16830. Transfer and renewal of, an existing bituminous surface mine permit from Beth Contracting, Inc., located in Beccaria Township, **Clearfield County** affecting 323 acres. Receiving streams: unnamed tributary to Cofinan Run and unnamed tributary to Muddy Run. Application received February 20, 2002. Permit issued February 21, 2003.

**17980126 and NPDES Permit No. PA0238198. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Transfer of an existing bituminous surface mine-auger permit from K & J Coal Co., Inc., located in Chest Township, **Clearfield County** affecting 146 acres. Re-

ceiving streams: Kings Run and/or Chest Creek to the West Branch of the Susquehanna River. Application received December 20, 2002. Permit issued February 28, 2003.

**17010112 and NPDES Permit No. PA0243159. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Transfer of an existing bituminous surface mine-auger permit from K & J Coal Co., Inc., located in Chest Township, **Clearfield County** affecting 141 acres. Receiving streams: Spring Run and Chest Creek to the West Branch of the Susquehanna River. Application received December 20, 2002. Permit issued February 28, 2003.

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

**26020103 and NPDES Permit No. PA0250163. Stash Mining Company** (P. O. Box 20, Waltersburg, PA 15488). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Menallen Township, **Fayette County**, affecting 27.7 acres. Receiving streams: Redstone Creek to the Monongahela River. Application received June 7, 2002. Permit issued March 5, 2003.

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

**32960103 and NPDES Permit No. PA021331. Kraynak Coal Company**, 3214 Firetower Road, Mahaffey, PA 15757, permit revision for a road variance within the 100 foot barrier of a portion of SR-1020 in Green Township, **Indiana County**, affecting 329.7 acres. Receiving streams: unnamed tributary to East Run (HQ-CWF) and Little Mahoning Creek (HQ-CWF) to Mahoning Creek (CWF) and unnamed tributaries of North Branch of Two Lick Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company Two Lick Creek water intake. Application received January 7, 2003. Permit issued March 5, 2003.

**32970112 and NPDES Permit No. PA0234605. Mears Enterprises, Inc.**, P. O. Box 157, Clymer, PA 15728, permit renewal for continued operation of a bituminous surface and auger mine and for discharge of treated mine drainage in Green Township, **Indiana County**, affecting 102.7 acres. Receiving streams: Buck Run, Dixon Run. The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company Two Lick Creek intake. Application received January 10, 2003. Permit issued March 5, 2003.

**56880101 and NPDES Permit No. PA0599361. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for continued operation of a bituminous surface and auger mine and for discharge of treated mine drainage in Paint Township, **Somerset County**, affecting 191.8 acres. Receiving streams: Shade Creek (CWF) and unnamed tributaries to Shade Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stonycreek—Border Dam. Application received October 16, 2002. Permit issued March 5, 2003.

### Noncoal Permits Actions

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

**17022802. Cynthia E. Russell**, R. R. 1, Box 179, Laurel Run Road, Curwensville, PA 16833. Commencement, operation and restoration of a Small Industrial

Minerals (Sandstone) permit in Pike Township, **Clearfield County** affecting 5 acres. Receiving streams: Anderson Creek. Application received October 29, 2002. Permit issued February 19, 2003.

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

**4273SM6A2, Grannas Brothers Stone & Asphalt Company, Inc.**, P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES Permit No. PA0212555, Frankstown Township, **Blair County**, receiving stream unnamed tributary to Brush Creek. NPDES Renewal application received January 13, 2003. Permit issued March 5, 2003.

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

**20022805. R. Hunter Incorporated.** (29780 Hickory Corners Road, Guys Mills, PA 16327). Commencement, operation and restoration of a small noncoal sand and gravel operation in Woodcock Township, **Crawford County** affecting 5.5 acres. Receiving streams: unnamed tributary to French Creek. Application received September 3, 2002. Permit issued February 28, 2003.

**20950301. R. Hunter Incorporated** (29780 Hickory Corners Rd., Guys Mills, PA 16327). Transfer of an existing sand and gravel operation from I. A. Construction Corporation in Bloomfield Township, **Crawford County** affecting 29.5 acres. Receiving streams: Bloomfield Run and Pine Hollow Run. Application received July 11, 2002. Permit issued February 28, 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.**

#### *Blasting Permits Actions*

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

**09034002. Keystone Drilling & Blasting Specialist, Inc.** (27 Independence Road, Mountaintop, PA 18210), construction blasting in Richland Township, **Bucks County** with an expiration date of December 31, 2003. Permit issued March 3, 2003.

**21034011. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting in Carlisle, **Cumberland County** with an expiration date of February 5, 2004. Permit issued March 3, 2003.

**22034005. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lower Paxton Township, **Dauphin County** with an expiration date of March 26, 2004. Permit issued March 3, 2003.

**36034016. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Manheim Borough, **Lancaster County** with an expiration date of April 26, 2003. Permit issued March 3, 2003.

**48034006. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting in Forks Township, **Northampton County** with an expiration date of April 18, 2005. Permit issued March 3, 2003.

**36034017. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manheim Township, **Lancaster County** with an expiration date of March 26, 2008. Permit issued March 5, 2003.

**36034014. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in West Hempfield Township, **Lancaster County** with an expiration date of March 26, 2008. Permit issued March 5, 2003.

**36034015. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of March 26, 2008. Permit issued March 5, 2003.

**48034007. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and **Bernard J. Hasara** (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in Bethlehem Township, **Northampton County** with an expiration date of April 30, 2004. Permit issued March 5, 2003.

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

**17034001. Whitetail Contracting**, P. O. Box 220, Woodland, PA 16881 for construction blasting in Decatur Township, **Clearfield County**, with an expected duration of 30 days. Permit issued March 4, 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.*

**E35-347. Borough of Blakely,** 1439 Main Street, Peckville, PA 18452. Borough of Blakely, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To maintain the Blakely Flood Protection Project consisting of a debris basin and 2,500 feet of concrete channel in Hull Creek. The project begins at the debris basin located immediately upstream of 4th Street (Olyphant, PA Quadrangle N: 18.5 inches; W: 15.0 inches) and extends downstream to Hull Creek's confluence with the Lackawanna River (Olyphant, PA Quadrangle N: 17.3 inches; W: 14.7 inches) in the Borough of Blakely, Lackawanna County.

**E45-437. Skytop Lodges, Inc.,** One Skytop, Skytop, PA 18357. Barrett Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a pedestrian bridge having a single span of approximately 58 feet and a maximum

underclearance of approximately 6 feet across Leavitt Branch, a 15-inch diameter water intake structure in Mountain Lake and a 15-inch diameter water line in a de minimis area of wetlands less than 0.01 acre for the purpose of providing water to the Skytop ski area snowmaking equipment. The projects are located at Skytop Lodge on the west side of SR 0390 (Skytop, PA Quadrangle N: 19.5 inches; W: 15.0 inches).

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

**E41-520. Department of Transportation, Engineering District 3-0,** P. O. Box 218, Montoursville, PA 17754-0218. SR 0284 Segment 0050 unnamed tributary bridge replacement, in Pine Township, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 17.6 inches; W: 0.3 inch).

To remove an existing steel truss bridge and construct and maintain a reinforced concrete box beam bridge having a clear span of 112.67 feet, with a minimum underclearance of 7.65 feet on a skew of 70° over Texas Creek located along SR 0284 Segment 0050, Offset 1641, in Pine Township, Lycoming County. This permit also authorizes the construction, operation, maintenance and removal of temporary construction causeways, stream diversions and cofferdams. All temporary structures shall be constructed with clean rock, free of fines and silts, or other nonerodible material. Upon completion of the bridge construction, all temporary structures shall be completely removed from the channel and floodplain.

**E41-521. SBA Communications Corp.,** 800 South Washington Avenue, Scranton, PA 18505. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Montoursville Borough, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville North, PA Quadrangle N: 2.625 inches; W: 6.625 inches).

To construct and maintain a 122 foot monopole wireless communications tower located along the northern right-of-way of SR 0180 west. This project proposes to have a no impact on Loyalsock Creek, which is, designated a CWF and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects."

**E55-191. Department of Transportation, Engineering District 3-0,** P. O. Box 218, Montoursville, PA 17754-0218. SR 1009 Section 006M unnamed tributary to Middle Creek bridge replacement, in Middle Creek Township, **Snyder County**, ACOE Susquehanna River Basin District (Freeburg, PA Quadrangle N: 11.6 inches; W: 12.0 inches).

To remove an existing bridge and construct and maintain a 6 foot by 20 foot concrete arch culvert on a skew of 57° in a tributary to Middle Creek as well as to construct a 42-inch by 29-inch corrugated metal pipe located 0.5 mile northeast located 0.5 mile northeast of Kreamer along SR 1009, in Middle Creek Township, Snyder County.

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

**E02-1367. City of Pittsburgh,** 200 Ross Street, 4th Floor, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain an aquatic restoration of Nine Mile Run (TSF) and two of its tributaries. For Nine Mile Run approximately 3,699 feet of channel will be restored. Fern Hollow (TSF) will have approximately 1,648 feet restored. This includes adjusting the alignment

to flow into an existing con-span culvert having a span of 12 feet and an underclearance of 3 feet. Operation and maintenance of this structure is part of this permit. Falls Ravine (TSF) will have approximately 508 feet restored. This permit will also authorize the removal of existing structures and the constructions and maintenance of a 36-inch diameter RCP culvert (depressed 1 foot) for a distance of approximately 12 feet in Falls Ravine. The permit authorized the filling of .29 acre of wetlands, the construction and maintenance of .29 acre of replacement wetlands, the construction and maintenance of 0.57 acre of replacement wetland to compensate for the previously approved wetland impacts at Point Marion Lock and Dam and creation of an additional 3.64 acres of wetlands. The work is part of the proposed Nine Mile Run Aquatic Restoration Project Phase 1B. The project limits along Nine Mile Run begin at the Braddock Avenue Culvert and extend to Commercial Street. The project limits for Fern Hollow begin approximately 300 feet upstream of its confluence with Falls Ravine including approximately 508 feet of Falls Ravine and extending to its confluence to Nine Mile Run (Pittsburgh East, PA Quadrangle N: 9.45 inches; W: 3.7 inches).

