

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Temporary Order Designating Monkey Pox a Dangerous Transmissible Disease

The Department of Agriculture (Department) issues a temporary order designating Monkey Pox a "dangerous transmissible disease" under the authority of 3 Pa.C.S. § 2322(d) (relating to neoplastic diseases, metabolic diseases and heritable diseases). This designation will facilitate the Department's efforts to detect and contain Monkey Pox and to assist the Department of Health and other public health agencies in monitoring and treatment efforts.

Monkey Pox is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well-being of domestic animal industries. Section 2322(c) of 3 Pa.C.S. requires the Department to proceed with the agreement of the Department of Health when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both this Department and the Department of Health agree upon adding Monkey Pox to the list of dangerous transmissible diseases.

Monkey Pox is a contagious viral infection that may spread from infected animals to humans. Human to human transmission is also possible. Although previously unknown in the western hemisphere, Monkey Pox has recently been discovered in the United States. The initial outbreak was associated with the importation in April 2003 of Gambian rats from Africa for the pet trade. As these mammals entered wholesale and retail pet marketing channels, the disease spread to a number of states and species—including human infections.

Infected animals may exhibit a variety of signs ranging from no visible symptoms to fever, cough, blepharocconjunctivitis, lymphadenopathy, nodular rash or death. In

humans, symptoms may include rash, sore throat, cough, shortness of breath, headache, backache, fever, lymphadenopathy and even death.

Humans and animals can acquire Monkey Pox through direct contact with an infected animal or person, through inhalation or contact with infected body fluids or through contaminated bedding materials. Veterinarians and their staff have been infected by Monkey Pox at a particularly high rate. Infected humans must undergo a 30-day quarantine period. This has a significant impact on both the human and animal health professions when caregivers become infected.

The Department has authority under 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law) to regularly monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases. The designation of Monkey Pox as a "dangerous transmissible disease" will facilitate the Department's surveillance of animals for the presence of Monkey Pox virus or disease.

This order is a temporary order, as required under 3 Pa.C.S. § 2322(d). This order shall take effect on June 18, 2003, and shall remain in effect until no later than June 18, 2004. The Department may: (1) reissue this temporary order to extend the designation beyond June 18, 2004; (2) allow this temporary order to expire June 18, 2004; (3) supplant this temporary order with a formal regulation designating Monkey Pox a "dangerous transmissible disease"; or (4) modify this temporary order.

Questions regarding this temporary order should be directed to John Enck, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-6677.

DENNIS C. WOLFF,  
*Secretary*

[Pa.B. Doc. No. 03-1310. Filed for public inspection July 3, 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 June 24, 2003.

#### BANKING INSTITUTIONS

##### Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-18-03	CNB Community Bank Clarion Clarion County	333 Main Street Clarion Clarion County	Approved
6-18-03	Sun Interim Trust Company Lewisburg Union County	155 North 15th St. Lewisburg Union County	Approved
6-24-03	Highview Trust Company Greensburg Westmoreland County	19 N. Main St. Greensburg Westmoreland County	Filed

## NOTICES

## Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
6-19-03	North Penn Savings and Loan Association Scranton Lackawanna County <i>To:</i> North Penn Bank Scranton Lackawanna County	Scranton	Approved
Represents conversion from State-chartered mutual savings association to a State-chartered mutual savings bank.			

## Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-2-03	Abington Savings Bank Jenkintown Montgomery County	12106-B Centennial Station Warminster Bucks County (Limited Service Facility)	Opened
6-18-03	Bank of Hanover and Trust Company Hanover York County	1438 Liberty Road Eldersburg Carroll County, MD	Filed

## Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-03	Farmers First Bank Lititz Lancaster County	<i>To:</i> 3199 Cape Horn Road Red Lion York County  <i>From:</i> 5 West High Street Red Lion York County	Filed
6-20-03	Fulton Bank Lancaster Lancaster County	<i>To:</i> 5049 Jonestown Road Harrisburg Lower Paxton Township Dauphin County  <i>From:</i> 4807 Jonestown Road Harrisburg Lower Paxton Township Dauphin County	Filed

## Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-19-03	Pennsylvania State Bank Camp Hill Cumberland County	Provides for the addition of Article 13, which eliminates cumulative voting with respect to the election of directors.	Approved and Effective

## SAVINGS INSTITUTIONS

## Main Office Relocation

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
6-24-03	Slovenian Savings & Loan Association of Canonsburg, PA	<i>To:</i> 130 Boone Avenue Strabane Washington County  <i>From:</i> 214 Latimer Avenue Strabane Washington County	Approved

## CREDIT UNIONS

No Activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 03-1311. Filed for public inspection July 3, 2003, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Applications, Actions and Special Notices

**APPLICATIONS****THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION  
SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM)  
PERMITS**

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications 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 applications for new NPDES permits and renewal applications with major changes listed in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. 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 proposed NPDES permit actions under the waiver provision at 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application, within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit 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 the respective comment periods will be considered in the final determinations regarding the applications. 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 will also accept requests for a public hearing on applications and a public hearing may be held 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 within the relevant geographical area. The Department will postpone its final determination until after any public hearings are held.

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**

*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>
PA0007536 IW	Wilbur Chocolate Company 48 N. Broad Street Lititz, PA 17543	Lancaster County Lititz Borough	Lititz Run 7J	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>
PA0114073	Dominion Transmission, Inc. R. R. 3, Box 24-T Westfield, PA 16950	Tioga County Farmington Township	UNT to Elkhorn Creek 4A	Y
PA0060208	Nelson Township Authority P. O. Box 100 Nelson, PA 16940	Tioga County Nelson Township	Cowanesque Lake 4A	Y

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

<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>
PA0041564	S2 Properties Pine Valley Estates Mobile Home Park P. O. Box 24059 Pittsburgh, PA 15234	Lancaster Township Butler County	Doe Run 20-C	Y

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

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

**PA0058734**, Sewage, **Tom Kemmerer**, 1277 Route 212, Quakertown, PA 18951. This application is for issuance of an NPDES permit to discharge treated sewage from the small flow sewage treatment plant in Haycock Township, **Bucks County**. This is a new discharge to an unnamed tributary to Haycock Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

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

The EPA waiver is in effect.

**PA0020532**, Sewage, **Upper Montgomery Joint Authority**, P. O. Box 6, Pennsburg, PA 18073. This application is for amendment of an NPDES permit to discharge treated sewage from the sewage treatment plant in Upper Hanover Township, **Montgomery County**. This is existing discharge to Green Lane Reservoir.

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

The proposed effluent limits for Outfall 001, based on an average flow of 2.5 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20		40
Phosphorus (as P)	1.0		2.0
Total Residual Chlorine	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		

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

The proposed effluent limits for stormwater Outfalls 002—006 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			Monitor and Report
COD			Monitor and Report
Oil and Grease			Monitor and Report
pH			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report
Total Phosphorus			Monitor and Report
Iron (Dissolved)			Monitor and Report

The EPA waiver is not in effect.

**PA0026689, PA0026662 and PA0026671**, Sewage, **City of Philadelphia Water Department**, 1101 Market Street, 4th Floor, Philadelphia, PA 19107. The Department is amending the NPDES permits to discharge treated sewage from Northeast, Southeast and Southwest Water Pollution Control Plants in Philadelphia, PA. These are existing discharges to Delaware River Zones 3 and 4.

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

The amendments to the three water pollution control plants adjust the total residual chlorine (TRC) limitation from 0.2 to 0.5 mg/l as a monthly average and an instantaneous maximum of 1.0 mg/l TRC. This change is the result of chlorine minimalization study conducted by the Philadelphia Water Department.

The EPA waiver is in effect.

**PA0026182A1**, Sewage, SIC 4952, **Lansdale Borough**, One Vine Street, Lansdale, PA 19446. This proposed facility is in Lansdale Borough, **Montgomery County**.

Description of Proposed Activity: The facility is a municipal wastewater treatment facility. This permit amendment is to include stormwater outfall of this facility.

The receiving stream, unnamed tributary to the West Branch of Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for WWF and MF. The nearest downstream public water supply intake for Philadelphia Suburban Water Company is on the Neshaminy Creek, approximately 20 miles below the point of discharge.

The proposed effluent limits for Outfall 004 are as follows:

<i>Parameters</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH (STD)	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Iron (Dissolved)	Monitor and Report
Fecal Coliform (no./100ml)	Monitor and Report

In addition to the effluent limits, the permit contains the following major special condition: stormwater runoff management.

**PA0026131, Amendment No. 1**, Sewage, **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road, King of Prussia, PA 19406. This application is for amendment of an NPDES permit to discharge of treated sewage from treatment plant in Upper Merion Township, **Montgomery County**. This is an existing discharge to Schuylkill River.

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

The proposed effluent limits for Outfall 002, based on an average flow of 6.0 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20		40
Total Residual Chlorine	0.5		1.2

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
CBOD <sub>5</sub>			Monitor and Report
COD			Monitor and Report
Oil and Grease			Monitor and Report
pH			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report
Total Phosphorus			Monitor and Report
Iron (Dissolved)			Monitor and Report
Fecal Coliform			Monitor and Report

The EPA waiver is not in effect.

**PA1120501**, CAFO, **Andrew Laffey—Glenville Farms**, 2391 Glenville Road, Cochranville, PA 19330. Andrew Laffey has submitted an application for an individual NPDES permit for an existing and proposed addition to CAFO known as Glenville Farms, 2391 Glenville Road Cochranville, PA 19330 in West Fallowfield Township, **Chester County**.

The CAFO is situated near Muddy Run in Watershed 7K (TSF, MF). The CAFO will be designed to maintain an animal population of approximately 2,154 AEUs consisting of 1,000 milking cows, 400 dry cows and 475 heifers.

Dairy cows will be housed in the proposed free stall barn, which will have the capacity to hold 1,200 cows. Approximately 200 dry cows and approximately 475 heifers will stay in the existing covered barn. Manure will be managed through proposed passive sand separator, mechanical solids separator, solid stacking and handling pad and a two stage HDPE-lined manure storage which will hold approximately 5.8 million gallons of manure. Existing manure management system will remain in place and will be used for dry cows and heifers. The existing HDPE-lined manure storage has the capacity of 1.66 million gallons will stay continued in use while two, earthen manure storage lagoons, one at 2391 Glenville Road, has a capacity of 1.2 million gallons and another at 650 Gum Tree Road has a capacity of approximately 0.38 million gallons will be modified by the end of 2005. An HDPE liner with leak detection system similar to the one proposed for the new storage lagoon will be installed at these two lagoons. The total capacity of the manure storage facilities will be 9.12 million gallons which will be adequate per nutrient management plan.

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. 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 Southeast Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (610) 832-6003.

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.

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

**PA0011169**, Industrial Waste, SIC Code 3351, **Brush Wellman, Inc.**, P. O. Box 973, Reading, PA 19603. This facility is in Perry Township, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-B and classified for WWF, water supply recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is on the Schuylkill River, approximately 36 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 0.115 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
pH (S. U.)	from 6.0 to 9.0 inclusive				
Total Suspended Solids	29	58	30	60	75
Total Beryllium	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Total Copper	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Total Nickel	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Oil and Grease	14	Monitor and Report	15	Monitor and Report	
NH <sub>3</sub> -N			20		40
CBOD <sub>5</sub>			25		50
Fecal Coliform (5-1 to 9-30)			200		
(10-1 to 4-30)			10,000		
Total Residual Chlorine			1.5		
Total Dissolved Solids	Monitor and Report	16,925	Monitor and Report	Monitor and Report	44,115

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.

**PA0097866**, Industrial Waste, SIC Code 4922, **Duke Energy Transmission Corporation (Ertriken Compressor Station)**, 5400 Westheimer Court, SP311, Houston, TX 77056. This facility is in Todd Township, **Huntingdon County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated water from a groundwater remediation system.

The receiving stream, unnamed tributary to Great Trough Creek, is in Watershed 11-D and classified for TSF, water supply recreation and fish consumption. The nearest downstream public water supply intake for the U. S. Army Corps of Engineers is at Seven Points Resort on the Raystown Lake, approximately 4.5 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 0.0050 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total PCBs			0.00000014	0.00000028	0.00000035

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.

**PA0087769**, Industrial Waste, SIC Code 4922, **Duke Energy Transmission Corporation (Shermans Dale Compressor Station)**, 5400 Westheimer Court, SP311, Houston, TX 77056. This facility is in Carroll Township, **Perry County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated water from a groundwater remediation system.

The receiving stream, Shermans Creek, is in Watershed 7-A and classified for WWF, water supply recreation and fish consumption. The nearest downstream public water supply intake for the United Water Company is on the Susquehanna River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0051 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Pollutant Group 7 PCBs			0.0659	0.1318	0.1648

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.

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

**PA0028461**, Sewerage 4952, **Mifflinburg Borough Municipal Authority**, 333 Chestnut Street, Mifflinburg, PA 17844. The proposed facility is in Mifflinburg Borough, **Union County**.

Description of Proposed Activity: Issuance of an amended NPDES permit to include discharge of site stormwater through Outfalls S01 and S02. The existing limits for treated effluent through Outfall 001 remain unchanged.

The receiving stream, Buffalo Creek, is in the State Water Plan watershed 10C and is classified for CWF. The nearest downstream public water supply intake for Sunbury Municipal Authority is on the Susquehanna River, 23.7 miles below the point of discharge. Approximately 0.02 million gallons per day of stormwater will be discharged through stormwater Outfalls S01 and S02 during a rainfall intensity of 1 inch per hour.

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

**PA0218618**, Industrial Waste, SIC 5093, **Toby Brothers Iron & Metal**, 3782 West Crawford Avenue, Dunbar, PA 15431. This application is for issuance of an NPDES permit to discharge treated and untreated stormwater from the Toby Brothers Iron & Metal facility in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Craig Branch, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Washington Township Municipal Authority Water Treatment Plant at Fayette City on the Monongahela River, over 26 miles below the discharge point.

*Outfall 001: existing discharge, stormwater flow of 0.12 MGD.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Lead			.09	0.1	
Total Suspended Solids			10	20	
Polychlorinated Biphenyls (PCB), Total	not detectable				
Oil and Grease	not detectable				
Iron, Total	Monitor and Report				
Manganese	Monitor and Report				
pH	Monitor and Report				

Other Conditions: Chemical additives, solids disposal, floating solids, fecal coliform study, stormwater conditions, meet Department Environmental Cleanup requirements no visible oil sheen and PCB conditions.

The EPA waiver is in effect.

*Outfall 002: existing discharge, stormwater flow of 0.04 MGD*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Lead			0.09	0.1	
Total Suspended Solids			10	20	
PCB, Total	not detectable				
Oil and Grease	not detectable				
Iron, Total	Monitor and Report				
Manganese	Monitor and Report				
pH	Monitor and Report				

**PA0042161**, Sewage, **James M. Quinn**, 154 Pleasant Drive, Aliquippa, PA 15001. This application is for renewal of an NPDES permit to discharge treated sewage from Green Haven Estates STP in Raccoon Township, **Beaver County**.

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

*Outfall 001: existing discharge, design flow of 0.0112 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	25			50



<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
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.

**PA0094927**, Sewage, **Westmoreland County Housing Authority**, R. D. 6 Box 233, Greensburg, PA 15601-9308. This application is for renewal of an NPDES permit to discharge treated sewage from New Florence Manor STP in New Florence Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Conemaugh 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 Saltsburg Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.01 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 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.

**PA0097268**, Sewage, **J. H. A. Markleyburg, Inc., Henry Clay Villa**, 5253 National Pike Road, Markleyburg, PA 15459. This application is for renewal of an NPDES permit to discharge treated sewage from Henry Clay Villa Nursing Home STP in Henry Clay Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Hall 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 Ohiopyle Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.00925 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	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.2			0.5
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.

**PA0098663**, Sewage, **R. P. Woodhouse**, 339 West Pike Street, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated sewage from the R. P. Woodhouse STP in Somerset Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Opossum Run, 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 Pennsylvania American Water Company.

Outfall 001: existing discharge, design flow of 0.009 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	15			30
(11-1 to 4-30)	20			40
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Nitrite/Nitrate	20			40
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			
Total Residual Chlorine	0.5			1.0
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.

**PA0252476**, Sewage, **Alex Shuppe**, 380 Budapest Road, Dilliner, PA 15327. This application is for issuance of an NPDES permit to discharge treated sewage from Shuppe Rentals Trailer Park STP in Dunkard Township, **Greene County**.

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

Outfall 001: new discharge, design flow of 0.002 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)	3.1			6.2
(11-1 to 4-30)	7.4			14.8
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 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0239224**, Sewage, **Gentile Enterprises, Keystone Charter School**, 270 Sharon Road, Greenville, PA 16125. This proposed facility is in West Salem Township, **Mercer County**.

Description of Proposed Activity: New 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 downstream potable water supply (stream and public water supplier) considered during the evaluation is Big Run and the Reynolds Water Company at River Mile 0.13, 5.82 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.006 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow			
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
(5-1 to 10-31) Fecal Coliform	10.5		21.0
(5-1 to 9-30) (10-1 to 4-30) Total Residual Chlorine		200/100 ml as a geometric average 11,000/100 ml as a geometric average	
pH	1.4	6.0 to 9.0 standard units at all times	3.3

The EPA waiver is in effect.

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

**PA0239143**, Industrial Waste, SIC 1389, **Hart Resource Technologies, Inc.**, P. O. Box 232, Creekside, PA 15732. This proposed facility is in Punxsutawney Borough, **Jefferson County**.

Description of Proposed Activity: Discharge of treated gas well production fluids.

The receiving stream, Mahoning Creek, is in watershed 17-D and is classified for WWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, chloride, sulfate and phenolics, the existing downstream potable water supply considered during the evaluation is the Western Pennsylvania Water Company—Kittanning District on the Allegheny River at Kittanning, approximately 55 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

Parameter	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/ day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	
Flow (MGD)		0.06			
Oil and Grease			15		30
Total Suspended Solids			30		60
Iron (total)			3.5		7.0
Copper			2.58	5.16	6.46
Barium			429	858	1,070
Lead			2.6	5.2	6.5
Boron			286	572	715
Mercury			0.009	.018	0.022
Selenium			0.894	1.79	2.23
Acidity			less than alkalinity		
Alkalinity			XX		
Osmotic Pressure (mOs/kg)			XX		
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: chemical additives.

The EPA waiver is in effect.

### III. WQM 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. 4503404**, Sewerage, **Mount Pocono Municipal Authority**, 303 Pocono Blvd., Mt. Pocono, PA 18344. This proposed facility is in Mt. Pocono Borough, **Monroe County**.

Description of Proposed Action/Activity: This project is for the installation of a grit removal system at the existing Mt. Pocono Municipal Authority's wastewater treatment facility.

**WQM Permit No. 6403201**, Industrial Waste, **Fox Ledge, Inc.**, R. R. 1, Box 1230, Honesdale, PA. his proposed facility is in Mount Pleasant Township, **Wayne County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a 1,600 GPD industrial waste treatment facility to serve Fox Ledge Inc. Bottled Water Co. Treated effluent to be disposed of via spray irrigation.

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

**WQM Permit No. 3803401**, Sewerage, **Swatara Township**, 68 Supervisors Drive, Jonestown, PA 17038. This proposed facility is in Swatara and North Lebanon Townships, **Lebanon County**.

Description of Proposed Action/Activity: Rockwood/Mountville Sanitary Sewer Extension.

**WQM Permit No. 2803403**, Sewerage, **Richard H. Miller, Sr.**, 133 N. Carlisle Street, Greencastle, PA 17225. This proposed facility is in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system to serve their single family residence on Two Top Road.

**WQM Permit No. 3603204**, CAFO Operation, **Brubaker Farms Partnership**, 493 Musser Road, Mount Joy, PA 17552. This proposed facility is in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of new manure storage facility.

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

**WQM Permit No. 1703403**, Sewerage 4952, **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830. This proposed facility is in Lawrence Township, **Clearfield County**.

Description of Proposed Action/Activity: Sewer extension and pumping stations permit application for installation of monitoring and screening devices at CSO nos. 002, 036, 038 and 040.