**E02-1397. Leetsdale Borough**, 85 Broad Street, Leetsdale, PA 15056. Leetsdale Borough, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a boat dock approximately 41 feet in length by 16 feet in width (as measured from the normal pool elevation) and to operate and maintain the existing boat launch ramp approximately 31 feet in length by 16 feet in width (as measured from the normal pool elevation) in the channel of and on the right bank of the Ohio River (WWF) for the purpose of providing public access to the river. The project is located near River Mile Marker 15, approximately 9,000 feet downstream from the Dashields Dam (Ambridge, PA Quadrangle N: 12.7 inches; W: 13.7 inches).

**E26-229. Matt Canestrone Contracting, Inc.**, P. O. Box 234, Belle Vernon, PA 15012. Luzerne Township, **Fayette County**, ACOE Pittsburgh District.

To operate and maintain an existing 3,854-foot long by 211-foot wide barge mooring facility and a 720-foot long by 50-foot wide loading facility between mile posts 62.8 and 63.5 along the right bank of the Monongahela River (WWF) and to perform maintenance dredging at this location, also, to construct and maintain a crane platform at this facility's existing mooring Cell No. 26. The project is located near LaBelle in Luzerne Township, Fayette County (California, PA Quadrangle N: 2.3 inches; W: 14.6 inches).

## SPECIAL NOTICES

### Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

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

The Department of Environmental Protection (Department) approved the Dauphin County Municipal Waste Plan Revision on March 6, 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.

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The plan revision is a public document and may be viewed at the Department regional office previously noted.

Questions concerning this approval should be sent to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472; or Mark Vottero, Regional Planning and Recycling Coordinator, Bureau of Land Recycling and Waste Management, 909 Elmerton Avenue, Harrisburg, PA 17110.

### BUREAU OF DEEP MINE SAFETY

#### Request for Variance

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau), has received a request for variance from Senate Coal Mines, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida, (724) 439-7469 or from the Bureau website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Paul L. Hummel, Acting Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401

Section 702 of the Bituminous Coal Mine Act (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 221(d) of the act requires that after an extended ventilation interruption, the electric power must be disconnected from the affected portions of the mine and personnel be evacuated from the mine. It also requires that, after the ventilation is restored, the mine must be examined before workers return to their work.

Summary of the Request: Senate Coal Mines, Inc. requests a variance during the fan stoppage of the main

mine fans when the ventilation quantity is not maintained by the backup fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiner may use nonpermissible transportation in intake airways to facilitate the making of the examination at the Ondo Mine.

[Pa.B. Doc. No. 03-518. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Storage Tank Advisory Committee Meeting Cancellation

The April 1, 2003, meeting of the Storage Tank Advisory Committee has been canceled. The next meeting is scheduled for June 3, 2003, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, Harrisburg.

Questions concerning this meeting should be directed to James Adair, (717) 772-5551, jadair@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact James Adair at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-519. Filed for public inspection March 21, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

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

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

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

Jameson Hospital Transitional Care Unit—South  
1000 South Mercer Street  
New Castle, PA 16101

These requests are on file with the Department of Health (Department). Persons may receive a copy of a

request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

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

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

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-520. Filed for public inspection March 21, 2003, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Bonus Bucks Instant Lottery Game

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

- Name:* The name of the game is Pennsylvania Bonus Bucks.
- Price:* The Pennsylvania Bonus Bucks instant lottery game ticket is a promotional item and has no sale price.
- Promotional Game Details:* Pennsylvania Bonus Bucks instant lottery game tickets will be provided to retailers to use to augment retailer promotions, to Lottery personnel and to other persons for promotional purposes as approved by the Director.
- Play Symbols:* Each Pennsylvania Bonus Bucks instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: Keystone Symbol (KYSTNE) and X Symbol (XXX).
- Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$8<sup>00</sup> (EGT DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY) and \$25\$ (TWY FIV).
- Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$6, \$7, \$8, \$9, \$10, \$15, \$20 and \$25.
- Approximate Number of Tickets Printed for the Game:* Approximately 960,000 tickets will be printed for the Pennsylvania Bonus Bucks instant lottery game.

8. *Determination of Prize Winners:*

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

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

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

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

(e) Holders of tickets with three matching Keystone Symbol (KYSTNE) play symbols in the same row, column or diagonal and a prize play symbol of \$9<sup>.00</sup> (NIN DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$9.

(f) Holders of tickets with three matching Keystone Symbol (KYSTNE) play symbols in the same row, column or diagonal and a prize play symbol of \$8<sup>.00</sup> (EGT DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$8.

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

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

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

(j) Holders of tickets with three matching Keystone Symbol (KYSTNE) play symbols in the same row, column or diagonal and a prize play symbol of \$4<sup>.00</sup> (FOR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets with three matching Keystone Symbol (KYSTNE) play symbols in the same row, column or diagonal and a prize play symbol of \$3<sup>.00</sup> (THR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets with three matching Keystone Symbol (KYSTNE) play symbols in the same row, column or diagonal and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with three matching Keystone Symbol (KYSTNE) play symbols in the same row, column

or diagonal and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$1.

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

Win	Approximate Odds	Approximate No. of Winners Per 960,000 Tickets
\$1	1:4.35	220,800
\$2	1:37.50	25,600
\$3	1:300	3,200
\$4	1:600	1,600
\$5	1:300	3,200
\$6	1:600	1,600
\$7	1:600	1,600
\$8	1:600	1,600
\$9	1:600	1,600
\$10	1:300	3,200
\$15	1:300	3,200
\$20	1:300	3,200
\$25	1:300	3,200

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

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

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

GREGORY C. FAJT,  
Acting Secretary

[Pa.B. Doc. No. 03-521. Filed for public inspection March 21, 2003, 9:00 a.m.]

## Pennsylvania I Love Lucy Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania I Love Lucy®.

2. *Price:* The price of a Pennsylvania I Love Lucy instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania I Love Lucy instant lottery game ticket will contain one play area

featuring a "Lucy Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucy Numbers" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN) and 16 (SIXTN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$120 (ONEHUNTWY) and \$12,000 (TWL THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$10, \$12, \$15, \$20, \$30, \$120 and \$12,000. A player can win up to eight times on a ticket.

6. *Second Chance Drawings:* The Pennsylvania Lottery will conduct four separate Second Chance Drawings for nonwinning Pennsylvania I Love Lucy instant lottery tickets as provided for in section 11.

7. *Approximate Number of Tickets Printed for the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania I Love Lucy instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$12,000 (TWL THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$120 (ONEHUNTWY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$120.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$30\$ (THIRTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$30.

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

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy

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

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

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

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$3.<sup>00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucy Numbers" play symbols and a prize play symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

*When Any of Your Numbers Match Any of the Lucy Numbers Win With Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$1 × 2	\$2	1:9.68	520,800
\$2	\$2	1:13.64	369,600
\$1 × 3	\$3	1:75	67,200
\$2 + \$1	\$3	1:75	67,200
\$3	\$3	1:150	33,600
\$1 × 4	\$4	1:375	13,440
\$2 × 2	\$4	1:250	20,160

*When Any of Your Numbers Match Any of the Lucy Numbers Win With Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$4	\$4	1:150	33,600
\$1 × 5	\$5	1:75	67,200
\$5	\$5	1:150	33,600
\$3 × 3 + \$1	\$10	1:100	50,400
\$2 × 5	\$10	1:100	50,400
\$10	\$10	1:150	33,600
\$3 × 4	\$12	1:750	6,720
\$4 × 3	\$12	1:750	6,720
\$12	\$12	1:1,500	3,360
\$3 × 5	\$15	1:750	6,720
\$5 × 3	\$15	1:750	6,720
\$15	\$15	1:250	20,160
\$4 × 5	\$20	1:750	6,720
\$5 × 4	\$20	1:750	6,720
\$20	\$20	1:1,500	3,360
\$10 × 3	\$30	1:4,138	1,218
\$15 × 2	\$30	1:4,800	1,050
\$30	\$30	1:4,800	1,050
\$10 × 6 + \$30 × 2	\$120	1:60,000	84
\$30 × 4	\$120	1:60,000	84
\$120	\$120	1:60,000	84
\$12,000	\$12,000	1:840,000	6

10. *Second Chance Drawing Requirements:*

(a) To be eligible for one of the Second Chance Drawings, players must complete the back of the nonwinning Pennsylvania I Love Lucy instant lottery game ticket in a legible manner, including the player's name, complete address, telephone number and signature.

(b) The player shall affix proper postage to the non-winning Pennsylvania I Love Lucy instant lottery ticket and mail same to the I Love Lucy address shown in the lower right portion of the ticket back.

(c) Nonwinning Pennsylvania I Love Lucy instant lottery tickets received in an envelope will not be eligible and will be disqualified. The only exception is for non-winning Pennsylvania I Love Lucy instant lottery tickets received in a United States Post Office damaged in mail process envelope.

(d) Pennsylvania I Love Lucy instant lottery tickets that win cash prizes and that are submitted to the I Love Lucy Second Chance Drawing address will not be paid or honored.

(e) To be eligible for a Second Chance Drawing, non-winning Pennsylvania I Love Lucy instant lottery tickets must be received by the Pennsylvania Lottery as follows:

<i>Entry Deadline</i>	<i>Second Chance Drawing</i>
1st Drawing—May 2, 2003	Week of May 5, 2003
2nd Drawing—May 30, 2003	Week of June 2, 2003
3rd Drawing—June 27, 2003	Week of June 30, 2003
4th Drawing—August 1, 2003	Week of August 4, 2003

11. *Second Chance Drawing Procedures:*

(a) *Frequency.* Four Second Chance Drawings will be held at Lottery Headquarters. The first Second Chance Drawing will be held the week of May 5, 2003, the second the week of June 2, 2003, the third the week of June 30, 2003 and the fourth the week of August 4, 2003. The odds

of an entry's being selected in a Second Chance Drawing depend upon the number of entries received.

(b) *Eligibility for Second Chance Drawings.* To be eligible for a Second Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery will make a reasonable effort to ensure that each Second Chance entry is entered into one of the Second Chance Drawings. The Lottery assumes no responsibility for a lost or misplaced entry not entered into a Second Chance Drawing.

(2) A Second Chance entry is eligible for only one Second Chance Drawing. An entry that is not in one eligible group, may, at the discretion of the Director, remain eligible for a subsequent Second Chance Drawing.

(3) If a Second Chance entry is rejected during or following a Second Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) *Manner of conducting the Second Chance Drawings.*

(1) A computer-generated randomizer will be used to select boxes at each of the four drawings. The randomizer will first select one box from which a Grand Prize winner will be drawn. As each entry ticket is selected, it will be verified. If the selected entry is declared invalid, another entry will be selected from the same box until a valid entry has been chosen. After the Grand Prize entry is selected and verified, the ticket will be validated by entering the ticket information into the computerized instant ticket database to verify appropriate pack status. The Grand Prize winner will receive a home entertainment system, Lucy video collection and two I Love Lucy prize packages.

(2) The computer-generated randomizer will then be used to select 25 boxes. Ten prize package winners will be drawn from each of the 25 boxes. The randomizer will not be programmed to eliminate the possibility of the same



box being selected more than once. As each entry ticket is selected, it will be verified. If the selected entry is declared invalid, another entry will be selected from the same box until a valid entry has been chosen. After all prize package entries have been selected and verified, further validation will take place by verifying the status of the ticket drawn by entering the ticket information into the computerized instant ticket database. The 250 validated entries will each win an I Love Lucy prize package.

(3) All winning and verified entries will be recorded and placed on a "winners list" to be forwarded to Media Drop-In Productions for prize distribution.

(4) The procedures described in paragraphs (1)—(3) will be repeated for each of the four I Love Lucy Second Chance Drawings set forth in subsection (a).

(5) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(d) The payment of a prize awarded in the Second Chance drawings to a person who dies before receiving the prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

#### 12. *Second Chance Prize Descriptions:*

(a) *Grand Prize.* A home entertainment center featuring a 57 inch Sony big screen, high scan, rear projection television, a Sony Home Theater Dream System which includes a DVD player, power amplifier, five speakers and a subwoofer and a two-volume video collection featuring the top 10 "I Love Lucy" episodes.

(b) *I Love Lucy Prize Package.* Each prize package will include one of each of the following items:

(1) "Lucy is Enceinte" Limited Edition Print. The 16 inch by 20 inch, framed and matted limited edition artwork depicts a moment that changed the course of broadcasting history and created a National sensation during the 1952 television season.

(2) Leather Travel Bag with "I Love Lucy" Luggage Tag. This 20 inch by 12 inch all-leather travel bag features a center lid, double zipper opening, two outside pockets, an adjustable/detachable shoulder strap and is ornamented with a "I Love Lucy" travel tag.

(3) "Chocolate Factory" Neon Clock and Watch. This classically styled neon clock captures that magical moment when Lucy and Ethel race to wrap the chocolates whizzing past them on a conveyor belt. The clock can be set to blink or stay solid, and can be plugged in or run on batteries. The watch has a black leather band with a silver frame and features the famous "I Love Lucy" heart shaped logo.

(4) "Vitameata-vegamin" Blanket/Throw. This multi-purpose blanket/throw features an image that retells the story of how Lucy weaseled her way onto a TV show by becoming the spokeswoman for a health tonic that's 23% alcohol.

(5) "California Here We Come" Umbrella. This 42 inch umbrella depicts the gang piling into the car and heading west (episode is the day before the Richardos and Mertzes are scheduled to head to California, it rains laughs when Lucy's mother decides to join them).

(6) "I Love Lucy" Monopoly Game. Play the "I Love Lucy" Monopoly game and try to accumulate the funniest "I Love Lucy" episodes ever.

(7) "Friends Forever" Coffee Mug. This coffee mug is made of high quality ceramic and features Lucy and Ethel—friends forever.

(c) The Lottery reserves the right to substitute a merchandise item set forth in subsection (b)(1)—(7) with a merchandise item of equal or greater value.

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

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

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

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

GREGORY C. FAJT,  
*Acting Secretary*

[Pa.B. Doc. No. 03-522. Filed for public inspection March 21, 2003, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), published at 32 Pa.B. 6424 (December 28, 2002) a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

#### *Correction of Station Name*

As an addendum to the listing of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the following correction of name for station number R3:

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17402.

The correct station name is:

YIS, Inc., 1049 North Hartley Street, York, York County, PA 17402.

Comments, suggestions or questions should be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 32 Pa.B. 6424 (December 28, 2002).

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

[Pa.B. Doc. No. 03-523. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Eat 'n Park Hospitality Group, seeking to lease highway right-of-way located on the westerly side of SR 0019 (LR 02269) section 2T, City of Pittsburgh, Allegheny County, containing 3,800± square feet or 0.087± acre, for purposes of parking and landscaping.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Ray S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use should be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

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

[Pa.B. Doc. No. 03-524. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by the Pittsburgh Public Schools, Operations Office/Facilities, 1305 Muriel Street, Pittsburgh, PA seeking to lease highway right-of-way located on the northerly side of SR 0065 (LR 1039, Section 4) adjacent to Faulsey Way, Page Street and Blake Way, Allegheny County, containing 30,000± square feet or 0.69± acre adjacent to Chateau Street, for purposes of vehicle parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Ray S. Hack,

P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

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

[Pa.B. Doc. No. 03-525. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by the Port Authority of Allegheny County, 345 Sixth Avenue, Third Floor, Pittsburgh, PA seeking to lease highway right-of-way located on the northerly side of SR 0279 (LR 1021 Section 003) in the City of Pittsburgh, Allegheny County, containing 91,040± square feet or 2.09± acres between SR 0279 and Ivory Avenue for purposes of vehicle parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Ray S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

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

[Pa.B. Doc. No. 03-526. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by J. Andrew Tambellini d/b/a Louis Tambellini's Restaurant, Inc., 860 Saw Mill Run Boulevard, Pittsburgh, PA seeking to lease highway right-of-way located on the westerly side of SR 0051 along Saw Mill Run Boulevard (formerly Donald R. Beech property) in the City of Pittsburgh, Allegheny County, containing 25,265± square feet or 0.58± acre adjacent to SR 0051 for purposes of vehicle parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Ray S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

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

[Pa.B. Doc. No. 03-527. Filed for public inspection March 21, 2003, 9:00 a.m.]

§ 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. 03-528. Filed for public inspection March 21, 2003, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

Joseph Sweeney, Rocky Knoll Farm v. DEP; EHB  
Doc. No. 2003-057-K

Joseph Sweeney, Rocky Knoll Farm has appealed the denial by the Department of Environmental Protection of an NPDES-CAFO permit to same for a facility in West Lampeter Township, Lancaster 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 at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

## FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Upper Hereford Manor Lake, Beaver County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Upper Hereford Manor Lake, Beaver County, in anticipation of a possible draw down of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species except trout, effective immediately and until fish salvage operations are complete. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable. These temporary modifications will be in effect until further notice but in no event will they remain in place after January 1, 2004.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-529. Filed for public inspection March 21, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 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's 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. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-425	State Board of Barber Examiners Deletion of Examination Fees (32 Pa.B. 5416 (November 2, 2002))	12/2/02	3/6/03
16A-603	State Board of Vehicle Manufacturers, Dealers and Salespersons Vehicle Auction License (32 Pa.B. 5418 (November 2, 2002))	12/2/02	3/6/03

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-604	State Board of Vehicle Manufacturers, Dealers and Salespersons Established Place of Business for Dealers (32 Pa.B. 5417 (November 2, 2002))	12/2/02	3/6/03
16A-607	State Board of Vehicle Manufacturers, Dealers and Salespersons Consignment Sales (32 Pa.B. 6134 (December 14, 2002))	1/13/03	3/6/03
64-3	Treasury Department Estimation Calculations for Determining Unclaimed Property Liability (32 Pa.B. 5893 (November 30, 2002))	12/30/02	3/10/03
8-3	Department of General Services General Conditions of Contract (32 Pa.B. 5277 (October 26, 2002))	11/25/02	3/10/03
4-72	Department of Community and Economic Development Industrial Housing (32 Pa.B. 5075 (October 12, 2002))	11/12/02	3/10/03

**State Board of Barber Examiners  
Regulation No. 16A-425**

**Deletion of Examination Fees**

**March 6, 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 Barber Examiners (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 3.103. Fees.—Clarity**

This proposed rulemaking deletes eight examination fees. They are being deleted because a professional testing organization administers the examinations and sets the fees.

Section 3.41 (a) requires applications for examinations to be filed with the Board. However, the Board's website instructs applicants to submit applications directly to the testing organization.