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#### IV. NPDES Applications for Stormwater Discharges from MS4

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#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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#### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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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>
PAI011503055	James and Kathryn Stanton Kathryn Stanton Subdivision 328 North Sandy Hill Road Coatesville, PA 19320	Chester	West Caln Township	Birch Run West Branch Brandywine Creek HQ-CWF
PAI011503056	Glenn Gerber Sunset Hollow Road Subdivision 250 Sunset Hollow Road West Chester, PA 19380-3840	Chester	West Goshen Township	Unnamed tributary to Broad Run HQ
PAI011503057	City of Coatesville Paul Janasen Coatesville Golf Training Facility One City Hill Place Coatesville, PA 19320	Chester	West Brandywine Township	West Brandywine Creek Clarke's Run HQ-TSF-MF
PAI011503058	Chesterpoint Development, Inc. Philip Zalkind, President Beamer Levan Subdivision 13 Quail Hill Road Downingtown, PA 19335	Chester	West Caln Township	Indian Spring Run EV
PAS10G321-R	Malvern Preparatory School Ted Caniglia 418 South Warren Avenue Malvern, PA 19355-2707	Chester	Malvern Borough	Crum Creek HQ

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803017	Louis Pektor Ashley Development Corp., Inc. 559 Main Street, Suite 300 Bethlehem, PA 18018	Northampton	Upper Nazareth Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025203010	Bodies in Balance David Ruby Mary Ann Bonarti 601 West Harford St. Milford, PA 18337	Pike	Milford Township	Unnamed tributary to Delaware HQ-CWF
PAI025203011	Arcadia Subdivision Dominic Bradlee 113 7th Street, No. 122 Milford, PA 18337	Pike	Dingman Township	Sawkill Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030603002	David Shaak 7740 S. Tropical Trail Merritt Island, FL 32952	Berks	Longswamp Township	Little Lehigh Creek HQ
PAI030603008	Reading Area Community College 10 S. Second Street P. O. Box 1706 Reading, PA 19603	Berks	City of Reading	Schuylkill River WWF
PAI032103004	Walnut Bottom Medical Center LLC P. O. Box 146 Mount Holly Springs, PA 17065	Cumberland	South Middleton Township	LeTort Spring Run EV

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI041403013	Lake View Subdivision Borough St. Howard, PA 16841	Centre County Howard Borough Howard Township	UNT Lick Run HQ-CWF

*Northumberland County District, R. R. 3, Box 238C, Sunbury, PA 17801, (570) 286-7114, Ext. 4.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI044903002	Steven Patton Watsonstown Trucking R. R. 1, Box 73B New Columbia, PA 17856	Northumberland County Milton Borough	UNT Montandon Marsh EV Wetland

*Tioga County District, 29 East Ave., Wellsboro, PA 16901, (570) 724-1801.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS106607-1	Bishcroft Farms Herman Bishop R. R. 1, Box 58 Roaring Branch, PA 17765	Tioga County Liberty Township	Little Elk Run/Roaring Branch HQ-CWF

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

*Westmoreland County Conservation District: 211 Donohoe Road, Greensburg, PA 15601-9217, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056503002	THF Greengate Development, LP 2127 Innerbelt Business Center Suite 200 St. Louis, MO 63114	Westmoreland	Hempfield Township	Turtle Creek TSF

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**VII. List of NOIs for NPDES and/or Other General Permit Types**


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PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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**MS4 Notices of Intent Received**


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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132255	Lower Mt. Bethel Township Municipal Building P. O. Box 257 Martins Creek, PA 18063	Northampton	Lower Mt. Bethel Township	Oughoughton Creek CWF Mud Run CWF East and West Forks Martins Creek CWF Martins Creek, confluence to mouth TSF, MF Delaware River WWF, MF	Y
PAG132229	Jenkins Township 46 1/2 Main Street Inkerman, PA 18640	Luzerne	Jenkins Township	Gardner Creek CWF Warden Creek (Mill Creek) CWF Susquehanna River WWF	Y
PAG132206	Duryea Borough 315 Main Street Duryea, PA 18642	Luzerne	Duryea Borough	Lackawanna River WWF Mill Creek (Warden Creek) CWF	Y
PAG132205	Taylor Borough 122 Union Street Taylor, PA 18517	Lackawanna	Taylor Borough	St. Johns Creek CWF Keyser Creek CWF Lackawanna River WWF	Y
PAG132235	Allen Township 4714 Indian Trail Northampton, PA 18067	Northampton	Allen Township	Hockendoqua Creek CWF Dry Run CWF Catasauqua Creek CWF	Y
PAG132236	West Easton Borough 237 Seventh Street West Easton, PA 18042	Northampton	West Easton Township	Lehigh Creek WWF	Y
PAG132238	Walnutport Borough 417 Lincoln Avenue Walnutport, PA 18088	Northampton	Walnutport Borough	Lehigh Canal (tributary to Lehigh River) TSF	Y
PAG132237	Northampton Borough 1401 Laubach Avenue Northampton, PA 18067	Northampton	Northampton Borough	Hockendoqua Creek CWF	Y

## NOTICES

3145

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132239	Lehigh Township 1069 Municipal Road Walnutport, PA 18088	Northampton	Lehigh Township	Lehigh River TSF Hockendoqua Creek CWF Bertsch Creek CWF Indian Creek CWF UNTs to Lehigh River CWF Hockendoqua, Bertsch and Indian Creeks	Y
PAG132240	North Catasauqua Borough 1066 Fourth Street North Catasauqua, PA 18032	Northampton	North Catasauqua Borough	Lehigh River TSF Catasauqua Creek CWF	Y
PAG132203	Lower Towamensing Township 595 Hahns Dairy Road Palmerton, PA 18071	Carbon	Lower Towamensing Township	Aquashicola Creek TSF, MF Mill Creek CWF Fireline Creek CWF	Y
PAG132258	Foster Township 1000 Wyoming Avenue P. O. Box 465 Freeland, PA 18224	Luzerne	Foster Township	Black Creek CWF	Y
PAG132204	Weissport Borough 440 Allen Street Weissport, PA 18235	Carbon	Weissport Borough	Lehigh River TSF	Y
PAG132202	Borough of Bowmanstown P. O. Box 127 Bowmanstown, PA 18030	Carbon	Borough of Bowmanstown	Lehigh River TSF Fireline Creek CWF	Y
PAG132250	Fountain Hill Borough 5920 Hamilton Blvd. Suite 108 Allentown, PA 18106	Lehigh	Fountain Hill Borough	Lehigh River WWF	Y
PAG132249	Bangor Borough 197 Pennsylvania Ave. Bangor, PA 18013	Northampton	Bangor Borough	Bushy Meadow Creek CWF-MF Martins Creek CWF	Y
PAG132251	West Wyoming Borough 464 W. Eighth St. West Wyoming, PA 18644	Luzerne	West Wyoming Borough	Abraham's Creek CWF	Y
PAG132262	City of Hazleton 40 North Church St. Hazleton, PA 18201	Luzerne	City of Hazleton	Black Creek CWF Hazle Creek CWF	Y
PAG132233	Laflin Borough 47 Laflin Road Laflin, PA 18702	Luzerne	Laflin Borough	Gardner Creek CWF	Y
PAG132227	Plains Township 126 North Main St. Plains, PA 18705	Luzerne	Plains Township	Laurel Run Creek CWF Mill Creek CWF Susquehanna River WWF	Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG138321	City of Erie 626 State Street, Room 504 Erie, PA 16501-1128	Erie		Presque Isle Bay and Lake Erie	N

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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 a 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 the application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Permit No. 2803501**, Public Water Supply.

Applicant	<b>Nitterhouse Concrete Products</b>
Municipality	Guilford Township
County	<b>Franklin</b>
Responsible Official	Craig A. Musser, Human Resource Manager and Safety Director 2655 Molly Pitcher Highway South P. O. Box N Chambersburg, PA 17201

Type of Facility	PWS
Consulting Engineer	Lance S Kegerreis, P. E. Dennis E. Black Engineering Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201
Application Received Date	January 17, 2003
Description of Action	Addition of caustic and zinc orthophosphate chemical feed facilities to an existing water treatment facility for lead and copper corrosion control.

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

**Application No. 267W009-T1—Transfer, Public Water Supply.**

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Drive Hershey, PA 17111
Township	Boggs
Responsible Official	Paul Zielinski, Director—Water Quality Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17111
Type of Facility	PWS
Application Received Date	June 4, 2003
Description of Action	Transfer of the former West Decatur Authority distribution system and the distribution/storage tank to Pennsylvania American Water.

**MINOR AMENDMENT**

**Applications received under the Pennsylvania Safe Drinking Water Act.**

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

**Application No. Minor Amendment.**

Applicant	<b>Lehigh County Authority</b>
Township or Borough	Weisenberg Township <b>Lehigh County</b>



Responsible Official Aurel M. Arndt, General Manager  
Lehigh County Authority  
1053 Spruce Street  
P. O. Box 3348  
Allentown, PA 18106  
(610) 398-2503

Type of Facility Community Water System

Application Received Date June 16, 2003

Description of Action Application to transfer PWS Permit No. 3391001 for the community water system serving Arcadia West Industrial Park from Lehigh Valley Water Company to Lehigh County Authority.

#### Application No. Minor Amendment.

Applicant **Lehigh County Authority**

Township or Borough Heidelberg Township  
**Lehigh County**

Responsible Official Aurel M. Arndt, General Manager  
Lehigh County Authority  
1053 Spruce Street  
P. O. Box 3348  
Allentown, PA 18106  
(610) 398-2503

Type of Facility Community Water System

Consulting Engineer G. Matthew Brown, P. E.  
ARRO Consulting, Inc.  
270 Granite Run Drive  
Lancaster, PA 17601-6822  
(717) 569-7021

Application Received Date June 16, 2003

Description of Action Application to repair and recoat an existing 200,000 gallon finished water storage tank near Newside. The project includes modification of the tank inlet/outlet pipe and the overflow pipe.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Stan-

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

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

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

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

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

**Mark Hershey Farms, Inc.**, West Cornwall Township, **Lebanon County**. Hafer Environmental Services, Inc., on behalf of Mark Hershey Farms, Inc., 479 Horseshoe Pike, Lebanon, PA 17042, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil no. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on June 9, 2003.

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

**Bernardi Italian Foods**, Town of Bloomsburg, **Columbia County**. Keystone Environmental Services, Inc., on behalf of Bernardi Italian Foods, 595 West 11th Street, Bloomsburg, PA 17815, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with 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 *Press Enterprise* on March 12, 2003. See additional information in the Actions section of this *Pennsylvania Bulletin*.

**James Brown Property**, Athens Township, **Bradford County**. Teeter Environmental Services, Inc., on behalf of James Brown, R. R. 2, Box 491, Athens, PA 18810, has submitted a Notice of Intent to Remediate soil contaminated with no. 2 fuel oil. 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 *Evening Times* on May 17, 2003. See additional entry in the Actions section of this *Pennsylvania Bulletin*.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

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

#### *Renewal Applications Received*

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024, License No. PA-HC 0015. Received on June 10, 2003.

**Sterilogic Waste Systems, Inc.**, 6691 Pickard Drive, Syracuse, NY 13211, License No. PA-HC 0208. Received on May 15, 2003.

**ASEPSIS, Inc.**, 424 W. Lincoln Highway, Suite 204, Pennel, PA 19047-5152, License No. PA-HC 0014. Received on June 3, 2003.

**NSH Network, Inc. d/b/a Resource Management Council Services**, 3001 Expressway Drive North, Suite 300, Islandia, NY 11749, License No. PA-HC 0208. Received on June 4, 2003.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PAD004344222. Tecumseh Redevelopment Inc.**, 3250 Interstate Drive, Richfield, OH 44286. Tecumseh Redevelopment, Riders Area, Iron Street, Johnstown, PA 15901. An application for a permit modification to reissue a Post Closure Class I Permit for new ownership in the City of Johnstown, **Cambria County** was received in the regional office on June 6, 2003.

**PAD000736942. Calgon Carbon Corporation**, 200 Neville Road, Pittsburgh, PA 15225. An application for a permit renewal of a RCRA Part B Residual Waste Permit in Neville Township, Allegheny County was received in the regional office on June 9, 2003.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Applications for determination of applicability accepted 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/or the beneficial use of residual waste other than coal ash.**

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

**General Permit Application No. WMGR038SE006. Carbon Services of Philadelphia, Inc.**, 2600 Penrose Avenue (Rear), Philadelphia, PA 19145. Application submitted for the beneficial use of waste tires as a component in a civil engineering practice (marine reef bales) and processing of tires into tire chips for beneficial use at the Carbon Services of Philadelphia site in the City of Philadelphia. The application for determination of applicability was determined to be administratively complete by the Southeast Regional Office on June 19, 2003.

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

**Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit Application No. 603455. Blackwood Farms Class A Biosolids Management Facility, WeCare Organics, LLC**, 12 Tremont Road, Tremont, PA 17981-1907. An application for the alkaline stabilization and drying of biosolids to produce N-Viro soil, a patented EQ biosolids product, at this municipal waste processing facility in Reilly Township, **Schuylkill County**. The application was received in the regional office on March 19, 2003. As of June 18, 2003, it was found to be administratively complete.

#### 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 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 before the application. 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.**

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

**61-193C: National Fuel Gas Supply Corp.—Henderson Station** (Route 965, Henderson, PA 16153) to install an air cleaning device on the TEG dehydration system at their Henderson Compressor Station in Mineral Township, **Venango County**.

**25-053B: Urick Foundry Co.** (1501 Cherry Street, Erie, PA 16502) to replace the existing cupola and control devices with the installation of two new coreless electric induction furnaces and baghouse system in the City of Erie, **Erie County**. This is a State-only facility.

**Intent to issue Plan Approvals and intent to issue or amend Operating Permits under the Air Pollution Control Act 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-46-0198G: Blommer Chocolate Co.** (1101 Blommer Drive, P. O. Box 45, East Greenville, PA 18041) for

modification of the cocoa alkalization process in Hanover Township, **Montgomery County** without changing permitted emissions. This facility is a Major for VOCs. Emissions from this modification increases 1.4 tons of VOCs per year. The Plan Approval will contain recordkeeping and operating restriction designed 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.*

**35-302-110A: PEI Power Corp.** (170 Power Boulevard, Archbald, PA 18403) for modification of the original Plan Approval (35-302-110 for the auxiliary boiler) to facilitate the review and issuance of a now anticipated Title V Permit for their facility in Archbald Borough, **Lackawanna County**. Condition No. 6 of the original Plan Approval will be modified to read as follows: during normal operating conditions, the unit must be operated in compliance with the following limits: NO<sub>x</sub> must be less than 0.06 pound per million Btu and CO must be less than 0.20 pound per million Btu, and during any operational period (including start-up and shut-down modes), the unit must be operated in compliance with the following limits: NO<sub>x</sub> must be less than 3.8 pounds per hour and CO must be less than 11.9 pounds per hour. Condition No. 5 setting an opacity limit for the boiler will be rewritten to reflect 25 Pa. Code § 123.41. All other conditions of the original Plan Approval will remain as previously written.

**35-306-004A: PEI Power Corp.** (170 Power Boulevard, Archbald, PA 18403) for modification of the original Plan Approval (35-306-004 for the main boiler) to facilitate the review and issuance of a now anticipated Title V Permit for their facility in Archbald Borough, **Lackawanna County**. Condition No. 16 of the original Plan Approval set a limit for the facility's emissions to be less than Title V parameters for any regulated pollutant (including 100 tons annual limits for NO<sub>x</sub> and CO emissions, based on a 12 month rolling sum). Condition No. 16 will now be removed. All other conditions of the original Plan Approval will remain as previously written.

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

**36-05008C: Tyson Foods, Inc.** (403 South Custer Avenue, New Holland, PA 17557) for construction of a vegetable oil poultry fryer controlled by a wet scrubber in Earl Township, **Lancaster County**. The estimated emissions of particulate matter from the operation of the fryer will be about 500 pounds per year. The plan approval and operating permit will include emission limitations, testing, monitoring, recordkeeping, reporting requirements and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**PA-65-00865B: Sony Chemicals Corp. of America—Pittsburgh Manufacturing Center** (1001 Technology Drive, Mount Pleasant, PA) at their facility in Mount Pleasant Township, **Westmoreland County**. Under 25 Pa. Code § 127.44(a)(4), the Department intends to issue a Plan Approval for the installation of a MEGTEC CleanSwitch™ Regenerative Thermal Oxidizer (RTO) System as described in its application to the Department received on March 28, 2003.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

*Special Conditions for Plan Approval PA-65-00865B*

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

1. This Plan Approval is for the installation of a MEGTEC CleanSwitch™ RTO System on the thermal transfer ribbon paint production and coating process at the Sony Chemicals Corporation of America's Pittsburgh Manufacturing Center in Mount Pleasant Township, Westmoreland County (25 Pa. Code § 127.12b).

2. Overall destruction efficiency of VOCs (as propane) from the oxidizer shall not be less than 98%. Compliance with this condition shall be determined through stack testing required in this approval (25 Pa. Code § 127.12b).

3. Equipment to continuously monitor and record the temperature maintained in the oxidizer combustion chamber shall be installed. The minimum temperature maintained in the combustion chamber shall be the temperature at which a 98% destruction removal efficiency is demonstrated during performance testing. These records shall be kept on file a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

4. Emissions of VOCs from the entire facility shall be limited to 50.0 tons in any consecutive 12-month period. Compliance with this condition shall be determined through stack testing required in this approval (25 Pa. Code § 127.12b).

5. Emissions of NO<sub>x</sub> from the thermal oxidizer stack shall be limited to 13.8 tons in any consecutive 12-month period. Compliance with this condition shall be determined through stack testing required in this approval (25 Pa. Code § 127.12b).

6. Emissions of CO from the thermal oxidizer stack shall be limited to 10.3 tons in any consecutive 12-month period. Compliance with this condition shall be determined through stack testing required in this approval (25 Pa. Code § 127.12b).

7. Stack testing shall be performed within 90 days after the initial start-up of the RTO to determine the following emission rates (25 Pa. Code Chapter 139):

(a) VOCs (as propane) inlet to the RTO expressed in lbs/hr.

(b) VOCs (as propane) exhaust to the atmosphere expressed in lbs/hr.

(c) NO<sub>x</sub> (as NO<sub>2</sub>) exhaust to the atmosphere expressed in lbs/hr.

(d) CO exhaust to the atmosphere expressed in lbs/hr.

8. The owner/operator shall submit a pretest protocol to the Department for approval at least 30 days prior to the performance of the stack test (25 Pa. Code Chapter 139).

9. Stack testing shall be performed in accordance with 25 Pa. Code Chapter 139 regulations and the Department's source testing manual.

10. The Department shall be notified at least 2 weeks prior to the date of the stack test so that an observer may be present (25 Pa. Code Chapter 139).

11. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completing the testing (25 Pa. Code Chapter 139).

12. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b).

(a) The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

(b) Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator under subpart (a).

(d) The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

(e) The notice submitted by the owner/operator under subpart (a) prior to the expiration of this Plan Approval shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

Persons who wish to provide the Department with additional information which they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the following address. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval number and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to the Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. For additional information, contact Thomas J. Joseph, P. E., Air Pollution Control Engineer III, Air Quality, at the previous address.

## OPERATING PERMITS

**Intent to issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

**23-00040: Laurel Pipeline Co., L.P.** (3398 Garnet Mine Road, Bethel Township, PA 19061) for an administrative amendment to the Title V Operating Permit at their Boothwyn Breakout Station in Bethel Township, **Delaware County**. The facility operates as a refined petroleum products transportation pipeline. The permit is being amended to incorporate changes approved under Plan Approval PA-23-0040A for storage tanks nos. 18 and 19. Plan Approval PA-23-0040A was issued to the facility for the modification of Operating Permit 23-312-054C to include VOC emissions associated with landing losses in floating-roof tanks. The revised 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.

The conditions that have been addressed in the amended Title V Permit as follows:

Section D, Source Level Requirements, Sources 118 and 119—Establish a total VOC emission limit of 17.5 tons per year (tpy) as a 12-month rolling sum, calculated monthly. This emission limit includes 13.48 tpy as roof landing losses. The roof landing losses are not considered a net emission increase from the facility

- Section D, Source Level Requirements, Sources 118 and 119, Condition No. 003.

- Omitted the Throughput Restrictions condition for these sources:

- Section D, Source Level Requirements, Section III. Sources 118 and 119—Monitor and record the following on a monthly basis:

- (1) The throughput from the tank, in gallons.
- (2) The type and vapor pressure of the product stored and throughput.
- (3) The total VOC emissions, calculated on a monthly basis.

Administrative amendment of the Title V Operating Permit issued under the Air Pollution Control Act and 25 Pa. Code § 127.450.

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

**33-00055: Glen-Gery Corp.** (Route 28, Summerville, PA 15864) for the reissuance of a Title V permit to operate a brick and tile manufacturing facility in Summerville Borough, **Jefferson County**. The facility's major emission sources include raw material stockpiles, primary crushers for shale and clay, hammermill for shale, grinding and screening operation with storage, transportation fugitives and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit PM10, SOx, NOx and CO. The facility is also currently operating under a plan approval for the modification of several brick kilns at the facility. This permit will be administratively amended at a later date to incorporate the kilns and all applicable requirements that apply to the kilns.

**Intent to issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**15-00018: Wyeth Pharmaceutical** (31 Morehall Road, Frazer, PA 19355). The permit is for their non-Title V (State-only) facility in East Whiteland Township, **Chester County**. The facility's sources include three boilers, three electric generators (IC engines), absorption chiller, duplicating press and five hot water heaters. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**67-05078: Global Stone PenRoc, LP** (1058 Roosevelt Avenue, York, PA 17404-2833) for operation of a limestone crushing operation at their Whiting Plant in West Manchester Township, **York County**. This facility's PM emissions are controlled via wet suppression and/or by various fabric collectors. The State-only Operating Permit will include emission limitations, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements in addition to the New Source Performance Standards requirements found in 40 CFR Part 60, Subpart OOO.

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

**8-399-048: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848) for the operation of five ammonium chloride solution storage tanks and associated air cleaning devices (five conservation vents and a fiber bed diffusion filter) in their Towanda facility in North Towanda Township and Towanda Borough, **Bradford County**.

The PM emissions from the tanks are estimated to be less than 1 pound per year following control.

The Department has determined that the air cleaning devices have been installed and the storage tanks and air cleaning devices are being maintained and operated, in accordance with the conditions of Plan Approval 8-399-048, as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants. The Department consequently intends to issue an operating permit for the operation of the respective storage tanks and associated air cleaning devices.

The following is a summary of the conditions the Department proposes to place in the operating permit to be issued to ensure compliance with all applicable regulatory requirements:

1. The diffusion filter shall be cleaned on a frequent enough basis to ensure proper operation.
2. An opacity observation shall be conducted on the diffusion filter exhaust at least once during each 8-hour shift. If visible air contaminant emissions in excess of the limitations specified in 25 Pa. Code § 123.41 are observed, the permittee shall take immediate steps to correct the problem.

3. Records shall be maintained of all opacity observations as well as all corrective action taken. All records shall be retained for at least 5 years and shall be made available to the Department upon request.

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

**65-00944: FC Meyer Packing, LLC** (585 South Union Street, Lawrence, MD 01843) for operation of manufacturing of packaging at their Jeannette Plant in Jeannette, **Westmoreland 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 an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department

at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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 who 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 the person 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 wishes 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)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity\*

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.*

**03841302. NPDES Permit PA0214132, Canterbury Coal Company** (R. D. 1, Box 119, Avonmore, PA 15618),

to renew the permit for the David/Dianne Mine in Kiskiminetas Township, **Armstrong County** and related NPDES permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received May 20, 2003.

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

**24030103 and NPDES Permit No. PA0242390. AMFIRE Mining Company LLC** (One Energy Place,

Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface strip and auger operation in Horton Township, **Elk County** affecting 603.3 acres. Receiving streams: Johnson Run and unnamed tributaries to Johnson Run; Oyster Run and unnamed tributary to Oyster Run; Little Toby Creek to Clarion River (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received June 18, 2003.