Section 3.45 (b) states that applicants may request a personal interview with the Board for review of examination papers. However, the Board does not administer the examination and no longer provides opportunities for personal interviews.

The Board has acknowledged that these sections are outdated. We recommend that the Board incorporate any changes to these sections in the final-form regulation. This would provide the regulated community a clearer understanding of how the examination process works.

**State Board of Vehicle Manufacturers,  
Dealers and Salespersons Regulation No. 16A-603**

**Vehicle Auction License**

**March 6, 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. § 745.5b) which have not been met. The State Board of Vehicle Manufacturers, Dealers and Salespersons (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 19.19. Standards of licensure for retail or public auction. Section 19.20. Standards of licensure for wholesale auction.—Consistency with existing statutes; Reasonableness; Clarity.**

Sections 19.19 and 19.20 both contain subsections that are virtually identical in structure and language. The following paragraphs outline questions and concerns with subsections that are in both sections.

*Subsection (a)(2). Auction activities from an established place of business*

This provision prohibits a business from conducting auction related activities other than from its established place of business. A commentator stated that it accepts bids on vehicle auctions from remote bidders via the Internet and requests that the regulation specifically allow for this type of bidding. The Board should clearly indicate in the final-form regulation whether vehicle auctions with established places of business in this Commonwealth can conduct business via the Internet and other electronic or telephonic methods.

*Subsection (b)(1). Permanent enclosed building*

This provision requires an established place of business for a public or retail auction to include a permanent

enclosed building “for use as an auction facility.” A commentator has questioned the feasibility of this provision since salvage vehicles typically are not operable and cannot be driven into an enclosed building. Is it the Board’s intent to require the sale to take place within the enclosed building?

*Subsection (b)(5). Certificate of occupancy*

The proposed regulation directs auctions to possess a certificate of occupancy issued pursuant to the Fire and Panic Act. Because pertinent provisions of the Fire and Panic Act were repealed by enactment of the Pennsylvania Construction Code (35 P. S. §§ 7210.101–7210.1103), the regulation should be updated to reference current law.

**2. Section 19.19. Standards of licensure or public auction.—Public safety; Reasonableness; Need; Clarity.**

*Subsection (b)(8)*

This subsection describes the requirements for a public or retail auction vehicle display area. In comments dated February 25, 2003, the House Professional Licensure Committee questioned whether a display area open to the public for auctions should be required to abide by the same safety requirements mandated for dealer display areas.

In the Preamble of this proposed regulation, the Board indicates that Act 27 was not intended to apply the same facility requirements to auctions that apply to dealers. However, the Board adds in the Preamble that “public safety considerations demand that the Board provide minimum requirements for auction facilities.” The Board should review and justify the minimum requirements that it intends to place on public or retail auctions including the grading and surfacing requirements for dealers in 49 Pa. Code § 19.18(3).

**State Board of Vehicle Manufacturers,  
Dealers and Salespersons Regulation No. 16A-604**

**Established Place of Business for Dealers**

**March 6, 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. § 745.5b) which have not been met. The State Board of Vehicle Manufacturers, Dealers and Salespersons (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 19.18. Established place of business for dealers.—Protection of public safety; Clarity.**

Paragraph (3)(ii) states that a dealership may display up to five vehicles without regard for grading or surfacing requirements “so long as customers are not permitted to be present in the nonconforming area.” The House Professional Licensure Committee questioned how the public will be kept out of the nonconforming display area when dealership personnel are not present or during non-business hours. We agree and question how public safety will be protected. In addition, will dealerships be held responsible for keeping the public out of “nonconforming areas”? The Board should add requirements to make areas inaccessible to the public or provide additional

justification for this amendment when it submits the final-form regulation.

**State Board of Vehicle Manufacturers,  
Dealers and Salespersons Regulation No. 16A-607**

**Consignment Sales**

**March 6, 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 Vehicle Manufacturers, Dealers and Salespersons (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 19.18a. Consignment sales.—Clarity.**

The House Professional Licensure Committee recommends that the Board adopt minimum size and clarity specifications for the written disclosure required by subsection (d) to ensure proper notice to potential buyers. We agree. The Board should consider requiring use of standard language and specifying a minimum font size for this notice.

**Treasury Department Regulation No. 64-3**

**Estimation Calculations for Determining Unclaimed  
Property Liability**

**March 10, 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 Treasury Department (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 951.8. Estimation calculations.—Clarity.**

The second paragraph of this section begins with the phrase “Where no holder’s records exist. . . .” This language expresses the negative in the actor. However, the negative in this instance belongs with the action, not the actor. Therefore, the Department should change the language in this section to read “Where a holder’s records do not exist. . . .”

**Department of General Services Regulation No. 8-3**

**General Conditions of Contract**

**March 10, 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 Department of General Services (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.

**General.—Consistency with existing regulations.**

This proposed rulemaking repeals existing Chapter 63. The Department should review the other chapters of Title 4 to delete outdated references to Chapter 63. For example, 68.61 references a document contained in Exhibit A of Chapter 63. Upon final promulgation of the proposed rulemaking, this reference will be obsolete.

**Department of Community and Economic  
Development Regulation No. 4-72**

**Industrial Housing**

**March 10, 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 Department of Community and Economic Development (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 145.36. Applicability of locally-enacted codes and ordinances.—Statutory authority, Reasonableness; Clarity.**

Subsection (e) provides that these regulations will not apply to local codes, ordinances or regulations except where “local codes, ordinances or regulations preclude the siting of industrialized housing in a manner that does not show a reasonable relationship to legitimate public health, safety or welfare considerations.” We understand that this language is consistent with the decision of the Pennsylvania Supreme Court in *Geiger v. Zoning Hearing Board of the Township of North Whitehall*, 507 A.2d 361 (1986). However, we question how these regulations will apply in those situations. Nothing in either the Court’s opinion or in the Industrialized Housing Act authorizes the Department to oversee local ordinances, codes or regulations. The Department should justify its authority to do so, or delete this provision.

If the Department demonstrates that it has this authority, it should explain how it would enforce this provision. It should also explain how it would determine whether local ordinances, codes or regulations are needed to protect the public health, safety or welfare. The final-form regulation should include the criteria upon which this determination will be based.

**2. Section 145.53. Variations.—Clarity.**

The Modular Building Systems Association commented that it is unclear if third party review and approval of plans is required for every building. This section appears to require preconstruction approval of plans and specifications for every building that varies to any degree from previously approved building system documentation. Is this the Department’s intent? If not, the final-form regulation should clearly set forth the circumstances under which preconstruction approval is required for variations from a previously approved building system design.

**3. Section 145.72a. Frequency of inspections.—Reasonableness; Clarity.**

Subsection (d) requires dwelling units to be selected for inspection “in a manner and frequency necessary to confirm that the manufacturer’s approved compliance control program is effective in assuring installation consistent with the manufacturer’s approved building system documentation.” What criteria will be used to judge “in a manner and frequency necessary. . .”?

Also under subsection (d), the final-form regulation should specify the time frame within which a manufacturing facility must produce the documentation of an onsite inspection when the Department requests it.

**4. Section 145.94. Fees.—Need; Clarity.**

*Subsection (e)*

This subsection lists fees which the manufacturer “may be required to pay” when the Department is authorized to monitor or inspect or provide evaluation services. As written, this provision could be interpreted to mean that the fees for the services rendered by the Department in paragraphs (1)—(3) are optional. Subsection (e) should be revised to clearly state that if the Department renders any of the services in paragraphs (1)—(3), the corresponding fees for these services will be assessed.

*Subsection (f)*

Existing subsection (f) authorizes the Department to establish “reasonable handling and other administrative fees as indicated elsewhere in this chapter. . .” Is this subsection necessary given that the Department is updating all the fees in this proposed regulation? What other “handling” and “administrative” fees would apply?

**5. Miscellaneous clarity issue.**

The first sentence of the Preamble, as published in the *Pennsylvania Bulletin*, contains a typographical error in the citation to the Department’s statutory authority. The Preamble to the final-form regulation should list the Department’s statutory authority as 35 P. S. § 1651.5.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-530. Filed for public inspection March 21, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Alleged Violation of Insurance Laws; Howard Pindell; Doc. No. SC03-02-011**

Notice is hereby given of the Amended Order to Show Cause issued on March 6, 2003, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violation of the following is alleged: sections 602, 604, 605, 633.1 and 639 of the Insurance Department Act of 1921 (40 P. S. §§ 232, 234, 235, 273.1 and 279); and 31 Pa. Code §§ 37.17, 37.46 and 37.47 (relating to collection of premiums requires certificate or license; standards for denial of certificate/license; and revocation, suspension, nonrenewal of certificates and licenses).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S.

§§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-531. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Application for Acquisition of a Controlling Interest

Appaloosa Partners Inc., a Delaware corporation engaged in the business of investment management, has filed an application to acquire a controlling interest of Colonial Penn Life Insurance Company and Conseco Senior Health Insurance Company. The initial filing was received on March 5, 2003, and was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1516). Persons wishing to comment on the grounds of public or private interest in this acquisition of control are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-532. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Application for Approval to Acquire Control

Markus Rohrbasser has filed an application to acquire control of The Mountbatten Surety Company, Inc., a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1516). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsyl-*

*vania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-533. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Application for Approval to Acquire Control

Edmond D. Villani has filed an application to acquire control of The Mountbatten Surety Company, Inc., a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1516). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-534. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Application for Increase In Underwriting Authority of a Domestic Stock Property Insurance Company

Hanover Fire and Casualty Insurance Company (Hanover Fire), a domestic stock property insurance company, has filed an application to increase its classes of underwriting authorities. The class of insurance that Hanover Fire has applied to add is other liability as mentioned in section 202(c)(4) of The Insurance Company Law of 1921 (40 P. S. § 382(c)(4)). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert A. Kotal, Company Licensing Division, Insurance

Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rkotal@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-535. Filed for public inspection March 28, 2003, 9:00 a.m.]

**David Dexter, M.D.; Prehearing**

**Appeal of David Dexter, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-03-006**

On or before April 17, 2003, the appellant shall file a concise statement setting forth the factual and legal basis for his disagreement with MCARE's January 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs and may not exceed two pages.

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for April 30, 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 21, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone 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 by April 17, 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 by April 24, 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. 03-536. Filed for public inspection March 21, 2003, 9:00 a.m.]

**Clarence J. Hall, III a/k/a Joseph Hall; Harbour Entertainment & Sports Insurance; a/k/a Harbour Sports & Entertainment Insurance; a/k/a Harbour Insurance; a/k/a Harbour Special Events; Harbour Insurance Management and Harbour Protective Insurance Service; Doc. No. MS03-03-012**

A prehearing conference is scheduled for March 24, 2003, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. A hearing shall occur on March 28, 2003, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

On or before March 21, 2003, each party shall file, by facsimile at (717) 787-8781, with the Administrative Hearings Office and serve upon the other party by facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 21, 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 March 28, 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. 03-537. Filed for public inspection March 21, 2003, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; COMPLETEcare Plan; Rate Filing**

By filing no. 1-CCP-03-HBCBS, Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its COMPLETEcare Plan. The filing requests an increase of about 19.3% of current premium, or an average of \$34.93 per contract per month. This will affect about 36,000 contract holders and will



produce additional annual premium income of about \$15 million. The requested effective date of the change is July 1, 2003.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-538. Filed for public inspection March 21, 2003, 9:00 a.m.]

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### Douglas E. Keck; Prehearing

#### **Appeal of Douglas E. Keck under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF03-03-003**

A telephone prehearing telephone conference initiated by this office is scheduled for April 15, 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 29, 2003, at 10 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, 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.

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 part 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 party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 15, 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 22, 2003.

Persons with a disability who wish to attend the this administrative hearing and require an auxiliary aid,

service or other accommodation to participate in the hearing should Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-539. Filed for public inspection March 21, 2003, 9:00 a.m.]

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### Augustin Lugido, M.D.; Prehearing

#### **Appeal of Augustin Lugido, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-03-007**

On or before April 16, 2003, the appellant shall file a concise statement setting forth the factual and legal basis for his disagreement with MCARE's February 4, 2003, determination. The statement may be in narrative form or in numbered paragraphs and may not exceed two pages.

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for April 30, 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 21, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone 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 by April 16, 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 by April 23, 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. 03-540. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Main Street Garage; Prehearing

**Appeal of Main Street Garage under the Storage Tank and Spill Prevention Act; Underground Tank Indemnification Fund; USTIF File No. 01-186 (M); Doc. No. UT03-3-006**

A prehearing telephone conference initiated by this office is scheduled for April 17, 2003, at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference on or before May 21, 2003. A hearing shall occur on May 8, 2003, at 10 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

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 by April 24, 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 by April 30, 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. 03-541. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Mt. Pocono Care Center; Prehearing

**Appeal of Mt. Pocono Care Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-03-008**

On or before April 17, 2003, the appellant shall file a concise statement setting forth the factual and legal basis for its disagreement with MCARE's January 10, 2003, determination. The statement may be in narrative form or in numbered paragraphs and may not exceed two pages.

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for May 1, 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 21, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone 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 by April 17, 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 by April 24, 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. 03-542. Filed for public inspection March 21, 2003, 9:00 a.m.]

**Vallemont Surgical Associates; Prehearing****Appeal of Vallemont Surgical Associates under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-03-004**

On or before April 16, 2003, the appellant shall file a concise statement setting forth the factual and legal basis for its disagreement with MCARE's December 18, 2002, determination. The statement may be in narrative form or in numbered paragraphs and may not exceed two pages.

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for April 30, 2003, at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 21, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone 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 by April 16, 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 by April 23, 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. 03-543. Filed for public inspection March 21, 2003, 9:00 a.m.]

**PENNSYLVANIA MUNICIPAL RETIREMENT BOARD****Hearings Schedule**

Hearings have been scheduled, as authorized by the Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.501), in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

April 21, 2003	Sandra Hunt Keller (Requested Benefit)	1 p.m.
May 5, 2003	George Markowsky (Disability)	1:30 p.m.
May 19, 2003	Patrick J. Hearn	1:30 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Tina Eisenhart at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,  
*Secretary*

[Pa.B. Doc. No. 03-544. Filed for public inspection March 21, 2003, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION****Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Each protest should indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 14, 2003. Documents filed in support of the applications 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 business address of the respective applicant.

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

**A-0011962. E.M.T.S. Corporation** (19 W. Water Street, Muncy, Lycoming County, PA 17756), a corporation of the Commonwealth—persons for Kramm Nursing Home, Kramm Healthcare Center, Riverwoods, Rolling Hills Manor and Zendt Home, between points in the Counties of Juniata, Northumberland and Union, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-00119624. Henry K. Umble t/d/b/a Umble Taxi Service** (314 Highland Road, Atglen, Chester County, PA 19310)—persons in paratransit service, whose personal convictions prevent them from owing or operating motor vehicles, between points in the Counties of Chester and Lancaster, and from points in said counties, to points in Pennsylvania, and return.

**A-00119612. Betty B. Pearson and Luther L. Pearson t/d/b/a Pearson Shuttle Service** (358 Pine Grove Road, Nottingham, Chester County, PA 19362)—persons in paratransit service, between points in the Counties of Chester and Lancaster, and from points in said counties, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.**

**A-00118809, Folder 1, Am-A. Carol J. Ahmed t/d/b/a Nittany Express Airport Shuttle** (2526 Shingletown Road, State College, Centre County, PA 16801)—for amendment to common carrier certificate, which grants the right, to transport, by motor vehicle, persons in airport transfer service, from points in the Borough of State College, Centre County, to the University Park Airport located in the Township of Benner, Centre County: *So As To Permit* the transportation of persons in airport transfer service, from points in the Counties of Allegheny, Blair, Cambria, Centre, Dauphin, Huntingdon, Jefferson, Lycoming and Philadelphia, to the University Park Airport located in Benner Township, Centre County.

**Applications of the following for the *approval* of the *transfer of stock* as described under each application.**

**A-00115789, F. 5000. Adamo Limousine, LTD** (P. O. Box 3357, Easton, Northampton County, PA 18045), a corporation of the Commonwealth—for the approval of the transfer of 100 shares of issued and outstanding shares held by John Adam Parr to Randall A. Weston. *Attorney:* Michael W. Hassell, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

**A-00118815, F. 5000. Eastern Trans., Inc.** (P. O. Box 1853, Southeastern, Chester County, PA 19399), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of all of the issued and outstanding 100 shares of stock from Inna Friedman to Walter Mirons.

**Application of the following for approval of the right to *begin* to operate as a *broker* for the transportation of *persons* as described under the application.**

**A-00119620. Champ Services, Inc.** (4601 Wellington Drive, Bensalem, Bucks County, PA 19020), a corporation of the Commonwealth—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania.

**Application of the following for *amendment* to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-00097168, Folder 2, Am-B. H. E. Rohrer, Inc. t/d/b/a Rohrer Bus Service** (P. O. Box 100, 1515 State Road, Duncannon, Perry County, PA 17020), a corporation of the Commonwealth—discontinuance of service—(1) persons and hand baggage, on a scheduled route between Selinsgrove, Snyder County, and Sunbury, Northumberland County, via Hummels Wharf, Rolling Green Park, Shamokin Dam, Snyder County. *Additional Rights:* beginning at the intersection of Third and Market Streets in the City of Sunbury, Northumberland County, thence east on Market Street to Hass Avenue, thence south on Hass Avenue to east end of Susquehanna Silk Mills and returning via same route to place of beginning; beginning at the intersection of Third and Market Streets in the City of Sunbury, Northumberland County, thence east on Market Street to Tenth Street, thence south on Tenth Street to Lenker Avenue, thence east on Lenker Avenue to west end on Susquehanna Silk Mills. *Additional Right:* to operate service as an extension of its presently authorized service in the City of Sunbury, over the following route: beginning at the intersection of Third and Market Streets in the City of Sunbury, thence over streets in the said city to the H.D. Bob Shirt Factory, and return; (2) persons from points in the certificate holder's presently certificated route south of Penn Street in the City of Sunbury, Northumberland County, to the plant of the Westinghouse Electric and Manufacturing Company in the said city, and vice versa; beginning at Market Street, thence via Front Street, Julia Street and Susquehanna Avenue to the said plant and returning via Front Street; provided that the right is granted to issue transfers with the S. & N. Transit Co. at the Public Square in the City of Sunbury for transportation to and from said plant; (3) persons on schedule, over the following alternate route in the City of Sunbury, Northumberland County; beginning at the intersection of Front and Bainbridge Streets, thence via Bainbridge Street to Second Street, thence via Second Street to Market Street; beginning at the intersection of Front and Walnut Streets, thence via Walnut Street to Lenker Avenue; beginning at the intersection of Front and Chestnut Streets, thence via Chestnut Street to Woolverton Street, thence via Woolverton Street to Tenth Street, thence via Tenth Street to Penn Street, thence via Tenth Street to Penn Street, thence via Penn Street to Lenker Avenue, thence via Lenker Avenue to Miller Street, thence via Miller Street to the plant of the Susquehanna Silk Mill Company; beginning at the intersection of Walnut Street and Fourth Street, thence via Fourth Street to Market Street; beginning at the intersection of Market Street and Woolverton Street thence via Woolverton Street to Tenth Street; right (3) subject to the following condition: that the rights powers and privileges herein granted shall include the right to render through service between points on the previously described alter-