**11536-24030103-E-1. AMFIRE Mining Company LLC** (One Energy Place, Latrobe, PA 15650). Application for a stream encroachment to conduct mining and support activities and a haul road crossing within 100 feet of an unnamed tributary to Johnson Run in Horton Township, **Elk County**. Receiving streams: Johnson Run and unnamed tributaries to Johnson Run; Oyster Run and unnamed tributary to Oyster Run; Little Toby Creek to Clarion River (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received June 18, 2003.

**11536-24030103-E-2. AMFIRE Mining Company LLC** (One Energy Place, Latrobe, PA 15650). Application for a stream encroachment to conduct mining and support activities within 100 feet of an unnamed tributary to Johnson Run in Horton Township, **Elk County**. Receiving streams: Johnson Run and unnamed tributaries to Johnson Run; Oyster Run and unnamed tributary to Oyster Run; Little Toby Creek to Clarion River (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received June 18, 2003.

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

**32030106 and NPDES Permit No. PA0249475. Simpson Coal Company**, R. R. 1, Box 244, New Alexandria, PA 15670, for commencement, operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 9.3 acres. Receiving streams: unnamed tributary to Blacklegs Creek to Blacklegs Creek to the Kiskiminetas River to the Allegheny River (CWF, WWF). There are no potable water supply intakes within 10 miles downstream. Application received June 5, 2003.

**32030107 and NPDES Permit No. PA0249483. Simpson Coal Company**, R. R. 1, Box 244, New Alexandria, PA 15670, for commencement, operation and

restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 37.0 acres. Receiving streams: unnamed tributaries to Blacklegs Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 5, 2003.

**56930108 and NPDES Permit No. PA0212539. Zubek, Inc.**, 173 House Coal Road, Berlin, PA 15530, permit renewal for continued operation of a bituminous surface mine (coal refuse reprocessing) in Stonycreek Township, **Somerset County**, affecting 86.0 acres. Receiving streams: unnamed tributary to Schrock Run and Schrock Run (CWF). The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek surface withdrawal. Application received June 9, 2003.

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

**65980102 and NPDES Permit No. PA0202207. V. P. Smith Co., Inc.** (P. O. Box 242, Ligonier, PA 15658). Renewal application for continued mining of an existing bituminous surface mine, in Fairfield Township, **Westmoreland County**, affecting 82.8 acres. Receiving streams: unnamed tributaries to Hannas Run (CWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received June 12, 2003.

**03030106 and NPDES Permit No. PA0250431. Thomas J. Smith, Inc.** (R. D. 1, Box 260-D, Shelocta, PA 15774). Application for commencement, operation and reclamation of a bituminous surface mine in Redbank Township, **Armstrong County**, affecting 66 acres. Receiving streams: unnamed tributaries to Sugar Camp Run to Pine Run (CWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received June 12, 2003.

*Noncoal Applications Received*

*Effluent Limits*—The following noncoal 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>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**7975SM1C7. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), depth correction to an existing quarry operation in Hilltown

Township, **Bucks County** affecting 47.5 acres, receiving stream: unnamed tributary to Morris Run. Application received June 11, 2003.

**45880301C6 and NPDES Permit PA0594113. Selig Construction Co., Inc.** (HC 87, Box 185, Pocono Lake, PA 18347), renewal of NPDES permit for discharge of treated mine drainage in Tobyhanna Township, **Monroe County**, receiving stream: unnamed creek to Lehigh River. Application received June 13, 2003.

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

**37980304. Quality Aggregates, Inc.** (200 Neville

Road, Neville Island, PA 15225-0347). Renewal of NPDES Permit No. PA0227820, Slippery Rock Township, **Lawrence County**. Receiving streams: unnamed tributary to Slippery Rock Creek (CWF). The first downstream potable water supply intake from the point of discharge is Ellwood City. NPDES Renewal application received June 17, 2003.

**37930302. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225-0347). Renewal of NPDES Permit No. PA0211583, Slippery Rock Township, **Lawrence County**. Receiving streams: unnamed tributary of Slippery Rock Creek to Slippery Rock Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received June 17, 2003.

**10850306. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225-0347). Renewal of NPDES Permit No. PA0106453, Marion Township, **Butler County**. Receiving streams: Two unnamed tributaries to Blacks Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received June 17, 2003.

**1270-10010310-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to mine through and reconstruct four unnamed tributaries to Swamp Run in Mercer and Pine Townships, **Butler and Mercer Counties**. Receiving streams: three unnamed tributaries to Swamp Run and McMurry Run (CWF). The first downstream potable water supply intake from the point of discharge is Slippery Rock public water supply. Application received June 18, 2003.

*Small Noncoal (Industrial Minerals) Permit—Final Bond Release*

**10960803. Gregory P. Schmidt** (420 Saxonburg Boulevard, Pittsburgh, PA 15238). Final bond release for a small noncoal mining operation in Clinton Township, **Butler County**. Restoration of 2.0 acres completed. Receiving stream: Rocky Run (TSF). Application received January 13, 2003. Final bond release approved June 6, 2003.

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

**40A76SM9 and NPDES Permit No. PA0212491. Keystone Lime Company**, P. O. Box 278, Springs, PA 15562, renewal of NPDES Permit in Elk Lick Township, **Somerset County**. Receiving streams: Glade Run (High Point Lake) and Enos Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 17, 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 of Environmental Protection (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 persons, offices or heads 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 Issued*

*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 received March 4, 2003. Project proposal approved June 12, 2003.

### **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 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) 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. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a dam permit or water obstruction and encroachment permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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



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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-940. Bryn Athyn Borough**, 1800 Byberry Road, Huntingdon Valley, PA 19006-3526, Woodmount Bridge Construction Project, Bryn Athyn Borough, **Montgomery County**, Philadelphia ACOE District.

The applicant proposes to construct and maintain a single span reinforced concrete bridge and appurtenant structures with an approximate 40-foot span and 4.4-foot underclearance opening and a 14-foot roadway width over the Southampton Creek a tributary of the Pennypack Creek (TSF-MF).

Work also includes:

1. To place approximately 20 linear feet of fill (approximately 19.1 cubic yards) within the floodway associated with grading and fitting of the bridge seat and wingwalls.

2. To conduct minor grading within the floodway to facilitate pavement of the roadway approach of the bridge.

3. To conduct excavation of approximately 5.6 cubic yards of fill to accommodate construction of bridge footings.

The project proposes to temporally affect 20 and directly affect a total of 14 linear feet of stream banks. The project site is approximately 940 feet south of the intersection of Byberry and Mason Mill Roads (Hatboro, PA Quadrangle N: 5.84 inches; W: 10.63 inches).

**E15-707. The Hankin Group**, 707 Eagleview Boulevard, P. O. Box 562, Exton, PA 19341, Upper Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with Eagleview residential and corporate development project:

1. An Environmental Assessment approval for impacts associated with the construction, operation and maintenance of the nonjurisdictional dam across an unnamed tributary to Marsh Creek (HQ-TSF, MF). The proposed dam will provide stormwater management for the Corporate Center; maximum height of the dam is 12 feet. The project will impact approximately 90 linear feet of watercourse and 0.08 acre of wetland (PFO).

2. To excavate along the floodway for stormwater basin impoundment immediately upstream from the dam. Approximate area of basin is 2.29 acres, total volume of basin to be 13.03 acre-feet. (Excavation area approximately 250 feet by 100 feet.)

3. Utility crossing of 85 feet through wetlands and unnamed tributary to Marsh Creek. An 8-inch PVC gravity line will be used for the sanitary sewer connection.

The project is about 500 feet northeast of the intersection of Township Line Road and Stockton Drive (Downingtown-PA USGS Quadrangle N: 3.4 inches; W: 4.0 inches).

**E09-855. Westrum Development Company**, 370 Commerce Drive, Fort Washington, PA 19034, Richland Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Arbours at Morgan Creek residential subdivision:

1. To place and maintain fill in 0.03 acre of isolated wetlands (PEM) associated with the construction of lots 132 and 133 of the proposed residential development.

2. To construct and maintain approximately 330 linear feet of 29-inch by 45-inch RCP stream enclosure across an unnamed intermittent tributary of Morgan Creek (TSF) associated with the access road.

3. To construct two 8-inch PVC sanitary sewer utility lines across an unnamed tributary to Morgan Creek beneath the aforementioned enclosure in item no. 2.

4. To construct a 12-inch DIP water main utility line across an unnamed tributary to Morgan Creek beneath the aforementioned enclosure in item no. 2.

5. To construct a 4-inch PVC force main utility line across an unnamed tributary to Morgan Creek beneath the aforementioned enclosure in item no. 2.

6. To construct a 12-inch DIP water main utility line across the Morgan Creek and adjacent wetlands (PSS).

7. To construct a 4-inch PVC force main utility line across the Morgan Creek and adjacent wetlands (PSS).

The project proposes to directly impact a total of 330 linear feet of watercourse and 0.74 acre of wetlands. The permanent wetland impact will be 0.03 acre and the temporary wetland impact will be 0.71 acre. The site is just west of the intersection of Paletown Road and Reading Railroad (Quakertown, PA USGS Quadrangle N: 9.0 inches; W: 10.3 inches).

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

**E31-191: James M. and Heather A. Little**, 1516-26 Avenue, Altoona, PA 16601 in Henderson Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a 16-foot by 32-foot prefabricated storage shed elevated on piers next to the Juniata River (WWF) along Jacob's Crossing Road in Henderson Township, Huntingdon County (Mount Union, PA Quadrangle N: 14.5 inches; W: 13.9 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-36 36.*

**E08-403. David G. Moore**, R. R. 2, Box 112, Rome, PA 18837. Gravel bar removal in Windham Township, **Bradford County**, ACOE Baltimore District (Windham, PA Quadrangle N: 21.8 inches; W: 13.0 inches).

To remove a 480-foot by 25-foot gravel bar to a depth of 6 inches above water level from an unnamed tributary to Wappasening Creek (CWF) off Rt. 187 approximately 0.25 mile south of the New York state line. The project will not impact wetlands while impacting approximately 480 feet of waterway.

**E08-404. Russell A. and Norma J. Kerschner**, 214 Cathill Road, Sellersville, PA 18060-1504. Low flow crossing in North Towanda Township, **Bradford County**, ACOE Baltimore District (Ulster, PA Quadrangle N: 9.75 inches; W: 0.3 inch).

To construct and maintain a low flow crossing consisting of three 18-inch diameter pipes embedded in clean

rock in Hemlock Run (WWF) approximately 240 feet west of the intersection of T585 with T576 in North Towanda Township, Bradford County. The project will not impact wetlands while impacting approximately 25 feet of waterway and 0.01 acre of floodway.

**E17-384. Department of Conservation and Natural Resources—Forestry District No. 9**, 3372 State Park Road, Penfield, PA 15849-9502. Mountain run bike trail in Huston Township, **Clearfield County**, ACOE Baltimore District (Penfield, PA Quadrangle N: 19.2 inches; W: 15.2 inches).

To construct, operate and maintain three single span bridges across the Wilson Run (CWF) for public access to a mountain bike trail system in the Moshannon State Forest. Bridge no. 1 shall be constructed with a minimum width of 4 feet and single span 30 feet, bridge no. 2 shall be constructed with a minimum width of 4 feet and single span of 33 feet and bridge no. 3 shall be constructed with a minimum width of 4 feet and single span of 52 feet. Construction of the bridges shall not be conducted within the stream channel. The project will not impact wetlands while permanently impacting 116 feet of the Wilson Run. The project is on the western right-of-way of SR 0153 approximately 2,000 feet south of the Nolan Road and SR 0153 intersection.

**E59-445. Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754-0218. West Branch Tony Fork Culvert replacement in Delmar Township, **Tioga County**, ACOE Baltimore District (Tiadaghton, PA Quadrangle N: 8.4 inches; W: 3.3 inches).

The applicant proposes to remove the existing single span I-Beam bridge structure and replace it with a concrete box culvert. The culvert measures 19 feet wide by 9 feet tall and has a curb-to-curb width of 28 feet. There will be a 1-foot depression of the invert elevations leaving the actual height of structure to be 8 feet. Flow during construction will be diverted through a culvert pipe for clean water conveyance. The structure will impact 100 linear feet of the West Branch of Stony Fork (CWF) does not plan to impact any wetlands.

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

**E02-1017 A1. Grasinger Homes, Inc.**, 8035 Saltsburg Road, Pittsburgh, PA 15239. Excavate a tributary to Little Plum Creek for Rustic Ridge Phase 6 in Plum Borough, **Allegheny County**, Pittsburgh ACOE District (New Kensington East, PA Quadrangle N: 2.7 inches; W: 3.16 inches). The applicant proposes to amend Permit No. E02-1017, which authorized removal of an existing structure and construction and maintenance of a 60-inch diameter CMP culvert with a length of 96 feet in a tributary to Little Plum Creek to excavate the channel of a tributary to Little Plum Creek for a distance of approximately 320 feet and to construct and maintain a nonjurisdictional dam on a tributary to Little Plum Creek.

**E04-295. Wright Brothers, Inc.**, 134 Glendale Road, Beaver Falls, PA 15010. Goldenrod Meadows Culvert in North Sewickley Township, **Beaver County**, Pittsburgh ACOE District. (Beaver Falls, PA Quadrangle N: 4.8 inches; W: 4.4 inches). The applicant proposes to construct and maintain four culvert crossings in an unnamed tributary to Bennett Run (WWF). The first crossing is 3 - 48-inch diameter HDPE culverts approximately 72 feet long, the second crossing is 2 - 48-inch diameter HDPE culverts approximately 145 feet long, the third crossing is 2 - 48-inch diameter HDPE culverts approximately 130

feet long, the fourth crossing is 3 - 48-inch diameter HDPE culverts approximately 80 feet long. The applicant also proposes to construct and maintain various stormwater outfalls to the unnamed tributary to Bennett Run. The project will culvert another tributary for a distance of approximately 110 feet, this meets the Department's waiver 105.12(a)(2). This work is part of a proposed 58-acre subdivision. The project is on the south end of Sylvia Drive approximately 500 feet south of its intersection with Overlook Drive. The total proposed stream impact is 537 feet.

**E04-296. Lehigh Cement Company**, 3111 Water Street, Richmond, VA 23223. Lehigh Cement facility mooring dock in the City of Aliquippa, **Beaver County**, Pittsburgh ACOE District (Ambridge, PA Quadrangle N: 16.8 inches; W: 15.8 inches). The applicant proposes to operate and maintain an existing bridge dock unloading facility along the left bank of the Ohio River near River Mile 16.8. The facility was originally permitted under permit E04-035. The total existing impact to the river is approximately 200 feet for five 5-inch to 7-inch mooring posts.

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

**E25-673. Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3002 Bridge Replacement in Conneaut Township, **Erie County**, ACOE Pittsburgh District (East Springfield, PA Quadrangle N: 4.6 inches; W: 0.1 inch).

The applicant proposes to remove the existing structure and to construct and maintain a two span, prestressed concrete spread box beam bridge having two clear spans of 76 feet each and an underclearance of 21.0 feet on a 90 degree skew across Conneaut Creek (WWF, MF, perennial) on SR 3002 (Cherry Hill Road), Section B02, Segment 0170, Offset 1887 approximately 0.7 mile northeast of the intersection of SR 3002 (Cherry Hill Road) and U. S. Route 6 N. The project includes: (1) scour protection on the abutment slopes with R-7 rock riprap; (2) scour protection with R-7 rock riprap 5 feet radially from the pier; (3) construction of a temporary construction causeway and cofferdams; and (4) roadway construction and widening for approximately 275 feet on the northern approach and 200 feet on the southern approach. The project proposes to directly affect a total of approximately 75 linear feet of stream channel.

**E33-216. Department of Transportation, District 10-0**, Route 286 South, P. O. Box 429, Indiana, PA 15701. Beechton Intersection Project in Snyder, **Jefferson County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 22.7 inches; W: 12.2 inches).

The applicant proposes to realign approximately 2,000 feet of SR 0028, Section 570 near the intersection of SR 0028 and SR 1011 to improve the alignment and site distances involving: (1) permanently fill 0.08 acre of PEM wetland and 0.02 acre of PSS wetland; (2) temporarily affect 0.02 acre of PEM wetland; and (3) to construct and maintain a stormwater outfall structure at the top of the right bank of Mill Creek (CWF, perennial). The project proposes to directly affect 0.1 acre of wetlands. Payment to the Department Wetland Replacement Project fund is proposed to compensate for wetland impacts.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd., Ebensburg, PA 15931-4119.*

**EA1009-002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation,**

**Cambria Office**, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project in Marion Township, **Butler County**, Pittsburgh ACOE District (Barkeyville Quadrangle N: 0.5 inch; W: 7.9 inches). The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,000 feet of dangerous highwall at two sites. The project will include the backfilling of 1.06 acres of hazardous isolated open water, POWs and backfilling of 0.037 acre of PEM wetland. The project will directly impact 0.037 acre of wetland. De minimis wetland impacts are necessary to adequately address the health and safety hazards associated with the unreclaimed abandoned mine.

**EA5609-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office**, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project in Somerset Township, **Somerset County**, Pittsburgh ACOE District (Somerset Quadrangle N: 1.0 inch; W: 1.6 inches). The applicant proposes to backfill an abandoned surface mine, which includes a 1,400-foot long dangerous highwall. The project will include the backfilling of 0.36 acre of PEM wetland. A 0.36 acre PEM replacement wetland will be constructed as part of the reclamation. The project will directly impact 0.36 acre of wetland. Wetland creation of 0.36 acre is proposed to compensate for wetland impacts.

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

**EA1013-006 AER Construction, Inc.**, 1140 Blank Road, Freedom, PA 15042. Middlesex Township, **Butler County**. ACOE Pittsburgh District.

Project proposes to operate and maintain a nonjurisdictional dam across a tributary to Glade Run (WWF) impacting approximately 675 linear feet of stream channel for recreational purposes. The dam is approximately 1,900 feet south of the intersection of McFann Road (T492) and Forsythe Road (T448) (Valencia, PA

Quadrangle N: 16.8 inches; W: 8.6 inches).

**EA3813-006. Jonathan Rudd**, R. D. 2 Box 716B, Annville, PA 17003. West Cornwall Township, **Lebanon County**. ACOE Baltimore District.

Project proposes to construct, operate and maintain a nonjurisdictional dam across a tributary to Beck Creek (TSF) for aesthetic purposes impacting approximately 0.08 acre of wetland (PEM). The applicant proposes to construct 0.08 acre of replacement wetland at the project site. The proposed dam will be off of SR 117, approximately 2,400 feet southwest of the intersection of SR 322 and SR 72 (Lebanon, PA Quadrangle N: 1.95 inches; W: 9.35 inches).

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

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

**The following application has been received for storage tank site-specific installation permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03004	Mark J. Wanner Clearwater International LLC 100 Industrial Drive Leetsdale, PA 15056	Allegheny	Leetsdale Borough	14 ASTs storing hazardous substance	104,720 gallons total

**ACTIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY  
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOIs) for coverage under General Permits. This notice is provided in accordance with regulations at 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for Coverage under general NPDES permits. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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. NPDES Renewal Permit Actions**

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

### *NPDES*

<i>Permit 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>
PA0111635 Industrial Waste	Spring Township Municipal Authority P. O. Box 133 Beaver Springs, PA 17812	Snyder County Beaver Township	Kern Run 6A	Y
PA0209520 Municipal	LeRaysville Borough P. O. Box 42 LeRaysville, PA 18829-0042	Bradford County LeRaysville Borough	UNT to Rockwell Creek 4D	Y

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

### *NPDES*

<i>Permit 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>
PA0216330	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Beaver County Big Beaver Borough	Drainage Swale to Clarks Run	Y

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

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

**NPDES Permit No. PA0044059**, Industrial Waste, **Fish and Boat Commission**, 162 Fish Hatchery Road, New Paris, PA 15554-8213. This proposed facility is in East St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Dunning Creek in Watershed 11-C.

**NPDES Permit No. PA0033766**, Sewage, **North Heidelberg Sewer Company**, P. O. Box 609, Bernville, PA 19506. This proposed facility is in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Northkill Creek and the Northkill Creek in Watershed 3-C.

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

**NPDES Permit No. PA0219142**, Sewage, **Sewickley Township Municipal Authority**, P. O. Box 46, Herminie, PA 15637-0046. This proposed facility is in Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: Authorization to discharge from a facility at Sewickley Township Municipal Authority STP to the receiving waters known as Little Sewickley Creek.

**NPDES Permit No. PA0219487**, Sewage, **Eighty Four Mining Company**, 172 Route 519 South, P. O. Box 355, Eighty Four, PA 15330. This proposed facility is in Amwell Township, **Washington County**.

Description of Proposed Action/Activity: Authorization to discharge from a facility at Hallam Portal STP to receiving waters unnamed tributary of Redd Run.

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### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 0503202**, Industrial Waste, **Fish and Boat Commission**, 162 Fish Hatchery Road, New Paris, PA 15554-8213. This proposed facility is in East St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of industrial waste treatment facilities.

**WQM Permit No. 0599406 Amendment No. 03-1**, Sewerage, **Kenneth P. Secrest, Brush Creek Country Estates WWTP**, P. O. Box 464, New Kingstown, PA 17072. This proposed facility is in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities and groundwater monitoring wells.

**WQM Permit No. 6795407 Amendment No. 03-1**, Sewerage, **Eve and Randy Runk**, 31 High Street, Felton, PA 17322. This proposed facility is in Felton Borough, **York County**.

Description of Proposed Action/Activity: Authorization of the operation of sewage treatment facilities.