nate routes and points on the certificate holder's presently certificated routes without the change of buses; (4) persons over an alternate route: beginning at the intersection of Highway Route 11 and the western end of the Bainbridge Street Bridge, thence continuing on Highway Route 11 as relocated, to its intersection with Old Highway Route 11 at the north end of the bridge crossing Penn's Creek; right (4) subject to the following condition: that the rights herein granted shall include the right to render through service between points on the alternate route and points on the applicant's presently certificated route between the Borough of Selinsgrove, Snyder County, and the City of Sunbury, Northumberland County; (5) persons and hand baggage over the following routes: *Alternate Route*: beginning at the intersection of Market Street and Mill Street in the Borough of Selinsgrove, thence on Mill Street, Orange Street and Pine Street to the terminal at Market Street, thence continuing on Market Street, Mill Street, Orange Street and U.S. Highway Route 522 to its intersection with U.S. Highway Route 11 (15), thence returning on U.S. Highway Route 522 to Orange Street, thence on Orange Street: Spur Routes (in either direction): beginning at the intersection of Market and Pine Streets, thence on Pine Street to Susquehanna University; beginning at the intersection of Pine and High Streets, thence on High Street and Bough Street to an alley at Groce's Silk Mill, thence via said alley, Sassafras Street and High Street to Pine Street, the place of beginning; beginning at the intersection of Market and Pine Streets, thence on Market Street and Township Road 393 to the Selinsgrove Fairgrounds; and (6) persons employed at the Selinsgrove State School in the Borough of Selinsgrove, Snyder County, from the Boroughs of Montandon and Milton, Northumberland County, Lewisburg and Mifflinburg, Union County, Middleburg and Beavertown, Snyder County, and the Villages of Kratzerville, Kreamer and Kantz, Snyder County, to the said school, and vice versa.

#### **Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Community Cab Co., Inc.; Doc. No. A-00109270C02*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Community Cab Co., Inc., respondent, maintains its principal place of business at 2 Bala Plaza #716, Bala Cynwyd, PA 19004-1501.
2. That respondent was issued a certificate of public convenience by this Commission on September 5, 1990, at Docket No. A-00109270.
3. That, on August 25, 2000, respondent was sent an initial assessment of \$55. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$55.
4. That respondent has an outstanding assessment of \$55. Furthermore, respondent does not have current evidence of insurance on file with this Commission.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

WHEREFORE, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Michael E. Hoffman, Director

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assess-

ment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services,  
Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. H. P. Redick; Doc. No. A-00089089C02; A-00089089*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That H. P. Redick, respondent, maintains its principal place of business at R.D. 2, Clarion, PA 16214.

2. That respondent was issued a certificate of public convenience by this Commission on August 17, 1962, at Application Docket No. A-00089089.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00089089.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Michael E. Hoffman

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

### Complaint

A-00067250C0202

A-00067250  
Fs. 2, 19 & 21

MATLACK INC  
PO BOX 8789  
WILMINGTON, DE 19899

Re: Matlack, Inc.

Dear Respondent:

On December 19, 2002, the Bureau of Transportation and Safety instituted a Complaint against Matlack, Inc., respondent, alleging failure to pay outstanding assessments of \$14,298 for the fiscal years 2001 & 2002, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Bureau of Transportation and Safety notified the Respondent that it must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would

request the Commission issue an order cancelling respondent's Certificate of Public Convenience, directing the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notifying the Pennsylvania Department of Revenue and respondent's insurance carriers that respondent's Certificate is revoked.

The Complaint was served on respondent on December 30, 2002. To date, more than twenty days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the Certificate of Public Convenience, issued to respondent at A-00067250 Fs. 2, 19 & 21, is hereby cancelled.

Furthermore, this Commission will put an administrative hold on respondent's vehicle registrations. Respondent will NOT be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue  
Bureau of Audit Programs  
Sales and Use Taxes  
Tenth Floor, Strawberry Square  
Harrisburg, PA 17128-1061

and on respondent's insurance carriers:

Zurich American Insurance Company  
1818 Market St., Suite 3203  
Philadelphia, PA 19103

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

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

Very truly yours,  
James J. McNulty  
Secretary

### **Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. J. Falbo Italian Cheese Co., Inc.; Doc. No. A-00112881C0202; A-00112881, F. 2S.*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That S. J. Falbo Italian Cheese Co., Inc., respondent, maintains its principal place of business at 9 Empire Blvd., Moonachie, NJ 07074.

2. That respondent was issued a certificate of public convenience by this Commission on August 18, 1997 at Application Docket No. A-00112881, F. 2.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke S. J. Falbo Italian Cheese Co., Inc.'s Certificate of Public Convenience at A-00112881, F. 2.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Michael E. Hoffman

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transpor-

tation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Pave-Rite, Inc.; Doc. No. A-00113706C0201; A-00113706*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Pave-Rite, Inc., respondent, maintains its principal place of business at 819 High Plain Drive, Bel Air, MD 21014.

2. That respondent was issued a certificate of public convenience by this Commission on April 4, 1997 at Application Docket No. A-00113706.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Pave-Rite, Inc.'s Certificate of Public Convenience at A-00113706.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Michael E. Hoffman

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

### Complaint

A-00116785C0202

A-00116785  
F.2

WORLDWIDE DEDICATED SERVICES INC  
990 HAMMOND DRIVE  
SUITE 400  
ATLANTA GA 30328

Re: Worldwide Dedicated Services, Inc.

Dear Respondent:

On December 31, 2002, the Bureau of Transportation and Safety instituted a Complaint against Worldwide Dedicated Services, Inc., respondent, alleging failure to pay outstanding assessments of \$14,462 for the fiscal year 2002, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Bureau of Transportation and Safety notified the Respondent that it must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission issue an order cancelling respondent's Certificate of Public Convenience, directing the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notifying the Pennsylvania Department of Revenue and respondent's insurance carriers that respondent's Certificate is revoked.

The Complaint was served on respondent on January 6, 2003. To date, more than twenty days later, respondent has failed to file an Answer to the Complaint.



Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the Certificate of Public Convenience, issued to respondent at A-00116785 F.2, is hereby cancelled.

Furthermore, this Commission will put an administrative hold on respondent's vehicle registrations. Respondent will NOT be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue  
Bureau of Audit Programs  
Sales and Use Taxes  
Tenth Floor, Strawberry Square  
Harrisburg, PA 17128-1061

and on respondent's insurance carriers:

American Home Assurance Company  
70 Pine Street  
New York, NY 10270

Liberty Mutual Fire Insurance Company  
175 Berkeley St.  
Boston, MA 02110

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

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

Very truly yours,  
James J. McNulty  
Secretary

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-545. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Telecommunications

**A-311103F7001. Verizon North Inc. and Adelphia Business Solutions Investments, LLC.** Joint petition of Verizon North Inc. and Adelphia Business Solutions Investments, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Adelphia Business Solutions Investments, LLC, by its counsel, filed on February 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of

an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Adelphia Business Solutions Investments, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-546. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Telecommunications

**A-311214F7001. Verizon North Inc. and Adelphia Business Solutions Investments East, LLC.** Joint petition of Verizon North Inc. and Adelphia Business Solutions Investments East, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Adelphia Business Solutions Investments East, LLC, by its counsel, filed on February 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Adelphia Business Solutions Investments East, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-547. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Telecommunications

**A-310923F7001. Verizon North Inc. and Adelphia Business Solutions Operations, Inc.** Joint petition of Verizon North Inc. and Adelphia Business Solutions Operations, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Adelphia Business Solutions Operations, Inc., by its counsel, filed on February 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Adelphia Business Solutions Operations, 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. 03-548. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Telecommunications

**A-310470F7001. Verizon North Inc. and Adelphia Business Solutions of Pennsylvania, Inc.** Joint petition of Verizon North Inc. and Adelphia Business Solutions of Pennsylvania, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Adelphia Business Solutions of Pennsylvania, Inc., by its counsel, filed on February 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Adelphia Business Solutions of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-549. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Telecommunications

**A-310701F7001. Verizon North Inc. and Cat Communications International, Inc. d/b/a CCI.** Joint petition of Verizon North Inc. and Cat Communications International, Inc. d/b/a CCI for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Cat Communications International, Inc. d/b/a CCI, by its counsel, filed on March 10, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon North Inc. and Cat Communications International, Inc. d/b/a CCI 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. 03-550. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Telecommunications

**A-311221F7001. Verizon North Inc. and Mountain Communications LLC d/b/a ProCom.** Joint petition of Verizon North Inc. and Mountain Communications LLC d/b/a ProCom for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Mountain Communications LLC d/b/a ProCom, by its counsel, filed on March 7, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Mountain Communications LLC d/b/a ProCom 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. 03-551. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Telecommunications

**A-310378F7001. Verizon North Inc. and PECO Adelphia Communications.** Joint petition of Verizon North Inc. and PECO Adelphia Communications for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and PECO Adelphia Communications, by its counsel, filed on February 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and PECO Adelphia Communications 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. 03-552. Filed for public inspection March 21, 2003, 9:00 a.m.]

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### Telecommunications

**A-310547F7001. Verizon North Inc. and Susquehanna Adelpia Business Solutions.** Joint petition of Verizon North Inc. and Susquehanna Adelpia Business Solutions for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Susquehanna Adelpia Business Solutions, by its counsel, filed on February 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Susquehanna Adelpia Business Solutions 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. 03-553. Filed for public inspection March 21, 2003, 9:00 a.m.]

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### Telecommunications

**A-310701F7000. Verizon Pennsylvania Inc. and Cat Communications International, Inc. d/b/a CCI.** Joint petition of Verizon Pennsylvania Inc. and Cat Communications International, Inc. d/b/a CCI for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Cat Communications International, Inc. d/b/a CCI, by its counsel, filed on March 10, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Cat Communications International, Inc. d/b/a CCI 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. 03-554. Filed for public inspection March 21, 2003, 9:00 a.m.]

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### Telecommunications

**A-310827F7000. Verizon Pennsylvania Inc. and D-Tel, LLC.** Joint petition of Verizon Pennsylvania Inc. and D-Tel, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and D-Tel, LLC, by its counsel, filed on March 10, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and D-Tel, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-555. Filed for public inspection March 21, 2003, 9:00 a.m.]

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### Telecommunications

**A-311221F7000. Verizon Pennsylvania Inc. and Mountain Communications LLC d/b/a ProCom.** Joint petition of Verizon Pennsylvania Inc. and Mountain Communications LLC d/b/a ProCom for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Mountain Communications LLC d/b/a ProCom, by its counsel, filed on March 7, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Mountain Communications LLC d/b/a ProCom 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. 03-556. Filed for public inspection March 21, 2003, 9:00 a.m.]

### Tentative Order

Public Meeting held  
March 6, 2003

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

*Enron Energy Services, Inc. (2002.0421); A-110059*

### Tentative Order

*By the Commission:*

Enron Energy Services, Inc. (Enron) has failed to pay its \$8,738 general assessment for 2002-2003 under section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). Enron is an electric generation supplier licensed at A-110059. Commission staff has been advised by Enron's former legal counsel that the company filed a Chapter 11 bankruptcy petition in 2002, is in the process of liquidating the company, and is no longer in business. This information was further confirmed when Commission staff spoke with Enron's Estate Business Center set up by the trustee administering Enron's bankruptcy proceeding.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of other remedy as the Commission may deem appropriate. See 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the previous information and because of Enron's failure to pay its general assessment for 2002-2003, we believe it is appropriate to revoke Enron's electric generation supplier license without the necessity of a formal complaint, and we tentatively conclude that revocation of Enron's license under 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under 66 Pa.C.S. § 3301, in lieu of cancellation, if Enron seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Enron Energy Services, Inc. electric generation supplier license is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final and without further action by the Commission, the electric generation supplier license held by Enron Energy Services, Inc. at A-110059 shall be canceled, and Enron Energy Service's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-557. Filed for public inspection March 21, 2003, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

April 14, 2003      Dale Kessler      1:30 p.m.  
(Disability Eligibility)

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501-508 and 701-704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 03-558. Filed for public inspection March 21, 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.

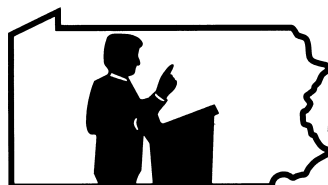
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

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.

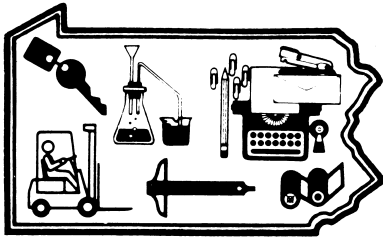
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## 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

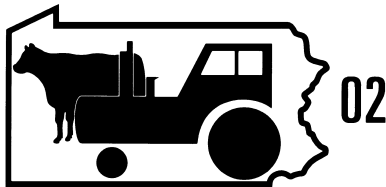
**SU-02-26** Shippensburg University is seeking vendors who are interested in providing 2,100 copies of a book published by HarperCollins to be used for Academic Day. Bid due date will be Wednesday, April 2, 2003 BY 4 p.m. Bid opening will be held April 3, 2003 at 2 p.m. Vendors interested in receiving a bid package should fax their request to Karen A. Coldsmith at (717) 477-1350.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Delivery will be required by April 28, 2003  
**Contact:** Karen Arita Coldsmith, (717) 477-1386

**Advertisement #175** Indiana University of Pennsylvania (IUP) is seeking bids to furnish, deliver, and install seventy eight (78) ea. 20-inch Electric Ranges with Ovens for University Towers student apartments, IUP main campus, Indiana, PA 15705. Vendor will be required to debox units and deliver to individual student rooms. The vendor will deliver existing ranges to a location on the University campus. Delivery must take place approximately June 16, 2003. Requests for a bid package should be made, in writing, referencing Advertisement #175 and directed to Patty Bash, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705, Fax # (724) 357-2670, Telephone # (724) 357-3077, or e-mail: pabash@grove.iup.edu. Requests for a bid package will be accepted until Wednesday, March 26, 2003 at 2 pm. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University, Indiana, PA  
**Duration:** Delivery must take place approximately June 16, 2003  
**Contact:** Patty Bash, (724) 357-3077

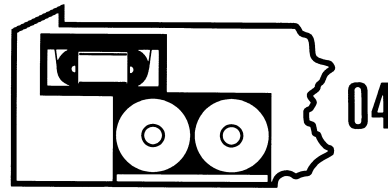
## SERVICES



Agricultural Services

**4/3** Provide fish food used in a statewide fish culture program during the period April 1, 2003 through June 30, 2003. Fish food products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

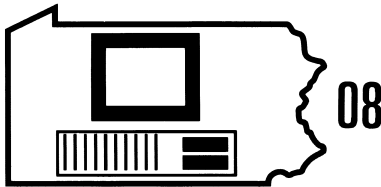
**Department:** Fish and Boat Commission  
**Location:** Statewide to various fish culture stations as requested.  
**Duration:** April 1, 2003 - June 30, 2003  
**Contact:** Debbie Rose, (814) 359-5141



Audio/Video

**30776013** TO PROVIDE FOR THE MAINTENANCE AND REPAIR OF THE HOSPITAL PAGING SYSTEM ON AN AS NEEDED BASIS. A COPY OF THE BID CAN BE OBTAINED BY CONTACTING THE PURCHASING DEPARTMENT AT (610) 740-3425 OR FAX AT 610-740-3424.

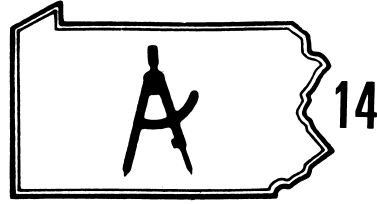
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** July 1, 2003 to June 30, 2007  
**Contact:** Robert Mitchell, (610) 740-3425



### Computer Related Services

**03-056-2278** Request for proposals to provide the Pennsylvania Turnpike Commission with a vendor to upgrade the Commission's Computer Aided Design and Drafting System and provide training for Commission personnel. Copies of the RFP can be obtained by calling (717) 939-9551, ext. 5942. The RFP will be issued on March 24, 2003; written questions pertaining to the RFP must be received by April 1, 2003. Closing date for receipt of proposals is April 16, 2003.

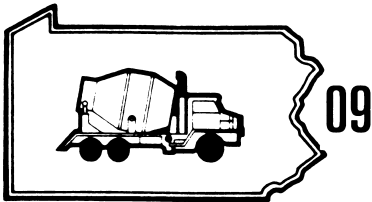
**Department:** Turnpike Commission  
**Location:** PTC Central Office, Highspire, PA  
**Duration:** Upon completion of specified tasks.  
**Contact:** Robert Loncar, 717-939-9551, 5942



### 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](http://www.dot2.state.pa.us).

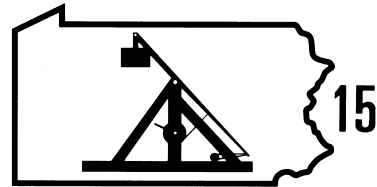
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Construction & Construction Maintenance

**SU-2003/23** Invitation To Bid - Shippensburg University: SU-2003/23; Wright Hall Sewer to Gravity Flow. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary to remove the existing sewage pumping station from Wright Hall, and install a gravity flow system and incidental construction. Prospective Bidders may obtain project plans for a nonrefundable fee of \$20.00, check made payable to "Shippensburg University" by contacting Shippensburg University, Deborah K. Martin, 1871 Old Main Drive, Shippensburg, PA 17257; Telephone: (717) 477-1121, FAX: 717-477-4004. Pre-Bid Meeting with site visit immediately to follow will be held on March 27, 2003 at 10 a.m. in Reed Operations Center Conference Room. Bids Due: April 15, 2003 at 4 p.m. in Old Main Room 300. Public Bid Opening: April 16, 2003 at 2 p.m., Old Main Room 203A. MBE/WBE and Contracts apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** 45 days after receipt of Notice to Proceed  
**Contact:** Deborah K. Martin, 717-477-1121



### Environmental Maintenance Service

**BF 460-101.1** Abandoned Mine Land Reclamation Project, Merle Phillips Coal, Mining Permit No. 3670BSM3. The principal items of work are 1 acre grading, 7 acre selective grading, 370 c.y. ditch excavation, 440 s.y. rock lining, and 8 acre seeding. This project issues March 21, 2003, and bids will be opened April 15, 2003 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

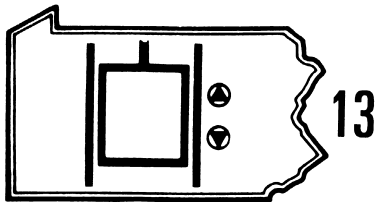
**Department:** Environmental Protection  
**Location:** Redbank Township, Clarion County  
**Duration:** 90 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 02-15** Cleaning Out And Plugging Four (4) Abandoned Gas Wells, (Ms. Louise J. Winslow, Mr. Kenneth T. Morrill, Mr. And Mrs. Paul Buckholt, Mr. And Mrs. Philip D. Morrill, Mr. Donald Enterline, Jr. And Mr. Clyde F. Hill Properties). The principal items of work include preparing and restoring well sites as well as mobilizing and demobilizing plugging equipment. Wells are estimated to be between 6,000-6,216 feet in depth. This project issues on March 21, 2003, and bids are due by April 17, 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:** Benetzette Township, Elk County  
**Duration:** 60 calendar days after notice to proceed.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 02-3** Cleaning Out And Plugging Three (3) Abandoned And Orphan Gas Wells, (Allegheny National Forest, Ms. Jessie M. Taylor And Ms. Joan Lundin Properties). Principal items of work and approximate quantities are preparing and restoring well sites, mobilizing and demobilizing plugging equipment. Wells are estimated to be between 2,711-3,008 feet in depth. This project issues March 21, 2003, and bids are due by April 17, 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:** Ridge and Fox Townships, Elk County  
**Duration:** 90 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994



### Elevator Maintenance

**FM-8575** Furnish all labor, materials, and equipment to provide complete service and a preventive maintenance program for one (1) Schindler passenger elevator. Service shall include monthly scheduled preventive maintenance and servicing on the unit including all necessary additional service calls that are required.