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

**WQM Permit No. 4301418**, Sewerage, **Paul M. Miller**, 492 A St. Johns Road, Fredonia, PA 16124. This proposed facility is in Otter Creek Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 2003419**, Sewerage, **Robert L. Henry**, P. O. Box 295, Linesville, PA 16424. This proposed facility is in North Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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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>
PAS10G173-R	Southern Chester County Medical Assoc. The Ruston Building Jenner's Pond 1011 Baltimore Pike West Grove, PA 19390	Chester	Penn Township	Unnamed tributary East Branch Big Elk Creek HQ
PAI011503034	Chester Valley Golf Club Michael Ceribelli Chester Valley GC—WCRSP 430 Swedesford Road Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503036	Leonard Giunta Giunta Enterprises Subdivision 797 East Lancaster Avenue Downingtown, PA 19335	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI011503037	Michael A. Stopler Rt. 3 Office Building Addition 6022 West Chester Pike Edgemont, PA 19028	Chester	Willistown Township	Ridley Creek HQ-TSF
PAI011503038	Richard and Jacqueline Dilworth Dilworth Development 235 Election Drive Oxford, PA 19363	Chester	East Nottingham Township	Little Elk Creek HQ-TSF-MF
PAI011503044	Brandywine Creek Camp Matthew Garber P. O. Box 257 Lindell, PA 19354	Chester	East Brandywine Township	East Branch Brandywine Creek HQ
PAS10J058	Westrum Construction, LLC Joseph Benyo Arbours at Naamans Creek 370 Commerce Drive Suite 100 Fort Washington, PA 19034-2601	Delaware	Bethel Township	Naamans Creek Delaware Estuary WWF

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

*Luzerne County Conservation District: R485 Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10R044	Armand Mascioli R. R. 3, Box 3016 Harveys Lake, PA 18618	Luzerne	Harveys Lake Borough	Harveys Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S117	LTS Development, Inc. P. O. Box 160 Shawnee on Delaware, PA 18356	Monroe	Middle Smithfield Township	Sand Hill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803006	Ron Del Development Co. 3242 Farmsville Rd. Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF
PAI024803007	Nic Zawarski & Sons Developer, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	Hanover Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025203001	Myron M. Hunt, Inc. 4 Cathedral Park 4th Floor Buffalo, NY 14202	Pike	Westfall Township	Delaware River HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI020003001	Tennessee Gas Pipeline 197 Tennessee Road Coulter, PA 16915	Susquehanna  Wayne	Auburn, Lathrop, Lenox and Springville Townships  Berlin and Dyberry Townships Honesdale Borough	Dyberry, West Falls, Twin Lake and Saventine Creeks Indian Orchard, Dimmock  Meadow and Deep Brooks UNT to West Branch
			Lackawaxen, Shohola and Milford Townships	Lackawaxen River HQ-CWF, EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2032103001	Ashton Residential Development Four East High Street Suite 1 Carlisle, PA 17013	Cumberland	South Middletown Township	Yellow Breeches Creek HQ-CWF
PAI2030103001	Mike Gastley 65 Mauss Road Biglerville, PA 17307	Adams	Hamiltonban Township	Middle Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2000603041	Ernest Werstler Jr. 3650 Perkiomen Avenue Reading, PA 19606	Berks	Exeter Township	Antietam Creek CWF
PAI2030103001	Angelo Corrado 965 Park Road Blandon, PA 19510	Berks	Jefferson and Tulpehocken Townships	Northkill Creek CWF
PAG2000603018	Kenneth Wagner 4635 Perkiomen Avenue Reading, PA 19606	Berks	Exeter Township	Antietam Creek CWF
PAG2000603037	Robert J. Kempf Kutztown Resource Management P. O. Box 151 Kutztown, PA 19530	Berks	Maxatawny Township	Sacony Creek TSF

*Cumberland County Conservation District, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR2002103018	Simpson Park Upper Allen Township 100 Old Gettysburg Rd. Mechanicsburg, PA 17055	Cumberland	Upper Allen Township	Yellow Breeches Creek CWF
PAG2002103021	Allen M. Smith Conewago Contractors, Inc. 610 Edgegrove Road P. O. Box 688 Hanover, PA 17331	Cumberland	Upper Allen Township	Cedar Run CWF

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

*Butler Conservation District: 122 McCune Drive, Butler, PA 16001-6501.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061003002	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Butler	Buffalo Township	Saver Run (tributary of Little Buffalo Creek) HQ-TSF

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**VII. Approvals to Use NPDES and/or Other General Permits**


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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).

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


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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of 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)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-1*

<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>
President Township Venango County	6203002	Synergy Oil & Gas Co., Inc. 15515 Tionesta Road P. O. Box 449 Pleasantville, PA 16341	Pithole Creek CWF	Northwest Regional Office Oil and Gas Management 230 Chestnut Street Meadville, PA 16335 (814) 332-6860

*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>
Whitpain Township Montgomery County	PAG2004603088	Wisler, Perlstine, Talone, et al. Hanover Hills, Inc. 484 Norristown Road Suite 100 Blue Bell, PA 19422	Lorraine Run Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franconia Township Montgomery County	PAG2004603085	Bergey's Realty Company 462 Harleysville Pike Franconia, PA 18924	Unnamed tributary Indian Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Worcester Township Montgomery County	PAG2004603034	Methacton School District Methacton High School Additions 3000 Eagleville Road Norristown, PA 19403	Tributary to Skiptack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000



## NOTICES

3163

<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>
Worcester Township Montgomery County	PAG2004603051	Gary Volpe Volpe Roofing Norriton Run Box 177 Cedars, PA 19423	Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Merion Township Montgomery County	PAG2004603092	Gambone Brothers Development 6 Abram's Run Stockpile 1030 West Germantown Pike Fairview Village, PA 19409	Crow Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Salford Township Montgomery County	PAG2004603044	Lower Salford Township Bergey Mill Park and Irrigation Water Supply 379 Main Street Harleysville, PA 19438	East Branch Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAG2004603106	Department of Transportation Horsham Road Culvert 7000 Geerdes Boulevard King of Prussia, PA 19406	Little Neshaminy Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plymouth Township Montgomery County	PAG2004603052	Department of Transportation SR 3014—Conshohocken Road 7000 Geerdes Boulevard King of Prussia, PA 19406	Schuylkill River WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Cheltenham Township Montgomery County	PAG2004603091	Arcadia University Parking Lots 8 and 12 Kuch Center Expansion 450 South Easton Road Glenside, PA 19038	Tacony Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Merion Township Montgomery County	PAG2004603079	Lower Merion School District Penn Valley Elementary School 301 East Montgomery Avenue Ardmore, PA 19003	Mill Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Gwynedd Township Montgomery County	PAG2004603077	Berwind Pharmaceutical Services Colorcon Building 1936 West Point, P. O. Box 24 West Point, PA 19486	Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Norriton Township Montgomery County	PAG2004603064	Continental Realty Company, Inc. Crowley Site 700 West Germantown Pike East Norriton, PA 19403	Unnamed tributary of Stony Creek TSF	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>
Horsham Township Montgomery County	PAR10T922	Sunnybrook Estates, LLC Maplewood Subdivision 1120 North Bethlehem Pike Spring House, PA 19477	Unnamed tributary Little Neshaminy Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plymouth Township Montgomery County	PAR10T916	Plymouth Township Colwell Park 2910 Jolly Road Plymouth Meeting, PA 19462	Plymouth Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Gwynedd Township Montgomery County	PAR10T764	Wissahickon School District Wissahickon School Parking Improve 601 Knight Road Ambler, PA 19002	Unnamed tributary Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAG2015103001	Rockie Gajwani Quartermaster Plaza Shopping Center 2200 West Oregon Avenue Philadelphia, PA 19104	Schuylkill River WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County North Whitehall Township	PAG2003903009	Robert Wagner 2652 Neffs Laury Rd. Schnecksville, PA	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Luzerne County Hazle Township	PAG2004003024	Greater Hazleton Area Civic Partnership 1 South Church St. Hazleton, PA 18202	Big Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Wright Township	PAG2004003025	Mark Luchi 112 Klingers Road Drums, PA 18222	Big Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Lansford Borough Carbon County	PAG2131103001	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, 5th Floor Wilkes-Barre, PA 18711	Panther Creek	BAMR District Engineer 2 Public Square 5th Floor Wilkes-Barre, PA 18711 (570) 826-2371
Clearfield County Pike Township Curwensville Borough	PAG2001703006	Department of Transportation District 2-0 1924-30 Daisy St. Clearfield, PA 16830	UNT Anderson Creek CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Clearfield County Grampian Borough Penn Township	PAG2001703008	Robert Newpher Grampian Penn Township Municipal Authority P. O. Box 105 Grampian, PA 16838	Kratzer Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Union County Gregg Township	PAG2006003005	UC. I. D. C. Joe Detelji 81 Hafer Rd. Lewisburg, PA 17007	UNT Susquehanna River WWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Butler County Jackson, Lancaster, Connoquenessing and Forward Townships Connoquenessing Borough	PAG200103018	Pennsylvania American Water 2736 Ellwood Road New Castle, PA 16101	Little Connoquenessing Creek Connoquenessing Creek CWF, WWF	Butler County Conservation District (724) 284-5270
Erie County McKean Township	PAG2002503024	James L. Buchanan 311 Garden Avenue Grove City, PA 16127	Elk Creek CWF-MF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002503025	Westminster Place Partnership 2601 West 26th Street Erie, PA 16506	UNT to Lake Erie WWF-MF	Erie County Conservation District (814) 825-6403
Erie County Girard Borough	PAG2002503029	Eagle L. P. Joe Palermo 3435 West Lake Road Erie, PA 16506	UNT to Walnut Creek CWF-MF	Erie County Conservation District (814) 825-6403
Beaver County North Sewickley Township	PAG2000403004	Albert Dainton North Sewickley Township Sewer Authority 893 Mercer Road Beaver Fall, PA 15010	Unnamed tributaries of Thompson Run, Brush Creek, Connoquenessing Creek, Beaver River, Bennett Run and Blockhouse Run Thompson Run Bennett Run Connoquenessing Creek Beaver River	Beaver County Conservation District (724) 774-7090
Washington County Cecil Township	PAR10W110R	Redevelopment Authority of the County of Washington 100 West Beau St. Courthouse Square, Suite 602 Washington, PA 15301	Tributary to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Washington County Peters Township	PAG2006303012	Woodrow Welsh 122 Cedar Lane McMurray, PA 15317	Brush Run WWF	Washington County Conservation District (724) 228-6774
Washington County North Strabane Township	PAG2006303013	WH Capital LLC 5986 Financial Dr. Norcross, GA 30071	Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Washington Township Dauphin County	PAG2102203008	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Wiconisco Creek WWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
York County Carroll Township	PAR903514	Dillsburg Area Authority P. O. Box 370 4 Barlo Circle, Suite E Dillsburg, PA 17019	Dogwood Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Bedford Township	PAR803502	Bicycle Business Acquisitions Corp. Cannondale Bicycle 172 Friendship Village Road Bedford, PA 15522	West Branch Juniata River WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707

## NOTICES

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Berks County Reading City	PAR903515	City of Reading 815 Washington Street Reading, PA 19601	Mifflin Arm Schuylkill River WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
City of Lock Haven Clinton County	PAR214818	Centre Concrete, Inc. P. O. Box 859 State College, PA 16804	Bald Eagle Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Fairfield Township Lycoming County	PAR214819	Centre Concrete, Inc. P. O. Box 859 State College, PA 16804	Bennets Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bald Eagle Township Clinton County	PAR234814	Avery Dennison— Performance Polymers 171 Draketown Road Mill Hall, PA 17751	Bald Eagle Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Shippen Township Cameron County	PAR204810	GKN Sinter Metals 15420 Route 120 P. O. Box 493 Emporium, PA 15834-0493	Sinnemahoning Portage Creek 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>
Lancaster County West Hempfield Township	PAG043610	Kevin R. Weaver 2520 Ironville Pike Columbia, PA 17512	Shawnee Run WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Franklin County Montgomery Township	PAG043705	Richard H. Miller, Sr. 133 North Carlisle St. Greencastle, PA 17225	UNT Licking Creek WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Herrick Township Bradford County	PAG045034	Wilson and Nancy Welliver R. R. 3, Box 263 Wyalusing, PA 18853	Unnamed tributary to Rummerfield Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<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>
Delmar Township Tioga County	PAG045039	Lewis Obourn R. R. 6, Box 359E Wellsboro, PA 16901	Unnamed tributary to Heise Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township County: Clearfield	PAG045046	Reverend John Croft 148 Havens Lane West Decatur, PA 16878	UNT Roaring Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-5*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Johnson Truck Line Intersection of Routes 15 and 328 Tioga, PA 16946 Lawrence Township Tioga City	PAG054828	Stacey Johnson Johnson Truck Line, Inc. R. R. 2, Box 201 Tioga, PA 16946	Tioga River	Northcentral Regional Office 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 321-6550

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
East Cocalico Township Lancaster County	PAG083521	Adamstown Borough Wastewater Treatment Plant 235 East Swartzville Road Adamstown, PA 19501	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lower Mt. Bethel Township Northampton County	PAG092210	Action Septic Service, Inc. 226 Prospect Point Rd. Lake Hopatcong, NJ 07849	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

*General Permit Type—PAG-10*

<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>
Lebanon County East Hanover Township	PAG103517	PPL Gas Utilities Corporation 555 Camargo Road Quarryville, PA 17566	Swatara Creek CWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAG103518	Columbia Gas Transmission Corporation Lancaster Airport Line No. 1804 Relocation	Lititz Run WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707

**PUBLIC WATER SUPPLY PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**SAFE DRINKING WATER**

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

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

**Operations Permit** issued to **AWB Associates, P. O. Box 388, Lionville, PA 19353, PWS ID 3540010, North Manheim Township, Schuylkill County** on June 3, 2003, for the operation of facilities approved under Construction Permit No. 5400502.

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

**Permit No. 0601521, Public Water Supply.**

Applicant	<b>Philadelphia Suburban Water Company</b>
Municipality	Cumru Township
County	<b>Berks</b>
Type of Facility	New PWS well with disinfection and a 500,000 gallon finished water tank for the East Pointe Business Park.
Consulting Engineer	William A. LaDieu CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	May 27, 2003

**Operations Permit** issued to **Muhlenberg Township Authority, 3060038, Ontelaunee Township, Berks County** on May 23, 2003, for the operation of facilities approved under Construction Permit No. 0601509.

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

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

Applicant	<b>Duncan Township Municipal Water Authority</b> <b>c/o Shirley W. Borden,</b> <b>Secretary</b> R. R. 1, Box 55 Wellsboro, PA 16901
Township	Duncan Township
County	<b>Tioga</b>
Type of Facility	PWS—Construction of modified chlorination facilities, a new discharge absorption area for the existing greensand filters and a new blowoff on Well No. 2.
Permit to Construct Issued	June 20, 2003

**Permit No. 5984504-T1—Transfer.** Public Water Supply.

Applicant	<b>Duncan Township Municipal Water Authority</b> <b>c/o Shirley W. Borden,</b> <b>Secretary</b> R. R. 1, Box 55 Wellsboro, PA 16901
Township	Duncan Township
County	<b>Centre</b>
Type of Facility	PWS—Permit transfer from Duncan Township Supervisors approves the gas chlorination facilities, Well No. 1, Spring No. 1, the 99,000-gallon reservoir and distribution system improvements made in the mid-1980s to Duncan Township Municipal Water Authority.
Permit to Operate Issued	June 20, 2003

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Warriors Mark Township	P. O. Box 114 Warriors Mark, PA 16877	Huntingdon

Plan Description: The plan revision in Warriors Mark Township, Huntingdon County for SRO Subdivision, Phase II (Ridge View Estates) was disapproved because the applicant failed to meet 25 Pa. Code § 71.62(c)(3)(ii) and (iii). Specifically, the hydrogeologist did not properly assess background nitrate-nitrogen concentrations currently in the groundwater under the lots proposed for subdivision. In addition, the report supplied information indicating the need for a detailed hydrogeologic study under 25 Pa. Code § 71.62(c)(4) since the hydrogeologist's report identifies a conflict between the proposal and existing or potential future uses of the groundwater adjacent to the proposed lots.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Proposed Consent Order and Agreement

#### East Tenth Street Site, Marcus Hook, Marcus Hook Borough, Delaware County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305), has entered into a Consent Order and Agreement (CO&A) with FMC Corporation (FMC) to investigate and remediate certain hazardous substances at the East Tenth Street HSCA Site (Site), Marcus Hook Borough, Delaware County.

The Department has conducted a prompt interim response action at the Site, documented in a public hearing held on September 27, 2000, and a Final End of Project Report dated August 13, 2001, and a site investigation documented in a Final Report dated June 2002. Based on the findings of the investigation, the Department has selected an Interim Response, documented in a Statement of Decision and Response to Comments (SOD) issued December 19, 2002, and an expanded investigation into certain conditions at the Site.

By this agreement, FMC agrees to complete the actions described in the SOD with regard to the Interim Response action and to perform the work described to complete the expanded investigation.

Under section 1113 of the HSCA (35 P.S. § 6020.1113), the Department is publishing notice of this CO&A and will provide a 60-day period for public comment on the CO&A commencing on July 5, 2003. Copies of the CO&A may be examined at the Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Comments should be submitted to April Flipse, Project Officer, at the previous address.

The Department has reserved the right to withdraw its consent to the CO&A if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the CO&A is inappropriate or not in the public interest.

#### Pennsylvania Priority List of Hazardous Sites For Remedial Response

##### 1. Background

The HSCA was enacted in 1988 to provide for the cleanup of sites in this Commonwealth that are releasing or threatening the release of hazardous substances. Section 502(a) of the HSCA requires that the Department publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL).

##### 2. Placement of Sites on the PAPL

The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances or releases or substantial threatened releases of contaminants which present a substantial danger. In accordance with the requirements of section 502(a) of the HSCA, the Hazard Ranking System (HRS) (40 CFR Part 300, Appendix A), established under the Federal Superfund Act, is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that

reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of the HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL.

Placement of a site on the PAPL is used to identify sites which require a remedial response to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under the HSCA or other authorities or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup. Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further investigations to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. The Department may decide not to immediately proceed with an HSCA remedial action or that no remedial action is necessary.

##### 3. Removal of Sites from the PAPL

Sites are removed from the PAPL in accordance with the requirements section 502(d) of the HSCA. Section 502(d) of the HSCA requires that sites shall be removed from the list upon determination by the Department that the remedial response has been initiated. In cases where a responsible person will be conducting the remedial response under the terms of a settlement with the Department, section 502(d) of the HSCA states that the site "shall be removed upon the determination by the Department that the responsible person has complied with the terms of the settlement and has initiated a cleanup."

##### 4. Statutory Authority

The PAPL is published under the authority of section 502(a) of the HSCA. Under section 502(b) of the HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under the Environmental Hearing Board Act (35 P.S. §§ 7511-7515), nor shall it confer a right or duty upon the Department or any person.

##### 5. Review and Public Comment

The HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This announcement opens a 30-day comment period for the sites being removed with this publication. Written comments should be submitted to the regional office in which the site is located. The contact person for each region and their address can be found in the Additional Information section.

The regional office site files contain all information considered by the Department in placing a site on the list or removing a site from the list. The regional office files are available for review in the appropriate regional office, by appointment only, from 8 a.m. to 4 p.m. Monday through Friday, excluding State holidays. Arrangements to review the site file can be scheduled by contacting the regional office in which the site is located. The regional contact person for each region and their address can be found in the Additional Information section.

The Department considers all written comments received during the comment period. Written comments and the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

6. *Contents of the PAPL*

This notice removes two sites from the PAPL. The site summaries for the sites addressed by this notice are listed as follows. Table 1 lists the sites being removed by this notice. Table 2 lists all sites remaining on the PAPL. The name of the sites, HRS score, municipality, county and region are included in this table. The sites are listed in decreasing order of HRS score.

7. *Site Summaries*

*H. K. Porter Site, Hopewell Township, Beaver County*—The H. K. Porter Site is on property that includes approximately 17.5 acres approximately 1/4 mile west of the Ohio River. The property is owned by Mount Olivet Catholic Cemetery and consists of a steep ravine with an unnamed tributary flowing through it to the Ohio River. The site consisted of an unpermitted landfill where bulk wastes and drums were end-dumped over the hillside. The Department excavated approximately 95,000 cubic yards of PCB and RCRA contaminated waste and soils from the site and shipped these materials to a permitted offsite facility. Underlying soils were sampled to confirm that established soil cleanup levels were met. Based on this information, the Department determined that no further action was necessary to protect human health or the environment at the Porter site. Wetland areas affected by the Department's action were re-established and continue to be monitored by Department staff to confirm the growing success of the re-established plants. Prior to the Department undertaking an action at this site, the Department entered into a CO&A with the H. K. Porter

Company (Porter), which required Porter to commit \$5.3 million towards the cleanup of the site. No further enforcement action could be taken against Porter based on the stipulations spelled out in the CO&A.

*Quakertown Foundry Site, Quakertown Borough and Richland Township, Bucks County*—The Quakertown Foundry Site is a 22-acre property used as a foundry from 1929 to 1984 when ownership was transferred to the Borough of Quakertown. Waste materials including casting sands and bag house dust were used as fill both on the original foundry property and on a portion of an adjacent public park used for athletic fields. During the site characterization, the Department determined that these waste materials were from historic foundry operations and contained hazardous levels of lead, cadmium, mercury and chromium. In 1991, the Department conducted an Interim Response Action to erect a security fence around the site. The Department completed the Final Response Action in 2000. The Final Response Action involved the excavation and offsite disposal of contaminated soil and waste material. The Department continues to work with the municipality to help facilitate reuse of the property.

8. *Additional Information*

Department of Environmental Protection, Southwest Region, John Matviya, Environmental Program Manager, James Shack, Chief, Hazardous Sites Cleanup Program, Terry Goodwald, Project Officer, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Department of Environmental Protection, Southeast Region, Bruce Beitler, Environmental Program Manager, Dustin Armstrong, Project Officer, Suite 6010 Lee Park, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-5950.

**Table 1—Site Being Removed by this Notice**

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>Department Region</i>
H. K. Porter	48.04	Hopewell Township	Beaver	Southwest
Quakertown	22.25	Quakertown	Bucks	Southeast

**Table 2—PAPL**

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>Department Region</i>
Dupont/New Castle	54.75	New Castle	Lawrence	Northwest
Gettysburg Foundry	38.20	Cumberland Township	Adams	Southcentral
F. E. Cooper	33.62	Broad Top Township	Bedford	Southcentral
Bear Creek Area Chemical	28.46	Fairview, Parker, Concord Township, Petrolia, Fairview, Karns City, Bruin Borough, Butler County; Perry Township, Armstrong County	Butler and Armstrong	Northwest
Schiller	24.65	Richmond Township	Crawford	Northwest
Mun. and Ind. Disp.	19.58	Elizabeth Township	Allegheny	Southwest

**Proposed Consent Order and Agreement**

**Fayette Equipment/Pete Claim Site, South Union Township, Fayette County**

Under section 1113 of the HSCA, the Department is proposing a settlement for the Fayette Equipment/Pete Claim Site (Site). The Site comprises approximately 1 acre located off of Jamison Lane, South Union Township, Fayette County.