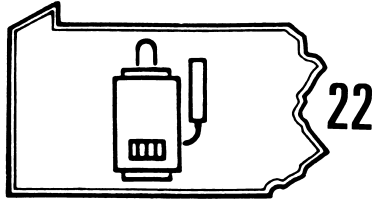
**Department:** State Police  
**Location:** Troop J, Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**DMF 013-101.1** Abandoned Mine Land Reclamation Project, Doverspike Bros. Coal Co. - Dora #6 Deep Mine, Coal Mining Permit No. 33841303. Principal items of work are the following: Bulldozer with Operator - 50 hours, Drilling To Accommodate Six (6) Inch Nominal Diameter Steel Casing Pipe - 400 L.F., Drilling to Provide A Maximum Size Hole Through Six (6) Inch Nominal Diameter Steel Casing Pipe - 300 L.F., Casing Pipe - 400 L.F., Grouting Casing Pipe and Abandoned Boreholes, Wellhead Completion - 8 Each, Flow Meter Assembly and Eight (8) Inch Diameter Single Wall Corrugated Polyethylene Pipe. This project issues March 21, 2003, and bids will be opened on April 15, 2003, at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Perry Township, Jefferson County  
**Duration:** 45 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**BF 448-101.1** Abandoned Mine Land Reclamation Project, Coal Processing Ltd., Mining Permit No. 65753203-1305-1. Principal items of work include 45,000 c.y. Grading, 1 acre Selective Grading, 750 c.y. Ditch Excavating, 560 s.y. Rock Lining, 800 ton Limestone Screenings, 16 acres Twelve (12) Inch Thick Soil Cover, 1,400 l.f. Coke Oven Demolition, and 16 acres Seeding. This project issues on March 21, 2003, and bids are due by April 17, 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:** Mount Pleasant Township, Westmoreland County  
**Duration:** 360 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994



### HVAC Services

**FM-8586** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to 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 M, Trevoise Station, 3701 Old Trevoise Road, Bensalem, PA 19020  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8585** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to 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:** Lima Regional Laboratory, 350 N. Middletown Road, Media, PA 19063  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8576** Provide emergency and routine repair work for the air-conditioning system. Contractor to respond to 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 J, Embreeville, 1818 W. Strasburg Road, Coatesville, PA 19320  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8582** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to 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:** Academy, Kennel, and Bureau of Emergency and Special Operations, 175 E. Hershey Park Drive, Hershey, PA 17033  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8580** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to 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 P, Wyoming Headquarters, 475 Wyoming Avenue, Wyoming, PA 18644  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8578** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to 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 M, Bethlehem Headquarters, Garage, and Lab, 2930 Airport Road, Bethlehem, PA 18017  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8577** Provide emergency and routine repair work for the electrical system. Contractor to respond to 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 K, Philadelphia, 2201 Belmont Avenue, Philadelphia, PA 19131  
**Duration:** July 1, 2003, through June 30, 2004  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8579** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to 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 M, Dublin Station, 3218 Rickert Road, Dublin, PA 18944  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8587** Provide emergency and routine repair work for the heating, plumbing, electrical, and air conditioning systems. Contractor to respond to 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:** Transportation Division, 20th and Herr Streets, Harrisburg, PA 17103  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8588** Provide emergency and routine repair work for the heating, electrical, and air conditioning systems. Contractor to respond to 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:** Erie Regional Lab, 4310 Iroquois Avenue, Erie, 16505  
**Duration:** July 1, 2003, through June 30, 2004  
**Contact:** Stacey Logan-Kent, (717) 705-5952

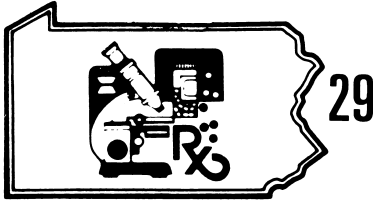
**FM-8573** Provide emergency and routine repair work for the heating, electrical, plumbing, and air conditioning systems. Contractor to respond to call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to 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 E, Erie Headquarters and Garage, 4320 Iroquois Avenue, Erie, PA 16505  
**Duration:** July 1, 2003, through June 30, 2004  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8574** Provide emergency and routine repair work for the plumbing system. Contractor to respond to 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 F, Montoursville, 899 Cherry Street, Montoursville, PA 17754  
**Duration:** July 1, 2003, through June 30, 2004  
**Contact:** Stacey Logan-Kent, (717) 705-5952





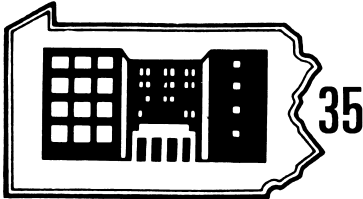
### Medical Services

**30776001** This service provides for the rental of oxygen concentrators on an as needed basis. A copy of the bid proposal can be obtained by contacting the purchasing department of the Allentown State Hospital at (610) 740-3425 or by Fax at (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** July 1, 2003, to June 30, 2007  
**Contact:** Robert Mitchell, (610) 740-3425

**CN 00001992** Physical Therapist services. For detailed specifications, please contact the Purchasing Office at (610) 670-4129.

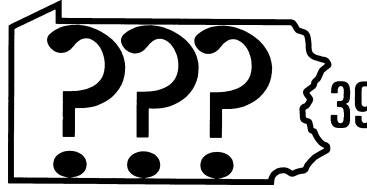
**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Berks County, Route 422 West, Wernersville, PA 19565  
**Duration:** Anticipated Start Date: July 1, 2003  
**Contact:** Nancy Deininger, Purchasing Agent, (610) 670-4129



### Real Estate Services

**93571** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 2,387 useable square feet of office space in Franklin, Oil City or Cranberry Venango County, PA, with a minimum parking for 10 vehicles. Downtown locations will be considered. For more information on SFP #93571 which is due on April 14, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download a SFP package or call (717) 787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Jennings K. Ward, (717) 787-7412



### Miscellaneous

**no number assigned** Vendors interested in selling corkscrews and winesleeves to the PLCB for resale in the Wine and Spirit Shoppes should contact Mr. Anthony Jones, Marketing Bureau, PLCB at (717) 783-2528.

**Department:** Liquor Control Board  
**Contact:** Anthony Jones, (717) 783-2528

**2003-2500-1** The Department of Environmental Protection is soliciting proposals to maintain content and conduct technical training courses and examinations on Municipal Waste Landfills, Resource Recovery and Commercial Hazardous Waste Storage, Treatment and Disposal Facilities. Proposals are due noon, May 2, 2003. For copies of the Request for Proposal, contact Serla Ross, Bureau of Land Recycling and Waste Management, 400 Market Street, 14th Floor, Rachel Carson State Office Building, Harrisburg, PA 17101-2301, or e-mail [seross@state.pa.us](mailto:seross@state.pa.us).

**Department:** Environmental Protection  
**Location:** Harrisburg  
**Duration:** Two years with option for three annual renewals.  
**Contact:** Serla Ross, (717) 787-9871

**3538540104** On-call services to pump sludge from clarifier and polishing lagoon and dispose of sludge on predetermined site (approximately four miles away) at the Toby Creek AMD Treatment Plant.

**Department:** Environmental Protection  
**Location:** Toby Creek AMD Treatment Plant, 333 Coal Hollow Road, Kersey, PA 15846  
**Duration:** Expiration Date: 6/30/04. Renewable for one year periods for a total of four such renewals.  
**Contact:** Phyllis Cocco, (814) 472-1811

**RFA** Application guidelines for the Education Mentoring Initiative, a component of the Governor's Project for Community Building, are available. The Education Mentoring Initiative provides funding for non-profit, community-based organizations working in partnership with schools to link responsible, caring adults with at-risk children and youth. The mentors provide role models to help ensure students stay in school and become positive role models themselves to others in their community. Guidelines for this initiative are available though the Department of Education's website at [www.pde.state.pa.us/mentoring](http://www.pde.state.pa.us/mentoring) and also by calling the Bureau of Community and Student Services at (717) 787-4605.

**Department:** Education  
**Location:** Bureau of Community and Student Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333  
**Contact:** Shirley Gould, (717) 787-4605

[Pa.B. Doc. No. 03-559. Filed for public inspection March 21, 2003, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> 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.  
*Acting Secretary*

**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](http://www.dgs.state.pa.us), DGS KEYWORD "Procurement Awards."

DONALD T. CUNNINGHAM, Jr.,  
*Secretary*

[Pa.B. Doc. No. 03-560. Filed for public inspection March 21, 2003, 9:00 a.m.]

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