From the mid-1950s—1961, Pete Claim (Claim) was authorized by the Site's property owner to operate the Site as a facility at which Claim reclaimed lead cores from used automobile batteries. Claim broke open the

batteries, drained the batteries' acid onto the ground and removed the lead contents to be sold for profit. Claim disposed of broken and whole battery casings, empty drums, copper wire, scrap metal, paint cans, tires and other materials at the Site.

The Department's soil and waste samples showed that the Site had areas of lead and cadmium contamination resulting from Claim's disposal activities. The Department's surface water samples showed that the unnamed tributary of Lick Run contained pollutants above Water Quality Criteria for iron, lead, manganese and cadmium resulting from Claim's disposal activities.



In 1998, the Department conducted an interim response under the authority of the HSCA to clean up the waste Claim disposed of at the Site and to clean up soil contamination related to the waste. The Department subsequently entered into negotiation with Claim over reimbursement of costs the Department expended during its interim response at the Site. As a result of those negotiations, the Department executed a proposed Consent Order and Agreement (CO&A) with Claim on May 30, 2003.

This notice is being provided under section 1113 of the HSCA to advise that the proposed CO&A is now available for public review and comment. A copy of the CO&A can be obtained by contacting Terry Goodwald, (412) 442-4000.

The proposed CO&A will be open for comment from July 5, 2003, until September 5, 2003. Persons may submit written comment into the record, during this time only, by sending them to Terry Goodwald, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this office in person.

#### **Proposed Interim Response**

#### **Washington County Drum Dump, Robinson Township, Washington County**

The Department, under the HSCA, is proposing an interim response at the Washington County Drum Dump (Site), Robinson Township, Washington County.

The Site is off of the Bulger-Candor Road approximately 1 mile southwest of the McDonald Interchange on U. S. Route 22. A disposal area in a ravine that affects approximately 2 acres of the property. There are approximately 30 drums disposed of at the site. The drums contain a white powder material, resin-like material or black liquid. Some of the drums are open and/or leaking. In addition to the drums, construction/demolition waste, household appliances and trash are present. The Department completed an investigation of the site in March 1999 and determined that a release or a threat of a release of hazardous substances exists from waste in open and leaking drums dumped in a ravine at this Site. The waste disposed of at this Site poses a direct contact threat to the public and a threat of soil and groundwater contamination.

The Department considered several alternatives at the Site, including: no action, securing of the site and removal and disposal of the hazardous substances at the Site. The Department has determined that removal and disposal of the hazardous materials at the site is the appropriate course of action. This alternative was selected because it complies with all applicable laws and regulations and is determined to be the most environmentally sound procedure for this site.

This notice is being provided under section 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from July 5, 2003, until October 4, 2003. Persons may submit written comments into the record, during this time only, by sending them to Paul Vogel, Environmental

Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on August 14, 2003, at 7 p.m. at the Robinson Township Municipal Building, 1000 Church Hill Road, Pittsburgh. Persons wishing to present comments must register before July 25, 2003, with Betsy Mallison, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4000.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Betsy Mallison at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995**

#### **PREAMBLE 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

**Redner's Warehouse Market**, Ontelaunee Township, **Berks County**. Spotts, Stevens and McCoy, Inc., 345 North Wyomissing Boulevard, Reading, PA 19610, on behalf of Redner's Markets, Inc., Three Quarry Road, Reading, PA 19605, submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline. The report is intended to document the remediation of the site to the Statewide Health Standard.

**Former Tyco Electronics (AMP) Terminix Property**, Swatara Township, **Dauphin County**. Tyco Electronics Corporation, P. O. Box 3608, MS 140-042, Harrisburg, PA 17105-3608 submitted a Final Report concerning remediation of site soils contaminated with chlorinated solvents and pesticides. The report is intended to document the remediation of the site to the Statewide Health Standard.

**Allfirst Bank**, Shillington Borough, **Berks County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Allfirst Bank, 2055 South Queen Street, MC 182-00-01, York, PA 17402, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and fuel oil no. 2. The report is intended to document the remediation of the site to the Site-Specific Standard.

**Sunoco Station 0003-7382**, Susquehanna Township, **Dauphin County**. GES, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Gelder Realty, 2456 Mercedes Court, Harrisburg, PA 17112, resubmitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes (total), MTBE, isopropyl benzene and naphthalene. The report is intended to document the remediation of the site to a combination of Statewide Health and Site-Specific Standards.

**Former Mobil Service Station AN788**, Lower Paxton Township, **Dauphin County**. B & B Diversified Enterprises, Inc., 125 Analomink Street, East Stroudsburg, PA 18301, on behalf of Corner Associates, LLC, 4800 Linglestown Road, Harrisburg, PA 17112, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with unleaded gasoline and MTBE. The report is intended to document remediation of the site to the Site Specific Standard.

**Joy Curry Residence**, Derry Township, **Mifflin County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Joy Curry, 1947 Glenwood Avenue, Lewistown, PA 17044, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health Standard.

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

**Fries Residence**, Limestone Township, **Lycoming County**. Marshall Miller and Associates, on behalf of Pickelner Fuel Company, Inc., has submitted a Final Report concerning soil contaminated with no. 2 fuel oil. This Final Report is intended to demonstrate remediation of this site to meet the Statewide Health Standard.

**James Brown Property**, Athens Township, **Bradford County**. Teeter Environmental Services, Inc., on behalf of James Brown, R. R. 2, Box 491, Athens, PA 18810, has submitted a Final Report concerning soil contaminated with no. 2 fuel oil. This Final Report is intended to demonstrate remediation of the site to meet the Statewide Health Standard. See additional entry in the Applications section of this *Pennsylvania Bulletin*.

**Bernardi Italian Foods**, Town of Bloomsburg, **Columbia County**. Keystone Environmental Services, Inc., on behalf of Bernardi Italian Foods, 595 West 11th Street, Bloomsburg, PA 17815, has submitted a Final Report concerning soil and groundwater contaminated with other

organics. This Final Report is intended to demonstrate remediation of the site to meet the Statewide Health Standard. See additional entry in the Applications section of the *Pennsylvania Bulletin*.

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

**Caparo Steel Co. (AOC-3) (former Labor Ditch Area)**, City of Farrell, **Mercer County**. 15 Roemer Blvd., Farrell, PA 16121 (on behalf of Richard A. Herman, Caparo Steel Co., 15 Roemer Blvd., Farrell, PA 16121) has submitted a Final Report concerning remediation of soil contaminated with inorganics, lead and other organics. The report is intended to document remediation of the site to meet the Statewide Health, Nonresidential Standards. Public notice in *The Herald* will be complete on or about May 2, 2003.

## 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 and the administration 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 its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former United Piece Dye Works**, Spring Garden and Springettsbury Townships, **York County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Spring Garden Township, 558 South Ogontz Street, York, PA 17403-5709, submitted a Cleanup Plan concerning remediation of site soils, groundwater, surface water and sediment contaminated with PCBs, lead, heavy metals, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet a combination of the requirements for the Site-Specific and Statewide Health Standards. The Cleanup Plan was approved by the Department on May 21, 2003.

**Former Federal Paperboard Plant**, West Manchester Township, **York County**. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103, on behalf of International Paper Company, 6400 Poplar Avenue, Tower II, 5-023, Memphis, TN 38197 and Caraustar Industries, Inc., submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with BTEX, PHCs and PAHs. The final report demonstrated attainment of the Site-Specific and Nonresidential Statewide Health Standards and the combined report was approved by the Department on June 16, 2003.

**Lancaster Malleable Castings Company**, Manheim Township, **Lancaster County**. Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604, on behalf of Lancaster Malleable Castings Corporation, 1046 Manheim Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of site groundwater contaminated with benzene, toluene, ethylbenzene and xylene. The final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on June 2, 2003. This corrects an entry published at 33 Pa.B. 2922 (June 21, 2003) in which an incorrect disapproval date was given.

**Kauffman Residence**, Conoy Township, **Lancaster County**. Groundwater and Environmental Services, Inc., on behalf of NiSource, Inc., 801 E. 86th Avenue, Merrillville, IN 46410, submitted a Final Report concerning the remediation of site soils contaminated with benzene, toluene, ethylbenzene, xylenes (total), PAHs, isopropylbenzene and naphthalene. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 5, 2003.

**Koch Hydrocarbon Facility**, Heidelberg Township, **Lebanon County**. ARCADIS G & M, Inc., 26451 Curtiss Wright Parkway, Suite 100, Cleveland, OH 44143, on behalf of Reiss Remediation Company, 4111 East 37th Street North, Wichita, KS 67220, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with lead, BTEX, PHCs and PAHs. The final report demonstrated attainment of a combination of the State-

wide Health and Site-Specific Standards and the combined report was approved by the Department on June 11, 2003.

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

**Ambrossino Property**, Town of Bloomsburg, **Columbia County**. Marshall Miller and Associates, on behalf of Boyer Oil Service, Inc., 1311 Old Berwick Road, Bloomsburg, PA 17815, has submitted a Final Report concerning soil contaminated with BTEX and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 16, 2003.

**Weis Markets—Former Dix Honda**, Ferguson Township, **Centre County**. United Environmental Services, Inc., on behalf of Weis Markets, Inc., 1000 South 2nd Street, Sunbury, PA 17801-0471, has submitted a Final Report concerning soil contaminated with fuel oil no. 2. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 18, 2003.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

#### *Hazardous Waste Transporter License Issued*

**Applied Construction**, P. O. Box 4858, 5140 Paxton Street, Suite 2, Harrisburg, PA 17111, License No. PA-AH 0705. Effective date June 18, 2003.

#### *Hazardous Waste Transporter License Renewed*

**Environmental Waste Minimization, Inc.**, 719 Roble Road, Suite 103, Allentown, PA 18109, License No. PA-AH 0682. Effective date May 20, 2003.

**Republic Environmental Systems**, 21 Church Road, Hatfield, PA 19440, License No. PA-AH 0317. Effective date May 22, 2003.

**ARL, Inc. d/b/a American Road Lines**, 238 Moon Clinton Road, Coraopolis, PA 15108, License No. PA-AH 0475. Effective date May 27, 2003.

**Nappi Trucking Corporation**, 151C Morristown Road, Matawan, NJ 07747, License No. PA-AH 0278. Effective date May 28, 2003.

**Eco-Tron Transportation, Inc.**, 1906 Perry Drive SW, Canton, OH 44706, License No. PA-AH 0393. Effective date June 3, 2003.

**First Piedmont Hauling, Inc.**, P. O. Box 1069, Chatham, VA 24531, License No. PA-AH S212. Effective date June 11, 2003.

**Barr Transportation**, P. O. Box 96, 402 N. Central Avenue, Minoa, NY 13116, License No. PA-AH 0571. Effective date June 13, 2003.

**Buckham Transport Limited**, P. O. Box 601, Peterborough, ON K9J 6Z8, License No. PA-AH 0336. Effective date June 13, 2003.

*Hazardous Waste Transporter License Voluntarily Terminated*

**MHF, Inc.**, 300 Grandview Blvd., Zelienople, PA 16063, License No. PA-AH 0638. Effective date June 17, 2003.

### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for infectious and chemotherapeutic waste transporter license received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

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

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024, License No. PA-HC 0015. Effective date June 11, 2003.

**Sterilogic Waste Systems, Inc.**, 6691 Pickard Drive, Syracuse, NY 13211, License No. PA-HC 0208. Effective Date May 19, 2003.

**ASEPSIS, Inc.**, 424 W. Lincoln Highway, Suite 204, Pennel, PA 19047-5152, License No. PA-HC 0014. Effective date June 6, 2003.

**NSH Network, Inc. d/b/a Resource Management Council Services**, 3001 Expressway Drive North, Suite 300, Islandia, NY 11749, License No. PA-HC 0208. Effective date June 4, 2003.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits 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.**

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

**Permit No. 400483. New Hanover Incineration, Inc.**, 3645 Church Rd., New Hanover, PA 19525, New Hanover Township, **Montgomery County**. Medical waste incineration facility has ceased operation and has been closed. The owner requests revocation of the waste permit and a release of the associated bond. Upon this action becoming final, the bond will be released. The permit was revoked by the Southeast Regional Office on June 23, 2003.

**Permit No. 400658. Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915-9766, Hatfield Township, **Montgomery County**. The waste management permit has been amended to bring the facility into compliance with the radiation protection action plan requirements. The permit was issued by the Southeast Regional Office on June 23, 2003.

**Permits issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 101676. ABC-EZ Moving Company, Inc.**, 530 Spruce Run Road, Avalon, PA 15202. Operation of a construction and demolition waste transfer station in Stove Township, **Allegheny County**. Permit issued in the regional office on June 13, 2003.

Persons interested in reviewing the permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service at 800-654-5984.

### 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.*

**54-310-030GP: Popple Construction Inc.** (202 Main Street, Laflin, PA 18702) to construct and operate a portable stone crushing plant and associated air cleaning device at their facility in Cass Township, **Schuylkill County**.

**40-301-070GP: Cale of Fort Myers, Inc.** (d/b/a North End Electric, 1225 North Keyser Avenue, Scranton, PA 18504) to operate a burn-off oven at the facility in Hanover Township, **Luzerne County**.

**Plan Approvals Issued under the Air Pollution Control Act 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.*

**46-0005W: Merck and Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486) on June 19, 2003, to operate a 770-bhp emergency generator in Upper Gwynedd Township, **Montgomery County**.

**09-0084: Grand View Hospital** (700 W. Lawn Avenue, Sellersville, PA 18960) on June 23, 2003, to operate two 750 kw emergency generators in West Rockhill Township, **Bucks County**.

**09-0009D: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914) on June 24, 2003, to operate a printing press and thermal oxidizer in New Britain Township, **Bucks County**.

**09-0124E: Fairless Energy, LLC** (USX Industrial Park, Fairless Hills, PA 19030) on June 24, 2003, to operate a 31.9 mmBtu/hr gas fired preheater in Falls Township, **Bucks County**.

**46-0232A: Cemco Lift, Inc.** (2801 Township Line Road, Hatfield, PA 19440) on June 24, 2003, to operate two spray booths and manual brush painting spray booth filters in Hatfield Township, **Montgomery County**.

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

**48-320-013: Cadmus Specialty Publications—Mack Printing Co.** (1991 Northampton Street, Easton, PA 18042) on June 20, 2003, to construct an eight unit printing press and associated air cleaning device at their facility in Wilson Borough, **Northampton County**.

**48-301-045: Falk Funeral Home Inc.** (163 Main Street, Pennsburg, PA 18073) on June 18, 2003, to construct a human crematory and associated air cleaning device at their facility in East Penn Cemetery, 1418 Main Street, Hellertown Borough, **Northampton County**.

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

**65-00951A: AMFIRE Mining Company LLC** (One Energy Place, Latrobe, PA 15650) on June 18, 2003, to install a Coal Preparation Plant at their Killen Mine in Fairfield Township, **Westmoreland County**.

**04-00681B: Joseph J. Brunner, Inc.** (211 Brunner Road Zelienople, PA 16063) on June 20, 2003, to construct a landfill expansion at their Brunner Landfill in Sewickley Township, **Beaver County**.

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

**61-016(A) ERC: Calumet Lubricants Co.** (1884 Allegheny Boulevard, Reno, PA 16343) on June 9, 2003, for Emission Reduction Credit (ERC) approval for 89.8 ton of NO<sub>x</sub>, 2.9 ton of VOC and 87.1 ton of SO<sub>x</sub> ERCs from the shutdown of sources at their Rouseville Refinery in Rouseville, **Venango County**.

**24-158A: Rosebud Mining—Little Toby Mine** (SR 219, Helen Mills, PA 15823) on June 5, 2003, to install a coal processing plant in Horton Township, **Elk County**.

**Plan Approval revisions issued including extensions, minor modifications and transfers of ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0024A: Waste Management of PA** (200 Bordentown Road, Tullytown, PA 19007) on June 23, 2003, to operate a permitted landfill in Tullytown Borough, **Bucks County**.

**09-0007A: Waste Management Disposal Service of Pennsylvania** (1513 Bordentown Road, Morrisville, PA 19067) on June 23, 2003, to operate a solid waste landfill expansion in Falls Township, **Bucks County**.

**15-0104A: Tasty Baking Oxford, Inc.** (700 Lincoln Street, Oxford, PA 19363) on June 23, 2003, to operate a line no. 1, 2 and 3 fryer in Oxford Borough, **Chester County**.

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

**54-310-022A: Schuylkill Contracting Co., Inc.** (913 Valley Road, R. R. 2, Box 2312, Pottsville, PA 17901) to construct a stone crushing plant and associated air cleaning device at their Ryan Stone Quarry in Foster Township, **Schuylkill County**. The Plan Approval has been extended.

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

**19-00006B: DLM Foods, LLC** (6670 Low Street, Bloomsburg, PA 17815) on June 11, 2003, to operate two 26.6 million Btu per hour natural gas/no. 6 fuel oil-fired boilers on a temporary basis, to October 9, 2003, in South Centre Township, **Columbia County**. The Plan Approval has been extended.

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

**63-307-027: American Iron Oxide Production** (Foster Plaza, No. 7K 661 Andersen Drive, Pittsburgh, PA 15220) on June 13, 2003, for iron oxide production at their Allenport Plant in Allenport Borough, **Washington County**. This Plan Approval was extended.

**65-00143A: Hanson Aggregates PMA, Inc.** (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) to operate of two diesel engines/generators at their Torrance Quarry in Derry Township, **Westmoreland County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**46-00135: Yerger Wood Products, Inc.** (3090 Wentling Schoolhouse Road, East Greenville, PA 18041) on June 23, 2003, to operate a Natural Minor Operating Permit in Upper Hanover Township, **Montgomery County**.

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

**06-03038: Bridgeview, Inc.** (1525 Chestnut Hill Road, Morgantown, PA 19543) on June 17, 2003, to operate an animal crematory and veterinary pathological waste incinerators in Robeson Township, **Berks County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); 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 Permit Actions

*California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.*

**32733709. NPDES Permit PA0214159, Robindale Energy Services, Inc.** (1001 Broad Street, Suite 130, Johnstown, PA 15906), to revise the permit for the Dilltown Facility in Brush Valley Township, **Indiana County**, to add 90.9 permit acres and flash disposal, Surface Acres Proposed 90.9, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued June 13, 2003.

**65831701. NPDES Permit PA0213985, Eastern Associated Coal Corp.** (P. O. Box 1233, Charleston, WV 25324), to renew the permit for the Delmont Treatment Facility in South Huntington Township, **Westmoreland County** and add the related NPDES Permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued June 16, 2003.

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

**56990104 and NPDES Permit No. PA0235181. Dunamis Resources, Inc.**, One Energy Place, Suite 4000, Latrobe, PA 15650, permit revision for a land use change from forestland to unmanaged natural habitat in Jenner Township, **Somerset County**, affecting 140.0 acres. Receiving streams: unnamed tributaries to/and Gum Run, unnamed tributaries to/and Roaring Run. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning surface water intake. Application received March 6, 2003. Permit issued June 10, 2003.

**56693103. Diamond T Coal Company**, P. O. Box 260, Friedens, PA 15541, permit revision to change the land use from pastureland to industrial/commercial in Stonycreek Township, **Somerset County**, affecting 828.8 acres. Receiving streams: to unnamed tributary to

Lamberts Run, to Lamberts Run; and to Grove Run and unnamed tributary to Grove Run (CWF). The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek Surface Water Withdrawal. Application received April 8, 2003. Permit issued June 12, 2003.

**56970104 and NPDES Permit No. PA0234541, Sherpa Mining Contractors, Inc.**, P. O. Box 4459, 1738 Snowfield Drive, Hidden Valley, PA 15502, permit transfer from Heritage Mining Company, P. O. Box 126, Cresson, PA 16630 and for continued operation of a bituminous surface mine in Shade Township, **Somerset County**, affecting 86.4 acres. Receiving streams: unnamed tributaries to Stonycreek River (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Intake Application received February 6, 2003. Permit issued June 17, 2003.

**32020106 and NPDES Permit No. PA0249271, Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Center Township, **Indiana County**, affecting 274.1 acres. Receiving streams: unnamed tributary to Yellow Creek (CWF) and unnamed tributaries to Tearing Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received July 11, 2002. Permit issued June 19, 2003.

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

**65940104 and NPDES Permit No. PA0200824. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7961). Permit renewal issued for continued reclamation only of a bituminous surface mining site in Donegal and Mt. Pleasant Townships, **Westmoreland County**, affecting 98.0 acres. Receiving streams: unnamed tributaries to Four Mile Run. Application received April 9, 2003. Reclamation only renewal issued June 18, 2003.

**03020114 and NPDES Permit No. PA0250287. D. J. & W. Mining, Inc.** (P. O. Box 425, Indiana, PA 15701). Permit for a commencement, operation and reclamation of a bituminous surface mine in Kiskiminetas Township, **Armstrong County**, affecting 44.8 acres. Receiving stream: unnamed tributary to Crooked Creek. Application received November 14, 2002. Permit issued June 20, 2003.

### Noncoal Permit Actions

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

**58010841. Stephen Kaminsky** (R. R. 1 Box 81, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Jackson Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received August 13, 2001. Permit issued June 18, 2003.

**58020853. Harold N. Lewis** (R. R. 6 Box 6178, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received November 12, 2002. Permit received June 18, 2003.

**58030804. David Eddleston** (Harmony Road, Box G, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Franklin Township,

**Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 12, 2003. Permit issued June 18, 2003.

**66032801. Robert R. Shupp** (P. O. Box 246, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in Lemon Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received March 14, 2003. Permit issued June 18, 2003.

**35030801. David B. Ayers** (R. R. 1 Box 1305, Hop Bottom, PA 18824), commencement, operation and restoration of a quarry operation in Benton Township, **Lackawanna County** affecting 5.0 acres, receiving stream: none. Application received April 7, 2003. Permit issued June 18, 2003.

**58030812. Gerald A. Ellis, Sr.** (R. R. 4 Box 277, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Jessup Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received April 7, 2003. Permit issued June 18, 2003.

**35030802. James F. Stark** (303 Mountain Avenue, Chinchilla, PA 18410), commencement, operation and restoration of a quarry operation in South Abington Township, **Lackawanna County** affecting 2.0 acres, receiving stream: none. Application received August 16, 2002. Permit issued June 20, 2003.

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

**29890301 and NPDES Permit No. PA0212504. K. G. Richards**, 810 Lincoln Way East, McConnellsburg, PA 17233, renewal of NPDES Permit, Todd Township, **Fulton County**. Receiving streams: Licking Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 18, 2003. Permit issued June 17, 2003.

**07020301 and NPDES Permit No. PA0249289. Grannas Brothers Stone & Asphalt Company, Inc.**, P. O. Box 488, Hollidaysburg, PA 16648, commencement, operation and restoration of a noncoal surface mine in Catharine Township, **Blair County**, affecting 171.0 acres. Receiving streams: unnamed tributaries to Frankstown Branch of the Juniata River and Frankstown Branch of Juniata River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received July 23, 2002. Permit issued June 18, 2003.

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

*Government-Financed Construction Contract*

**17-02-02. Larry D. Baumgardner Coal Co., Inc.**, P. O. Box 186, Lanse, PA 16849. The Hawk Run District Mining Office awarded a Government Financed Construction Contract to Larry D. Baumgardner Coal Co., Inc., in agreement between EJH Contracting Co., Inc. and Larry D. Baumgardner Coal Company, Inc., on June 11, 2003, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 9 acres. The site is in Graham Township, **Clearfield County**. Under the terms of the contract, no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as

major sources of siltation and pollution to the streams of this Commonwealth. Application received March 5, 2002. Permit issued June 11, 2003

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 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.**

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

**67034029. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Shrewsbury Township, **York County** with an expiration date of December 27, 2003. Permit issued June 18, 2003.

**06034027. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Spring Township, **Berks County** with an expiration date of August 14, 2003. Permit issued June 18, 2003.

**15034013. Schouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in West Whiteland Township, **Chester County** with an expiration date of June 27, 2004. Permit issued June 18, 2003.

**06034028. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Spring Township, **Berks County** with an expiration date of June 27, 2004. Permit issued June 18, 2003.

**15034014. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in West Caln Township, **Chester County** with an expiration date of June 27, 2004. Permit issued June 18, 2003.

**21034023. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting in West Pennsboro Township, **Cumberland County** with an expiration date of September 27, 2003. Permit issued June 18, 2003.

**52034012. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Palmyra Township, **Pike County** with an expiration date of May 21, 2004. Permit issued June 18, 2003.

**39034006. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Upper Macungie Township, **Lehigh County** with an expiration date of July 4, 2004. Permit issued June 18, 2003.

**39034005. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Upper Macungie Township, **Lehigh County** with an expiration date of July 4, 2004. Permit issued June 18, 2003.

**06034029. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Sinking Spring Borough, **Berks County** with an expiration date of July 2, 2005. Permit issued June 18, 2003.

**45034017. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Middle Smithfield, **Monroe County** with an expiration date of May 20, 2006. Permit issued June 18, 2003.

**40034016. Deleo Trucking Company** (198 Panama Street, Pittston, PA 18640) and **D. C. Guelich Explosive**

**Company** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting in Hanover Township, **Luzerne County** with an expiration date of May 30, 2004. Permit issued June 18, 2003.

**36034053. Keystone Blasting Services** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Clay Township, **Lancaster County** with an expiration date of October 2, 2003. Permit issued June 20, 2003

**67034030. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of July 2, 2004. Permit issued June 20, 2003.

**15034015. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in East Whiteland Township, **Chester County** with an expiration date of May 2, 2004. Permit issued June 20, 2003.

**40034017. Holbert Explosives, Inc.** (237 Masthope Plank Road, Lackawaxen, PA 18435), construction blasting in Sugarloaf Township, **Luzerne County** with an expiration date of August 31, 2003. Permit issued June 20, 2003.

**48034016. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020), construction blasting in Palmer and Bethlehem Townships, **Northampton County** with an expiration date of March 19, 2004. Permit issued June 20, 2003.

**67034031. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Conewago Township, **York County** with an expiration date of July 2, 2004. Permit issued June 20, 2003.

**36034054. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Mt. Joy Township, **Lancaster County** with an expiration date of December 3, 2003. Permit issued June 20, 2003.

**38034011. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Jackson Township, **Lebanon County** with an expiration date of July 3, 2004. Permit issued June 20, 2003.

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

**14034009. Stephen Sidorick Building Service**, 159 Dogwood Lane, West Decatur, PA 16878, for construction blasting, in Ferguson Township, **Centre County**, with an expected duration of 43 days. Permit issued June 18, 2003.

**14034010. Sunrise Homes**, 2790 W. College Avenue, State College, PA 16801, for construction blasting, in College Township, **Centre County**, with an expected duration of 30 days. Permit issued June 19, 2003.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

*Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation 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 §§ 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).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-936. Horsham Township**, 1025 Horsham Road, Horsham, PA 19044, Horsham Township, **Montgomery County**, ACOE Philadelphia District.

To replace the existing bridge and appurtenant structures over Park Creek (WWM-MF):

1. To construct and maintain a single span wooden deck bridge with a 78-foot span and 7-foot underclearance and 6-foot bridge width.
2. To temporarily place approximately 19 cubic yards soil stockpile in the floodplain.
3. To place approximately 6 cubic yards of fill on both left and right floodplain and floodway associated with bridge footings construction and road approach grading.

The project proposes to temporally affect 90 linear feet and directly affect a total of 20 linear feet of stream banks. The project site is approximately 3,620 feet southeast of the intersection of SR 0463/Horsham Road and SR 0152/Limekiln Pike (Ambler, PA Quadrangle N: 14.87 inches; W: 6.98 inches).

**E23-436. Thomas K. Thornton**, 972 Smithbridge Road, Glen Mills, PA 19342, Concord Township, **Delaware county**, ACOE Philadelphia District.

To construct and maintain a single span bridge across the West Branch of Chester Creek (TSF) associated with the driveway access to Lot No. 3. The proposed bridge will have a clear span of 19 feet 11 inches and an underclearance of 8.0 feet. The site is just east of the intersection of Smith Bridge Road and Arbor Road (Wilmington North, DE-PA USGS Quadrangle N: 19.8 inches; W: 3.9 inches).

**E09-843. Richland Township**, 1328 California Road, P. O. Box 249, Richlandtown, PA 18955, Richland Township, **Bucks County**, ACOE Philadelphia District.

To replace and maintain the Trumbauersville Road bridge across Beaver Run (HQ, CWF). The existing bridge will be replaced by a concrete precast open bottom arch culvert. The structure will be 56.25 feet long, have a span of 20 feet and an underclearance of 4.5 feet. The bridge replacement is part of a larger project to widen a portion of Trumbauersville Road. The project site is approximately 1,000 feet south of the intersection of Williams Street and Trumbauersville Road (Quakertown, PA Quadrangle; N: 9.6 inches and W: 14.9 inches).

**E09-847. Borough of Perkasio**, P. O. Box 275, Perkasio, PA 18944, Perkasio Borough, **Bucks County**, ACOE Philadelphia District.

To place fill within the 100-year floodplain of the East Branch of Perkiomen Creek for the purpose of expanding Lenape Park. The site is approximately 500 feet north-

east of the intersection of Constitution Avenue (SR 152) and Silver Street (Telford, PA USGS Quadrangle N: 20.9 inches; W: 7 inches).

**E23-427. Pennsylvania Suburban Water**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489, Nether Providence and Springfield Townships, **Delaware County**, ACOE Philadelphia District.

To modify and maintain the existing Crum Water Treatment Plant facility, which is in and along the 100-year floodplain of Crum Creek (WWF). Work will include the construction of a new chlorine scrubber, two new 48-inch water lines, a residual basin, a flocculation/sedimentation basin and a pumping station. The site is at 965 Beatty Road (Lansdowne, PA USGS N: 19.0 inches; W: 16.25 inches).

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

**E40-618. Marina Commons at Harveys Lake, LLC**, R. R. 3, Box 3016, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 24-inch stormwater outfall structure and an 8-inch dry hydrant intake structure along the shoreline of Harveys Lake (HQ-CWF), for the purpose of constructing a residential and commercial development known as Marina Pointe. The project is 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) (Subbasin: 5B).

**E40-621. John Metz**, R. R. 1, Box 236, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing pile-supported dock/boathouse structure in Harveys Lake (HQ-CWF) 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 48 feet from the shoreline. The project includes the placement of 4 inches of gravel over 1,417 square feet of lake bed, to serve as a spawning area. The project is at Pole No. 103, along the northeastern shoreline (Noxen, PA Quadrangle N: 1.0 inch; W: 3.7 inches) (Subbasin 5B).

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

**E36-755: Rapho Township**, 971 North Colebrook Road, Lancaster, PA 17545 in **Rapho Township**, Lancaster County, ACOE Baltimore District.

To remove an existing concrete T-beam bridge and to construct and maintain a concrete rigid frame bridge with a clear span of 24 feet, maximum rise of 6.8 feet and length of 31 feet, along Brubaker Run (WWF) at a point approximately 1,800 feet southeast of the Masterson Elementary School, along North Colebrook Road (Manheim, PA Quadrangle N: 11.9 inches; W: 15.0 inches) in Rapho Township, Lancaster County.

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

**E14-417A3. Penns Valley Conservation Association**, 249 Madisonburg Pike, Madisonburg, PA 16852. Cattle Crossings in Gregg Township, **Centre County**, ACOE Baltimore District (Spring Mills, PA Quadrangle N: 15.4 inches; W: 7.2 inches).

To construct and maintain: (1) a 12-foot by 40-foot stone cattle crossing 170 feet downstream of the Lower George's

Valley Road bridge over an unnamed tributary to Muddy Creek; (2) a 12-foot by 60-foot stone cattle crossing 500 feet downstream of the Lower George's Valley Road bridge over Muddy Creek; (3) a 12-foot by 60-foot stone cattle crossing 1,500 feet downstream of the Lower George's Valley Road bridge over Muddy Creek; and (4) to stabilize 1,000-feet of stream bank with a 2:1 slope and a grass/scrub vegetative cover as part of a streambank fencing project on the Marquardt Farm. This project proposes to directly impact 1,000 feet of Muddy Creek and one of its unnamed tributaries, both are in a HQ-CWF basin. This permit also includes 401 Water Quality Certification

**E14-443. William J. Vargo**, 1324 Rattlesnake Pike, Julian, PA 16844-9111. Private Bridge in Union, **Centre County**, ACOE Baltimore District (Bear Knob, PA Quadrangle N: 10.3 inches; W: 4.9 inches).

To construct and maintain a 42-foot long by 8-foot wide tractor-trailer frame over a 25-foot wide stream channel of Dewitt Run that has a minimum underclearance of 4.5 feet on the site of a former stream crossing that is 400 feet north of the intersection of Rattlesnake Pike (SR 504) and Spots Road to connect 6 acres of field with 50 land locked acres on the left side of the creek (Bear Knob, PA Quadrangle N: 10.3 inches; W: 4.9 inches) in Union, Centre County, ACOE Baltimore District. This project proposes to impact 8 linear feet of Dewitt Run that is classified as a CWF. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**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 (CWF) into a former mill race off the south side of Route 150 at the Clinton County/Centre County boundary line and to construct and maintain 40 linear feet of stream bank (left and right banks) and channel stabilization at the mill race of the intake site. The project is off the south side of Route 150 at the Clinton County/Centre County boundary line. The project will not impact wetlands while impacting approximately 20 feet of Spring Creek while the area impacted within the mill race is approximately 20 feet by 40 feet. This permit was issued under section 105.13(e) "Small Projects."

**E18-359. Ernest and Nancy S. Renninger**, 164 East End Mountain Road, Mill Hall, PA 17751. Floodway Building Construction in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 15.5 inches; W: 13.2 inches).

To construct and maintain: (1) two additions, adding 3,400 square feet to an existing commercial cabinet making shop on the left bank 100 year floodway of Fishing Creek (HQ-CWF) (these additions will fill-in and square-off existing open areas within the building's footprint); and (2) remove 800 cubic yards (60 feet by 90 feet by 4 inches) of an existing sand mound and excess fill to compensate for floodway volume loss. The excess material will be disposed in an approved nonwetland and nonfloodway disposal area based on an approved Erosion and Sedimentation Pollution Control Plan. The building additions and soil removal will directly affect 0.20 acre of the floodway. The project is on the north side of Route

477 approximately 0.5 mile east of the interstate of Routes 477/64 in Lamar Township, Clinton County. The project will not impact wetlands or waterways. This permit was issued under section 105.13(e) "Small Projects."

**E18-364. Louis S. Winner, III**, 1100 Old Eagle Road, Lancaster, PA 17601. Water Obstruction and Encroachment Permit application in Woodward Township, **Clinton County**, ACOE Susquehanna River Basin District (Lock Haven, PA Quadrangle N: 4.2 inches; W: 12.1 inches).

To construct and maintain a 24-foot by 24-foot open pavilion, a 68-foot retaining wall, a 14-foot by 64-foot on-grade concrete slab, a 16-foot by 12-foot on-grade concrete slab, a 24-foot by 24-foot on-grade concrete slab basketball court, a 15-foot wide boat launch (terminating at the waters edge), 45-foot by 25-foot at-grade sand volleyball court and a 12-foot by 24-foot raised treated deck along the pavilion in the floodway of the West Branch Susquehanna River along Havenview Drive in Woodward Township, Clinton County. This permit was issued under section 105.13(e) "Small Projects."

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

**17670-A1. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Dominion Transmission TL 378 Pipeline across South Bend, Plumcreek, Cowanshannock and Valley Townships, **Armstrong County**, Pittsburgh ACOE District (starts in Elderton, PA Quadrangle N: 2.3 inches; W: 14.7 inches and ends at Rural Valley, PA Quadrangle N: 10.0 inches; W: 16.8 inches). To amend permit 17670 to include the repair, operation and maintenance of the existing 26-inch TL 378 pipeline having a length of approximately 12 miles across various streams including Crooked Creek (WWF), eight unnamed tributaries to Crooked Creek (WWF) and an unnamed tributary to Cessna Run (CWF), Cherry Run (CWF), two unnamed tributaries to Cherry Run (CWF), three unnamed tributaries to Huskins Run (WWF) and Cowanshannock Creek (WWF). The pipeline starts at the South Bend Compressor Station and ends at Valley Gate Junction.

**E02-1391. Developers Diversified Realty Corporation**, 3300 Enterprise Parkway, Beachwood, OH 44122. Mt. Nebo Point Development in Ohio Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 6.0 inches; W: 9.5 inches). To place and maintain fill in 0.13 acre of wetlands and to reconstruct and maintain approximately 55 feet of a tributary to Bear Run (TSF) as part of a proposed 350,000 square foot mixed-use commercial/retail complex in the northeast corner of intersection of Mt. Nebo Road and Lowries Run Road. To meet the wetland replacement requirement the applicant proposed to construct 0.13 acre of wetlands. This project will also impact approximately 1,350 feet of a tributary to Lowries Run and 170 feet of a tributary to Bear Run, these channel qualify the authorization under the Department's waiver 105.12(a)(2). To mitigate for the stream impacts the applicant proposes to daylight a tributary to Lowries Run (TSF) which is currently piped in an 18-inch culvert by constructing and maintain a 1,200 feet long channel. Also for mitigation for the stream impacts they will stabilize and maintain approximately 200 feet of stream bank along Bear Run.

**E26-308. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. Fayette County Bridge 0040, Section 06M in Henry Clay Township, **Fayette County** and Addison Township

Somerset County, Pittsburgh ACOE District (Ohiopyle, PA Quadrangle N: 0.8 inch; W: 3.3 inches). To remove the existing bridge and appurtenant structures on SR 0040, Section 06M and: (1) to construct and maintain a 12-span prestressed concrete I-beam bridge with each span at 144.16 feet and vertical underclearance of 23.0 feet over Youghiogheny River Lake (WWF); the proposed piers are 8-foot diameter, two column bents founded on drilled shafts; (2) to place and maintain 1,275 linear feet of R-6 rock bank protection along the northwest shoreline of the Youghiogheny River Lake; (3) to construct and maintain an 18-inch diameter outfall at Station 99+37 and a 30-inch diameter outfall at station 127+20 along the Youghiogheny River Lake; (4) to construct and maintain a temporary causeway consisting of 16 72-inch diameter pipes in the thalweg of the Youghiogheny River Channel; (5) to construct and maintain fish habitat enhancement in the Youghiogheny River Lake composed of broken concrete from demolition of the existing bridge; and (6) to place fill within 0.672 acre of the normal pool of the Youghiogheny River Lake for construction of a staging area. Following bridge construction, the U. S. Army Corps of Engineers will convert and maintain the staging area for parking, boat launching and interpretive facilities. The project proposes to directly affect a total of 1,525 linear feet of lake shoreline, to directly affect 0.672 acre of open water and to indirectly affect 1.7 acres of open water. No vegetated wetlands will be impacted by this project.

**E56-319. Jenner Township**, 2058 Lincoln Highway, Boswell, PA 15531. Jenner Township Community Park Bridge in Jenner Township, **Somerset County**, Pittsburgh ACOE District (Boswell, PA Quadrangle N: 4.5 inches; W: 6.0 inches). To construct and maintain a single span pedestrian bridge having a normal span of 73.9 feet, an underclearance of 10.0 feet and a length of 16.0 feet across Quemahoning Creek (CWF) for the purpose of providing access to community ballfields. The project is off of SR 0601, approximately 1000 feet north of its intersection with SR 0030.

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

**E20-527, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3025, Section 021, Segment 0020, Offset 0000 Culvert Replacement in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 17.6 inches; W: 9.0 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 70.0-foot long precast concrete box culvert having a 18.0-foot wide by 8.0-foot high waterway opening in Zimmer Run (WWF, perennial) on SR 3025, Section 021, Segment 0020, Offset 0000 approximately 0.3 mile northeast of the intersection of U. S. Route 19 and SR 3025 (Kridler Road). Project includes installation of R-7 riprap at the wing walls and culvert inlet and outlet. The project proposes to directly affect 70 linear feet of stream channel.

**E25-670, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. Conneaut Creek Bridge Replacement SR 3006, Section B03 in Conneaut Township, **Erie County**, ACOE Pittsburgh District (East Springfield, PA Quadrangle N: 2.9 inches; W: 3.6 inches).

The applicant proposes to remove the existing structure and: (1) to construct and maintain a two span, prestressed concrete spread box beam bridge having two

clear spans of 95 feet each and an underclearance of 14.6 feet on a 70 degree skew across Conneaut Creek (WWF, MF, perennial) on SR 3006 (U. S. Route 6N), Section B03, Segment 0120, Offset 2848 approximately 0.6 mile east of the intersection of SR 3006 and SR 215; (2) place R-6 riprap for scour protection on the abutment slopes on both the left and right banks; (3) place R-6 riprap for scour protection approximately 12 feet radially around the bridge pier; and (4) conduct widening and roadway construction for approximately 430 feet on the western approach and 353 feet on the eastern approach.

**E62-382, James C. Anderson**, HC 1, Box 29, Irvine, PA 16329, James Anderson Dock, Deck and Retaining Wall in Pleasant Township, **Warren County**, ACOE Pittsburgh District (Youngsville, PA Quadrangle N: 13.75 inches; W: 1.75 inches).

Operate and maintain a wooden deck, stone retaining wall and floating boat dock along the left bank of the Allegheny River at a private residence along SR 62 approximately 1 mile south of SR 6.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA36-009: Lancaster County Conservation District**, 1383 Arcadia Road, Room 6, Lancaster, PA 17601 in Little Britain Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 4-inch outfall conveying groundwater from a foundation drain to UNT to Little Conowingo Creek (HQ-CWF) on the Levi Stoltzfus farm (Kirkwood, PA Quadrangle N: 7.4 inches; W: 17.5 inches) in Little Britain Township, Lancaster County.

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

**EA26-006SW. Department of the Interior, National Park Service, Harper's Ferry Center**, P. O. Box 50, Harper's Ferry, WV 25425. Wharton Township, **Fayette County**, Pittsburgh ACOE District (Fort Necessity, PA Quadrangle N: 11.67 inches; W: 11.91 inches). To construct and maintain a 15-foot by 4-foot box culvert and stream bank stabilization in an unnamed tributary to Meadow Run (HQ-CWF) to improve traffic flow within the Fort Necessity Battlefield complex, in association with the construction of a new visitors center. The proposed project will affect approximately 162 feet of the aforementioned watercourse.

#### WATER QUALITY CERTIFICATIONS

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 323-3636.*

Certification Request Initiated by Department of the Army, Baltimore District, Corps of Engineers, P. O. Box 1715, Baltimore, MD 21203. ACOE Baltimore District.

Date of Initial *Pennsylvania Bulletin* notice: May 10, 2003

**Department of the Army, Baltimore District, Corps of Engineers**, P. O. Box 1715, Baltimore, MD 21203. ACOE Baltimore District. Mansfield Borough, **Tioga County**, ACOE Baltimore District.

The final action is to remove approximately 58,000 cubic yards of gravel, sand and other earthen materials from the Tioga Levee above and below the mouth of the Corey Creek Conduit (approximately 5,000 feet by 100 feet). This material will be moved to a previously used

upland placement site. An additional 12,000 cubic yards (an approximately 3-acre area) of sediment materials will be removed from the Corey Creek Conduit Intake and placed at a previously used upland placement site. Multiple work sites associated with this project will be in Mansfield Borough north and south of the SR 6 bridge

crossing over the Tioga River on property owned by the Army Corps of Engineers. Work will also take place above and below the Corey Creek Conduit (Mansfield 7.5-foot Quadrangle N: 11.0 inches; W: 11.3 inches.

Final Action on Request: Approved.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

**The following storage tank site-specific installation permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03-51-011	Debra McCarty City of Philadelphia Water Dept. 1101 Market Street Philadelphia, PA 19107	Philadelphia	Philadelphia	Two ASTs storing sodium hypochlorite	80,000 gallons total

## SPECIAL NOTICES

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

The Department of Environmental Protection (Department) announces the following grants to counties under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, sections 208 and 901 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act, Act 190.

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

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

#### Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northcentral	Bradford County	Bradford County	Electronics Collection Project Public Education	\$1,232

[Pa.B. Doc. No. 03-1312. Filed for public inspection July 3, 2003, 9:00 a.m.]

### Alternative Fuels Incentive Grant Program Opportunity Notice

The Department of Environmental Protection (Department), Bureau of Air Quality announces the first opportunity to apply under Cycle 11 of a program to promote and expand the use of alternative transportation fuels and fuel systems such as compressed natural gas, liquefied natural gas, liquid propane gas, ethanol, methanol, hydrogen, hythane, electricity, coal-derived liquid fuels and fuels derived from biological materials. Grant funds can be used to pay for the difference between an alternative fuel vehicle and a conventional gasoline or diesel vehicle, to convert an existing gasoline vehicle to operate on an alternative fuel, to purchase a new energy efficient hybrid electric vehicle, to purchase and install a refueling or

recharging facility or to evaluate new alternative fuel technologies.

Eligible applicants for incentive grants are schools and vocational school districts, municipal authorities, counties, cities, boroughs, incorporated towns, townships, county institution districts, nonprofit entities and corporations or partnerships incorporated or registered in this Commonwealth and Commonwealth residents. Grants awarded in this funding cycle will cover up to 20% of the applicant's eligible costs. Project costs cannot be incurred before the submittal of an application during the open opportunity.

Grant applications can be requested by contacting Virginia Harris, Department of Environmental Protection, Alternative Fuels Incentive Grant Program, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3429, fax (717) 772-2303, vharris@state.pa.us. Specify the project

type when requesting an application package. The application package is electronically available on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (directLINK "Alternative Fuels"). The deadline for submitting a Cycle 11 application to the Department is by 4 p.m. October 1, 2003.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1313. Filed for public inspection July 3, 2003, 9:00 a.m.]

### Availability of Technical Guidance

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

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

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

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

#### *Changes to Technical Guidance Documents*

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

#### *Final Technical Guidance*

DEP ID: 580-2200-009. Title: Use of Electronic Methane/Oxygen Detectors in lieu of Approved Flame Safety Lamps. Description: The purpose of this technical guidance is to specify how an approved electronic methane/oxygen detector can be used instead of an approved flame safety lamp. Effective Date: July 5, 2003. Contact: Paul Hummel, (724) 439-7436, [pahummel@state.pa.us](mailto:pahummel@state.pa.us)

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1314. Filed for public inspection July 3, 2003, 9:00 a.m.]

### Concentrated Animal Feeding Operations Stakeholders Workgroup Meeting

The Concentrated Animal Feeding Operations Stakeholders (CAFO) Workgroup will hold a meeting on July 10, 2003, at 9 a.m. in the Department of Environmental Protection's (Department) Southcentral Regional Office, Susquehanna Room B, Harrisburg, PA. The purpose of

this meeting is to review and discuss CAFO program delegation under the revised Environmental Protection Administration rules.

Questions concerning this meeting should be directed to Tom Juengst, (717) 783-7577, [tjuengst@state.pa.us](mailto:tjuengst@state.pa.us). The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department's website at <http://www.dep.state.pa.us>.

Persons with disabilities who require accommodations to attend the meeting should contact the Department at (717) 783-7577 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1315. Filed for public inspection July 3, 2003, 9:00 a.m.]

### Mining and Reclamation Advisory Board Meeting

A meeting of the Mining and Reclamation Advisory Board is scheduled for July 10, 2003, at 8:30 a.m. at the Holiday Inn, Belle Vernon, PA.

Questions concerning this meeting should be directed to Nevin Stroock, (717) 787-6842, [gstroock@state.pa.us](mailto:gstroock@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Nevin Stroock at the telephone number or e-mail address previously listed or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD users) or (800) 654-5988 (voice users) to discuss how the Department of Environmental Protection may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1316. Filed for public inspection July 3, 2003, 9:00 a.m.]

### Proposed 8-Hour Ozone Attainment/Nonattainment Designation Recommendations Public Meetings

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat. Ozone can also cause damage to crops, forests and wildlife. In July 1997, the United States Environmental Protection Agency (EPA) promulgated the 8-hour ozone National ambient air quality standard (NAAQS). The revised ozone standard of 0.08 part per million, measured over an 8-hour period, is more protective of public health than the 1-hour health-based ozone standard. Section 107 of the Federal Clean Air Act (CAA) requires the EPA to make designations (attainment, nonattainment or unclassifiable) for new or revised NAAQS within 1 year of promulgation of the standard. However, implementation of the 8-hour ozone health-based standard had been delayed due to legal challenges.

The governor of each state must now submit designation recommendations to the EPA in accordance with section 107(d) of the CAA. These recommendations will be based on air quality monitoring data (and other criteria) obtained for the 3-year period preceding the recommendations.

The Department of Environmental Protection (Department) is seeking public input on the proposed 8-hour ozone designation recommendations. Air quality information obtained during 2000-2002 indicates that the EPA may designate at least 33 counties in this Commonwealth as 8-hour ozone nonattainment areas. The Commonwealth will recommend to the EPA that boundaries for the designated areas generally follow metropolitan area and county boundaries. This approach is similar to the methodology used for designating areas under the 1-hour ozone health-based standard.

This proposal is available on the Department's website at <http://www.dep.state.pa.us> (choose Subject/Air Quality/Ozone/Clean Air Plans) or through the following contact persons. The Department will hold public informational meetings on Tuesday, July 29, 2003, at 1:30 p.m. at its offices at the following locations:

Hearing Room  
Lee Park, Suite 6010  
555 North Lane  
Conshohocken, PA

Goddard Conference Room  
208 West Third St.  
Suite 101  
Williamsport, PA

Green Room Conference Room  
400 Market Street, 15th Floor  
Harrisburg, PA

Susquehanna Room  
Two Public Square  
Wilkes-Barre, PA

Susquehanna Room  
909 Elmerton Avenue  
Harrisburg, PA

Waterfront A and B  
Conference Rooms  
400 Waterfront Drive  
Pittsburgh, PA

Main Conference Room  
230 Chestnut Street  
Meadville, PA

For more information on the public meetings, contact Susan Ferree, (717) 787-9495, [sferree@state.pa.us](mailto:sferree@state.pa.us). Persons with a disability who wish to attend a meeting and require an auxiliary aid, service or other accommodation to participate in the proceeding should also contact Susan Ferree. TDD users should contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments on the recommendations should be sent to J. Wick Havens, Chief, Air Resource Management Division, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [jhavens@state.pa.us](mailto:jhavens@state.pa.us) by 4 p.m. on August 11, 2003. Written comments (including e-mail submittals) must include the name, affiliation (if any), mailing address and telephone number of the interested person.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1317. Filed for public inspection July 3, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Magee-Womens Hospital for Exception

A notice for Magee-Womens Hospital was incorrectly published at 33 Pa.B. 2436 (May 17, 2003) as a request for exception to 28 Pa. Code § 153.1 (relating to minimum standards). The request of exception should have been for 28 Pa. Code § 139.13 (relating to equipment and supplies).

The request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c) (relating to requests for exceptions).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-1318. Filed for public inspection July 3, 2003, 9:00 a.m.]

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

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

Altoona Center for Nursing Care  
1020 Green Avenue  
Altoona, PA 16601

This request is 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](mailto:paexcept@health.state.pa.us).

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

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

Persons with a disability who require an alternative format of 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 numbers previously listed 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).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-1319. Filed for public inspection July 3, 2003, 9:00 a.m.]

## DEPARTMENT OF STATE

### State Plan Public Hearing

The Secretary of the Commonwealth will conduct public hearings relating to the Commonwealth's preliminary State Plan. The State Plan outlines the methods the Commonwealth will use to comply with the requirements of the Federal Help America Vote Act of 2002 and how it will use grants from the Federal government to achieve this goal. Interested individuals or groups may access a copy of the preliminary State Plan on the Department of State's (Department) website at [www.dos.state.pa.us](http://www.dos.state.pa.us) or by contacting Barbara Smotherman, (717) 787-6458, [bsmotherma@state.pa.us](mailto:bsmotherma@state.pa.us).

The public hearings will be held in Reading, PA on July 7, 2003, Pittsburgh, PA on July 9, 2003; and in Philadelphia, PA on July 14, 2003. The public hearings will be held from 6 p.m. to 8 p.m.

Persons wishing to testify should contact Barbara Smotherman. The Secretary of the Commonwealth encourages those testifying to submit a written copy of their testimony, in advance, to Barbara Smotherman, Department of State, 302 North Office Building, Harrisburg, PA 17120. Persons who testify must bring 50 printed copies of their testimony to the hearing. Individuals testifying are strongly encouraged to briefly summarize their testimony and to be prepared to respond to questions. Individuals testifying on their own behalf will be allocated 5 minutes and individuals testifying on behalf of groups will be allocated a total of 10 minutes in which to make their presentation.

Persons with a disability who wish to attend a hearing and who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barbara Smotherman. Text telephone users may contact the Department through the Pennsylvania Relay Center.

PEDRO A. CORTES,  
*Secretary of the Commonwealth*

[Pa.B. Doc. No. 03-1320. Filed for public inspection July 3, 2003, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Cumberland Valley Chapter of Trout Unlimited v.  
DEP and Olympic Realty & Development Corp.,  
Permittee; EHB Doc. No. 2003-136-MG**

The Cumberland Valley Chapter of Trout Unlimited has appealed the issuance by the Department of Environmen-

tal Protection of an NPDES permit to Olympic Realty & Development Corp. for a facility in Carlisle Borough, Cumberland 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 to 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 03-1321. Filed for public inspection July 3, 2003, 9:00 a.m.]

## FISH AND BOAT COMMISSION

**Removal of Temporary Changes to Fishing Regulations; Upper Hereford Manor Lake, Beaver County**

By notice published at 33 Pa.B. 1547 (March 22, 2003), 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), took immediate action to modify temporarily fishing regulations at Upper Hereford Manor Lake, Beaver County, in anticipation of a draw down of the lake. Specifically, the Executive Director lifted all seasons, sizes and creel limits for all species except trout.

The draw down of the lake is now complete. Thus, the Commission is removing these temporary changes to fishing regulations effective immediately. Statewide seasons, sizes and creel limits are now in effect for Upper Hereford Manor Lake.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-1322. Filed for public inspection July 3, 2003, 9:00 a.m.]

# GOVERNOR'S OFFICE

## Regulatory Agenda

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the fourteenth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this date.			
<b>AGING</b>			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	June 2004, as proposed.	This regulation is being reviewed for coordination with regulations from DPW and DOH. Review is also occurring as a result of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 3 Fair Hearings and Appeals	September 2004, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	December 2004, as proposed.	A review of these regulations will be conducted in order to assure consistency with the Adult Residential Facilities initiative being led by the Department of Public Welfare.	Robert Hussar 717-783-6207
<b>AGRICULTURE</b>			
Domestic Animal	September, 2003, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	John Enck, VMD (717) 772-2852
Cervidae	December, 2003, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate cervidae livestock operations.	John Enck, VMD (717) 772-2852
Animal Exhibition Sanitation	December, 2003, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement.	John Enck, VMD (717) 772-2852
Agricultural Conservation Easement Purchase Program/Agricultural Security Areas	July, 2003, as final.	Act 138 of 1998 and Act 14 of 2001 amended the Agricultural Area Security Law. The regulations at 7 Pa. Code Chapter 138e must be revised to implement these statutory changes. This regulation would also replace the outdated regulations at 7 Pa. Code Chapter 138, relating to agricultural security areas.	Mary Y. Bender (717) 783-3167
The Food Code	August, 2003, as final.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P. S. §§ 20.1—20.18) and the Public Eating and Drinking Places Law (35 P. S. §§ 655.1—655.13) form the statutory basis for this regulation.	Sheri Dove (717) 772-8353



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Maple Products	December, 2003, as proposed.	This regulation is required by the Maple Products Act (3 Pa. C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Amusement Rides	September, 2003, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	Kent Shelhamer (717) 787-6772
Harness Racing Commission	December, 2003, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196
Land application of soil and groundwater contaminated with agricultural chemicals	October, 2004, as final.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands. Numerous comments have been received with respect to drafts of this regulation, and will be addressed as the regulation proceeds.	Vance R. Wagner (717) 772-5210
Fruit Tree Improvement Program	November, 2004, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 772-5222
Pesticide Regulations	February, 2004, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes.	David Scott (717) 772-5214
Certification of Virus-Tested Geraniums	September, 2004, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically- important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 772-5222

## NOTICES

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chemsweep Regulations	June, 2003, as final proposed omitted.	This regulation will amend 7 Pa. Code Chapter 128b to expand the pesticide disposal program which has been limited to agricultural pesticide products. The amendment will include all Commonwealth citizens who are in possession of cancelled, unused or suspended pesticides.	Phillip M. Pitzer (717) 772-5206
Dog Law	November, 2003, as proposed.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Rick Burd (717) 787-4833
Dog Law—Lifetime Licenses	Published as final in the March 15, 2003 edition of the <i>Pennsylvania Bulletin</i> .	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. We are amending 7 Pa. Code §§ 21.51—21.57 to allow the Department to implement the use of micro-chipping for lifetime dog licenses.	Rick Burd (717) 787-4833
Aquaculture Development	Published as final in the January 25, 2003 edition of the <i>Pennsylvania Bulletin</i> .	The Aquacultural Development Law requires the Department to develop an “Aquaculture Development Plan” through regulation.	Leo Dunn (717) 783-8462
Pasteurized Milk “Sell by” Date	July, 2003, as final.	This will extend the maximum “sell-by” date for pasteurized milk by three days, from its current 14 days from the date of pasteurization to 17 days from date of pasteurization.	James Dell (717) 787-4316
<b>BANKING</b>			
No regulations being developed or considered at this date.			
<b>BOARD OF PARDONS</b>			
No regulations being developed or considered at this date.			
<b>COMMUNITY AND ECONOMIC DEVELOPMENT</b>			
Industrialized Housing and Components 12 Pa. Code Chapter 145 (final regulation)	Summer 2003	The regulation will further clarify and strengthen the Department’s and third party’s role in monitoring the installation of industrialized housing; adopt the ICC International Building Code; update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; place the determination regarding the frequency of inspection reports on the inspection agency; require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program.	Jill B. Busch 717-720-7314
Certified Provider (proposed new regulation)	Summer 2003	In accordance with the Job Enhancement Act of 1996, the regulation will establish professional and organizational standards that must be met in order for providers to continue packaging loans on behalf of the Department.	Jill B. Busch 717-720-7314

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>COMMISSION ON CRIME AND DELINQUENCY</b>			
Office of Victims' Services, Victims Compensation Program (formerly Crime Victim's Compensation Board)—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 411	September 2003, as proposed	To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by subsequent legislation, including Act 1998-111 and its relocation of the Crime Victims Act to Purdon's Statutes Title 18, and Act 85 of 2002.	Lynn Shiner (717) 783-5153 ext. 3210
<b>CONSERVATION AND NATURAL RESOURCES</b>			
Conservation of Native Wild Plants (Chapter 45)	Publish proposed rulemaking June 2004.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin 717-783-3227
State Forest Picnic Area Rules and Regulations (Chapter 23)	Final rulemaking published January 4, 2003.	General State Forest rules and regulations were updated in 1998. Chapter 23 pertaining to State Forest Picnic Areas needs to be updated and revised to conform with Title 17 general regulation changes.	Bill Slippey 717-783-7941
Snow and All Terrain Vehicle Registration and Operations (Chapter 51)	Proposed rulemaking published September 2002. Final rulemaking October 2003.	This chapter needs to be updated to implement recent amendments to Chapter 77 of the Vehicle Code and to reflect the Department's current registration and titling procedures.	Bill Slippey 717-783-7941 Bureau of Forestry (Recreation)  Lynn Loudenslager 717-783-3751 Bureau of Administrative Services (Registration and Titling)
<b>CORRECTIONS</b>			
Revisions to regulations governing the Department, 37 Pa. Code Chapters 91, 93 and 94.	Fall, 2003 as proposed	The regulations will be revised to eliminate unnecessary regulations and to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	John S. Shaffer, Ph.D. (717) 975-4998
Revisions to regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	Fall, 2003 as proposed	The regulations will be revised to eliminate unnecessary regulations and modernize necessary regulations. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for county correctional institutions that are not inconsistent with law.	J. D. Shutt (717) 731-7111

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>EDUCATION</b>			
Pupil Personnel Services, Attendance and Students 22 Pa. Code, Chapters 7, 11, 12	July 2003, as proposed.	These regulations define the elements of student services programs, delineate the rights and responsibilities of students and establish provisions regarding school attendance. Specific revisions are necessary to make the regulations consistent with current statute and court decisions as well as current practices in student services. These regulations are promulgated under the authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Patricia White (717) 787-3787
Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36, 40, 42	February 2004, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Frank Meehan (717) 787-5041
Certification of Professional Personnel 22 Pa. Code, Chapter 49	January 2004, final omitted.	Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators. Since these revisions will be technical to incorporate a statutory change, they will be promulgated as final rulemaking with the public comment phase omitted.	Patricia White (717) 787-3787
Academic Standards (Appendix E, Career Education and Work) 22 Pa. Code, Chapter 4	July 2003, as final.	Chapter 4 sets forth requirements for instruction, graduation, strategic planning, and assessment based on academic standards. This additional set of standards will revise Chapter 4 by their inclusion. These regulations are promulgated under the authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Patricia White (717) 787-3787
General Vocational Education Standards 22 Pa. Code, Chapter 339	July 2003, as proposed.	Educational institutions offering vocational programming have evolved substantially since their inception. Many of the standards defining and governing those institutions were conceived over 30 years ago. A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18, regarding Vocational Education, and section 2502.8, regarding Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the Pennsylvania Code, section 4.32(a).	John C. Foster (717) 787-5530
22 Pa. Code, Chapter 21 School Facilities	Regulations under review for possible action in late 2003 or early 2004	Proposed revisions to State Board of Education regulations on school facilities.	Patricia White (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Standards for Approved Private Schools 22 Pa. Code Chapter 171 Subchapters A and B	The Secretary intends to submit revised standards in the Regulatory Review Process in 2003 since the current standards are outdated. The revised standards will reflect the changes in Chapter 14 and IDEA.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1-101, et. Seq.	Richard Price (717) 783-6882
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 61 and 63	The Board intends to release draft revisions for public comment in 2003.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. section 6701 et. Seq.)	Eugene Heyman (717) 783-5146
Chapter 14—Special Education Services and Programs—State Board of Education Regulations	July 2003, as proposed.	The U. S. Department of Education provides federal funds to assist States' provision of services under the Individuals with Disabilities Education Act (Part B). A grant is available to the State Education Agency provided the State is able to demonstrate there are rules consistent with the federal regulations 934 CFR (Part 300). The proposed rule change at 14.162 which eliminates the words, an initial educational placement, will allow Pennsylvania's regulations to be consistent with the federal regulations at 34 CFR 300.505(b).	Patricia White (717) 787-3787
Academic Standards and Assessment, 22 Pa. Code Chapter 4	December 2003, as proposed.	These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma	Patricia White (717) 787-3787
Regulations of the State Board of Private Licensed Schools 22 Pa. Code Chapter 73	September 2003, as proposed.	These regulatory changes reduce the records requirements for schools, amend the definition of seminar to remove reference to entry level training, requires attendance at an orientation seminar prior to submission of an application for licensure, authorizes the Board to reject applications for licensure or program approval if the names of the school or the programs are misleading, mandates the maintenance of a surety bond throughout the period of licensure, requires payment of program application fees if more than one program is submitted with a new license application, and provides clarification of wording and policy.	Patricia Landis (717) 783-8228
<b>EMERGENCY MANAGEMENT AGENCY</b>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ENVIRONMENTAL HEARING BOARD</b>			
Code Title 25 Chapter 1021 Practice and Procedure	Because the Environmental Hearing Board's rules of practice and procedure were significantly revised and reorganized in 2002, the Board does not anticipate submitting further proposed rulemaking in 2003	The Environmental Hearing Board Rules Committee has recommended the following revisions to the Board's rules of practice and procedure: 1) 1021.2 (Definitions)—Amend the definition of "Department" from "Department of Environmental Resources" to "Department of Environmental Protection" to reflect the agency's current title. 2) 1021.31(a) (Filing)—Amend to allow parties to file documents in the Board's Pittsburgh office. 3) 1021.33(b) (Service by a party)—Amend to require service on other parties by overnight delivery where filing with the Board is by overnight mail or personal service. 4) 1021.82 (Prehearing memorandum)—Amend to require that copies of exhibits be attached to the prehearing memorandum as well as "such other information as may be required in the Board's orders."	Mary Anne Wesdock 412-565-5245
<b>ENVIRONMENTAL PROTECTION</b>			
Stream Redesignation—Browns Run Clean Streams Law	July 2003 as final	This proposal would redesignate portions of the Browns Run basin in Warren County as Exceptional Value (EV) Waters based on specific segments of the basin meeting the biological test for EV designation as specified by the antidegradation regulations in 25 Pa. Code Chapter 93. The segments include the Browns Run basin from the source to Dutchman Run; the Dutchman Run basin from the source to the T-413 crossing in Mead Township; the basin of Unnamed Tributary 56502; and the Morrison Run basin. The remainder of the basin would retain the current Cold Water Fishes designation. Browns Run was studied at the request of the Pa. Fish and Boat Commission. The proposed rulemaking was published on May 5, 2001, with a public comment period that was open until June 19, 2001. During the public comment period, the EQB received requests to conduct a public hearing on the proposed redesignation. As a result of these requests, a public hearing was held on September 4 in Warren, and the public comment period was extended through September 11, 2001.	Bob Frey 717-783-2959
Triennial Review of Water Quality Standards Clean Streams Law	July 2003 as proposed	This proposal will include amendments to Chapter 93 to correct errors, update stream listings, and amend the dissolved oxygen (DO) criteria in some lakes. EPA regulations require the triennial review of states' water quality standards regulations. The previous triennial review was completed when EPA approved the state's regulations in August 2001. The Water Resources Advisory Committee (WRAC) reviewed the draft amendments.	Carol Young 717-783-2952

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health Amendments Radiation Protection Act	July 2003 as proposed	This proposal is largely a set of housekeeping amendments that will correct cross-references among the 16 chapters that encompass Title 25, Article V (Radiological Health). It also proposes to make minor adjustments and clarifications to the incorporated-by-reference NRC provisions; the new fee structure as it applies to professional fees, general licenses, multiple sites and small business; and training for radiographers. In addition, regulations pertaining to control and transportation of radiation sources will also be addressed in light of the events of September 11. Lastly, healing arts screening requirements will be updated and clarified in response to health concerns associated with computed tomography (CT) screening technology. The Radiation Protection Advisory Committee (RPAC) reviewed the draft amendments.	Ray Urciuolo 717-783-5922
Chapters 86 and 89—Bond Adjustment and Bituminous Mine Subsidence Control and Standards Surface Mining Control and Reclamation Act	July 2003 as proposed	This proposal will amend Section 86.152(a) to require DEP to request additional bonds if changes to mining or reclamation activities cause the cost of reclamation to increase. The rulemaking will amend Chapter 89 provisions dealing with subsidence control plans, subsidence control performance standards, procedures for resolving subsidence damage claims, relief from responsibility for subsidence damage, water supply replacement performance standards, and procedures for resolving water supply damage claims. These amendments are proposed as a result of a series of negotiation meetings with OSM in order for DEP to maintain primacy for the coal mining regulatory program.	Harold Miller 717-787-3174
Architectural and Industrial Maintenance (AIM) Coatings Air Pollution Control Act	July 2003 as final	This proposal sets specific volatile organic content (VOC) limits in grams/liter for 48 categories of AIM coatings and requires compliance by January 1, 2005. Compliance with these new limits would be reached through either reformulating products or substituting products with compliant coatings that are currently on the market. A 69-day public comment period on the proposed rulemaking concluded February 22, 2002. Three public hearings were held during the public comment period. The Air Quality Technical Advisory Committee (AQTAC) reviewed the draft final rulemaking.	Terry Black 717-787-2030
Chapter 86—Coal Mining Amendments Surface Mine Conservation and Reclamation Act	September 2003 as final	This proposal adds new Section 86.6 to clarify existing statutory requirements and to ensure the regulations are no more stringent than federal requirements. This amendment provides an exemption to the regulatory requirements for coal extraction incidental to federal, state and local government-financed highway or other construction and reclamation projects. The exemption currently exists in Pennsylvania's Surface Mine Conservation and Reclamation Act. A 45-day public comment period closed on June 18, 2002. The Mining and Reclamation Advisory Board (MRAB) reviewed the draft final rulemaking.	Nevin Strock 717-787-6842

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 207—Underground Noncoal Mines General Safety Law	September 2003 as final	This proposal consolidates the regulatory provisions implementing Section 2(f) of the General Safety Law, which regulates worker safety in noncoal mines, into Chapter 207 (Noncoal Mines). Most of these provisions were promulgated by the Department of Labor and Industry over 30 years ago and are found at Title 34, <i>Pennsylvania Code</i> , Chapter 33. DEP's Chapter 207 addresses the use of explosives at noncoal mines and has not been amended since its adoption in 1972. The amendments address effective safety practices in noncoal mines based on changes in the industry and DEP's administration of the program. The proposal incorporates by reference the U.S. Mine Safety and Health Administration's (MSHA) regulations found at 30 CFR Part 57 and includes provisions to address certification of foremen as well as the licensing and duties of blasters. A 60-day public comment period on the proposed rulemaking closed February 6, 2002.	Richard Stickler 724-439-7469
Radionuclides Rule Safe Drinking Water Act	December 2003 as final	This proposal amends Chapter 109 to incorporate the provisions of the recently published federal Radionuclides Rule, which establishes a new Maximum Contaminant Level (MCL) for uranium and retains the current existing MCLs for gross alpha, combined radium-226/228 and beta and photon activity and establishes new monitoring requirements. The Radionuclides Rule applies to community water systems and does not include radon. The EQB adopted the proposal on 12-17-02. A 30-day public comment period on the proposed rulemaking closed April 7, 2003. WRAC and the Small Water Systems Technical Assistance Center Board (TAC) will review the draft final amendments.	John Wroblewski 717-772-4018
Filter Backwash Recycling Rule Safe Drinking Water Act	December 2003 as final	This proposal amends Chapter 109 to incorporate the provisions of the recently promulgated federal Filter Backwash Recycling Rule, which governs the recycling of the filter backwash water within the treatment process of public water systems (PWSs). The Rule will apply to all PWSs that use a surface water source or groundwater under the direct influence of surface water, utilize direct or conventional filtration and recycle spent filter backwash water, sludge thickener supernatant or liquids from dewatering processes. The EQB adopted the proposal on 12-17-02. A 30-day public comment period on the proposed rulemaking closed on April 7, 2003. WRAC and TAC will review the draft final amendments.	John Wroblewski 717-772-4018



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapters 301-305—Operator Certification Regulations Water and Wastewater Systems Operators' Certification Act	December 2003 as proposed	This proposal will revise or eliminate Chapters 301, 303 and 305 (the State Board for Certification of Sewage Treatment Plant and Waterworks Operators) to implement the provisions of Act 11 of 2002, the Water and Wastewater Systems Operators' Certification Act. The Act restructures the testing and training program for operators and enhances security provisions for all water and wastewater treatment systems in PA. The proposal will outline the administrative procedures and standards for implementing the new statutory requirements. The Certification Program Advisory Committee, the State Board for Certification of Water and Wastewater Systems Operators, and the Small Water Systems TAC will review the draft regulations.	Veronica Kasi 717-772-4053
Chapter 121, 129 and 145 Small NOx, Stationary Internal Combustion Engines and Cement Kilns Air Pollution Control Act	December 2003 as final	This proposal establishes a program to limit NOx emissions from smaller boilers, turbines and stationary internal combustion engines in the southeast portion of Pennsylvania. These controls are needed to attain and maintain the health-based one-hour ozone standard. In addition, the proposal will establish control requirements on a statewide basis for large stationary internal combustion engines and cement kilns. These controls are needed to meet the Commonwealth's remaining obligation to reduce ozone transport throughout the eastern United States. A 60-day public comment period closed December 26, 2002. Three public hearings were held in November 2002. AQTAC will review the draft final regulations.	Dean Van Orden 717-787-1455
Provisions for the Management of Safe Fill Solid Waste Management Act; Clean Streams Law; Land Recycling and Environmental Remediation Standards Act	January 2004 as final	The proposed rulemaking was published February 2, 2002, and sought to revise Chapter 287 of the residual waste regulations, with parallel amendments where applicable to Chapter 271 of the municipal waste regulations, to address the unrestricted use of uncontaminated soil, including rock and stone, as safe fill provided that the soil has not been subject to a spill or release and there are no visible staining, odors or other sensory nuisances associated with the soil. The proposed regulations include permits by rule (PBRs) in both Chapters for management of contaminated materials. An Advance Notice of Final Rulemaking (ANFR) will be published in the Pa Bulletin in June 2003 with a 45-day public comment period. The draft final rulemaking contains substantive revisions to the February 2002 proposal, including a more concise definition of "safe fill," with substantive requirements of due diligence, safe fill exceptions and placement along waterways shifted to new sections of the regulations. The PBRs in Section 287.102 have been consolidated and the requirement added that materials may qualify for use when contaminated up to nonresidential statewide health standards (SHS) as opposed to residential SHS. As a result of these higher numeric standards, new requirements have been added to the PBR for proper management of the material. The Solid Waste Advisory Committee (SWAC) will review the draft final rulemaking and comments on the ANFR.	William Pounds 717-787-7381

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Concentrated Animal Feeding Operations (CAFO) Program Regulation Amendments—Chs. 92.5a, 91 and 92 The Clean Streams Law	January 2004 as proposed	These regulations are being revised in response to the recently enacted Federal CAFO Final Rule, which was published in the Federal Register on February 12, 2003. This rule established mandatory requirements for all CAFOs to apply for an NPDES permit and to develop and implement a nutrient management plan. The new effluent guidelines establish performance expectations for existing and new sources to ensure appropriate storage of manure, as well as expectations for proper and effective manure and wastewater management, including compliance with the Effluent Limitation Guidelines. The proposed rulemaking will enhance protection of PA's waters from nutrient over-enrichment and eutrophication, and reduce pathogens in drinking water, including improving the water quality of the Chesapeake Bay. The Agricultural Advisory Board will review the proposed regulations prior to EQB action.	Cedric Karper 717-783-7577
Laboratory Accreditation Regulations Environmental Laboratory Accreditation Act	January 2004 as proposed	Authorized by Act 90 of 2002 (The Environmental Laboratory Accreditation Act), this proposal will establish standards for laboratories and set forth requirements laboratories must meet to be accredited. The regulations will include requirements for laboratory supervisors, staff, management structure, equipment, quality assurance and quality control procedures, recordkeeping procedures and analytical procedures. The Laboratory Accreditation Advisory Committee, established by the Act, is reviewing the draft regulations.	Richard Sheibley 717-705-2425
Chapter 245—Storage Tank Amendments Storage Tank and Spill Prevention Act	March 2004 as proposed	With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all other aspects of the Storage Tank and Spill Prevention Program provisions of Chapter 245, which was last updated in 1997. The amendments have been identified through implementation of the program over the past five years. In addition, a general review of Chapter 245—which is necessary to obtain state program authorization for the underground storage tank program from the U. S. EPA—occurred in the past year, and this review identified other potential revisions. The Storage Tank Advisory Committee (STAC) is reviewing the draft amendments.	Ray Powers 717-772-5809
Chapter 250—Land Recycling Program Amendments Land Recycling and Environmental Remediation Standards Act	March 2004 as proposed	The proposed amendments will revise several aspects of the existing Chapter 250 regulations based upon updated scientific information. The amendments will also serve to clarify the existing regulations. Collectively, the revision of these regulations will provide additional direction to those undertaking the cleanup of a contaminated site and the cleanup standards they must meet. The Cleanup Standards Scientific Advisory Board (CSSAB) will review the draft amendments.	Dave Hess 717-783-9480

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
New Source Review Air Pollution Control Act	Contingent on outcome of pending litigation and EPA action	The Department's existing new source review (NSR) regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits (ERCs). The Department will also incorporate changes in the Federal NSR requirements as necessary. EPA promulgated NSR regulations on December 31, 2002; however, a number of parties have filed suit against EPA concerning the promulgation of these regulations. This has raised uncertainty of the nature of the final rules. Therefore, the Department plans to delay proceeding with revisions to the existing NSR regulations until the pending litigation with EPA is resolved. Drafts of the proposed regulations will be reviewed by the AQTAC.	Terry Black 717-787-2030
<b>GENERAL SERVICES</b>			
Responsibility 4 Pa. Code Chapter 60	Fall, 2003, as proposed	This chapter must be amended to conform with the legislative changes required by Act 57 and to provide for uniform Commonwealth agency debarment and suspension procedures.	Gary F. Ankabrandt (717) 783-1982
Instructions to Bidders 4 Pa. Code, Chapter 61	Fall, 2003, as final	This chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders.	Merle H. Ryan (717) 787-7095
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Fall, 2003, as final	This chapter has been superseded and should be repealed because contract conditions should not be set out in regulatory form. There is a need for flexibility that can be of benefit to the Department as well as bidders.	Merle H. Ryan (717) 787-7095
State Art Commission 4 Pa. Code, Chapter 65	Fall, 2003, as final	The legislation creating the State Art Commission was sunsetted.	Merle H. Ryan (717) 787-7095
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Winter, 2004, as proposed	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Merle H. Ryan (717) 787-7095
Contract Compliance 4 Pa. Code, Chapter 68	Fall, 2003, as proposed	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	Sheri Phillips (717) 783-8720
Methods of Awarding Contracts 4 Pa. Code, Chapter 69	Winter, 2004, as proposed	With the enactment of the Commonwealth Procurement Code (Act 57) it is necessary to conform this Chapter with the changes in the law and to address other procurement areas affected by Act 57.	David P. Yarkin (717) 787-5295
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Winter, 2004, as proposed	Amendments are required because parking locations have been changed.	Don Santostefano (717) 783-5028
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Winter, 2004, as proposed	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	David P. Yarkin (717) 783-1982
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81	Winter, 2003, as proposed	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the <i>Pennsylvania Code</i> .	Sheri Phillips (717) 783-8720

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Prequalification 4 Pa. Code, Chapter 60	Summer, 2003, as proposed	Under the authority granted in the Commonwealth Procurement Code, the Department will initiate prequalification of public works contractors for Commonwealth projects. The regulations will provide factors to be considered in determining whether to prequalify contractors as well as provisions for suspending or revoking prequalification if contractors do not comply with prequalification standards.	Jan Matthew Tamanini (717) 787-6789
<b>HEALTH</b>			
Testing Blood and Alcohol Specimens Taken From Persons Who Die as a Result of a Vehicle Accident 28 Pa. Code §§ 29.21 and 29.22	September 2003, as proposed.	The amendments to existing regulations will update testing procedures and make the regulations consistent with the authorizing statute. Pursuant to the section 3749 of the Vehicle Code, 75 Pa.C.S. § 3749, and Reorganization Plan No. 4 of 1981 (71 P. S. § 751-31).	Kenneth E. Brody 717-783-2500
Health Facility Licensure—General and Special Hospitals and Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	October 2003, as final-omitted.	Existing regulations in chapters on health planning (federal program and certificate of need) will be repealed as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—General Administrative Chapter and General and Special Hospitals 28 Pa. Code § 101.1 et seq.	April 2004, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. 717-783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	September 2003, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac 717-783-2500
Public Bathing Place Lifeguard Requirements 28 Pa. Code §§ 18.1 and 18.42	December 2003, as final	The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, amending 35 P. S. §§ 672—680 (the Public Bathing Law).	Grace R. Schuyler 717-783-2500
Special Supplemental Food Program for Women, Infants and Children (WIC Program) 28 Pa. Code § 1101.1 et seq.	August 2003, as final.	The amendments to existing regulations will bring the State regulations into compliance with changes in the Federal regulations (7 C.F.R. § 246) published December 29, 2000, relating to vendor selection criteria, training requirements, monitoring requirements and compliance investigations, and the vendor appeals process.	Jalene Kolb 717-783-2500
Health Facility Licensure/Hospices 28 Pa. Code § 651.1 et seq.	July 2003, as proposed.	These new regulations will provide standards for the licensing and regulation of hospices. They will, at a minimum, contain standards set forth in regulations for hospices certified as providers under the Medicare Program. Pursuant to Act 95 of 1998, amending the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	Karin Simpson Gutshall 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Hearing Aid Sales and Registration/Continuing Education 28 Pa. Code § 25.201 et seq.	August 2003, as final.	The amendments to existing regulations will include continuing education requirements for hearing aid fitters, provide for 30-day money back written guarantees on hearing aids, and revise certification fees for consistency with the statute. Pursuant to Act 153 of 1998, amending the Hearing Aid Sales Registration Act, 35 P. S. §§ 6700-101—6700-802.	Tanya Leshko 717-783-2500
Bacterial Monitoring of Public Bathing Beaches 28 Code §§ 18.1, 18.28, 18.30 and 18.31	December 2003, as final	The amendments to existing regulations will extend the level of testing required for coastal beaches on the Great Lakes, pursuant to federal legislation, to all public bathing beaches in Pa. The amendments also add a requirement of public notice of beach closures pursuant to the Public Bathing Law, 35 P. S. §§ 672—680(d).	Grace R. Schuyler 717-783-2500
Out-of-Hospital Do-Not Resuscitate Orders 28 Pa. Code Chs. 1001, 1003, 1005, 1007 and 1051	July 2003, as proposed	The regulations will facilitate implementation of 20 Pa.C.S. Chapter 54A (relating to the Do-Not-Resuscitate Act) by providing standards for the issuance and revocation of out-of-hospital DNR orders and compliance with those orders. Interim regulations were promulgated on 12/14/02.	Kenneth E. Brody 717-783-2500
Newborn Hearing Screening—Reporting and Early Intervention Referral	December 2003, as proposed	The regulations will facilitate implementation of 11 P. S. § 876-6 (relating to reporting and early intervention referral) by transforming temporary guidelines for a reporting and early intervention referral system into regulatory standards.	Stephanie Michel-Segnor 717-783-2500
Head Injury Program	December 2003, as proposed	The amendments to existing regulations will address client enrollment and provider issues.	Tanya C. Leshko 717/783-2500
Drug, Device and Cosmetic Program 28 Pa. Code § 25.72	July, 2003, as proposed	The amendments will add drugs to the list of controlled substances and reschedule others.	Keith B. Fickel (717) 783-2500
<b>HOUSING FINANCE AGENCY</b>			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
25 Pa. Code §§ 963.12(a)(6), 963.13(b) 2, 963.15(a), and 25 Pa. Code § 965.4(9).	Fall of 2003	PENNVEST recommends the following revisions: (1) Delete Section 963.12(a) (6) and the second sentence of Section 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq. While PENNVEST has always construed these costs to be encompassed with in the statutory definition of "eligible cost" (35 P. S. § 751.3), the agency chose as a matter of policy not to fund this planning process because the Pennsylvania Department of Environmental Protection already provided grant funds for 50% of these costs. PENNVEST is revising its policy because the agency is concerned that, in some instances, needed projects are unable to move forward in a timely manner due to a lack of funds to conduct this necessary planning. PENNVEST, therefore, is removing the impediment to funding imposed by the above regulatory provisions. (2) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to read in its entirety: "The term of the loans shall normally be twenty years beginning on the date construction is completed or three years from of the date of loan closing, whichever occurs first." This amendment provides a level loan repayment and a defined term at loan closing (normally twenty years). Under the old policy the loan term was determined sometime in the future after construction closed out. Consequently, under the old policy a Borrower with a project that took two years to construct would have had only eighteen years to repay the loan. Under the new policy the repayment term would be twenty years plus two years of interest only payments to provide for construction. (3) Amend 25 Pa. Code § 965.4 (9) to place a period after the word "Board" and delete the remainder of the sentence. This amendment allows those costs associated with the acquisition of land under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to be financed by PENNVEST. This change is necessary to reflect a shift in policy by the Environmental Protection Agency and the desire of PENNVEST to take advantage of the policy shift to finance such costs.	Jayne B. Blake (717)-783-6776
<b>INSURANCE</b>			
Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1—37.84	Fall/Winter 2003, as proposed.	Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be updated to be consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61	Winter 2003, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1—64.14	Fall 2003, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—28	Fall 2003, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1—9	Winter 2003, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Variable Life Insurance, 31 Pa. Code, Chapter 82, §§ 82.1—91	Fall 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1—57	Fall 2003, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annuity Disclosure, (NEW Chapter 83a)	Winter 2003, as final.	A new regulation to eliminate misleading illustrations, make illustrations more understandable and to standardize the disclosure statement language to be use with the selling of annuities.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Variable Annuity and Accumulation Contracts, 31 Pa. Code, Chapter 85, §§ 85.1—85.40	Fall 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42	Spring 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Life Insurance Illustrations (New Chapter 87a)	Winter 2003, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Individual Accident and Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1—88.195	Winter 2003, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12—16, 89.18—89.62	Spring 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Prior Approval of Forms Required, 31 Pa. Code, Chapter 89, § 89.101	Spring 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	Winter 2003, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Spring 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Fall 2003, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Standards for Safeguarding Customer Information, NEW 31 Pa. Code, Chapter 146c, 146c.1—146c.11	Summer 2003, as proposed.	NEW. This implements the third part of the NAIC model privacy regulation with respect to safeguarding customer information.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annual Audited Insurers' Financial Report Required, 31 Pa. Code, Chapter 147	Summer 2003, as proposed.	Amend to prohibit a person or firm from being recognized as a qualified independent certified public accountant if the person or firm has entered into an agreement of indemnity or release from liability with respect to an audit of an insurer.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers, 31 Pa. Code, Chapter 163 §§ 163.1—163.20	Fall 2003, as proposed	Amend to update provisions relating to trust agreements and letters of credit.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Health Maintenance Organizations, 31 Pa Code, Chapters 301, §§ 301.1—301.126	Winter 2003, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Premium Finance Companies (New Chapter)	Summer 2003, as proposed.	New regulation addressing issues pertaining to Premium Finance Companies.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Viatical Regulations (New Chapter)	Spring 2004, as proposed.	New regulation addressing issues pertaining to the Licensing of Viatical Brokers.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
<b>LABOR AND INDUSTRY</b>			
Underground Storage Facilities, Title 34 Labor and Industry Regulations	Bureau of Occupational and Industrial Safety will submit as proposed rulemaking in Spring 2003.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	Edward Leister 717-787-3323
Dry Cleaning	Will be addressed through Act 45 regulations. (See Act 45 regulations below.)	Dry Cleaning Law, Act of December 19, 1990, P. L. 1327, No. 214, 35 P. S. 1270.1 et seq. This proposal will regulate the construction, operation and maintenance of dry cleaning plants.	Edward Leister 717-787-3323



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Elevators and Lifting Devices	Will be addressed through Act 45 regulations. (See Act 45 regulations below.)	The new regulation will amend the current standards to include ANSI/ASME A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards.	Edward Leister 717-787-3323
Unemployment Compensation Appeals, Title 34, Labor and Industry Regulations	Unemployment Compensation Board of Review published proposed rulemaking in September 2002. Final-form regulation will be submitted Summer 2003	The regulation will update filings with the Board to reflect new technologies and to expedite proceedings.	Kelly K. Smith 717-783-5027
Uniform Construction Code (UCC) regulations. Act 45 of 1999. Title 34, Labor and Industry Regulations.	Withdrew on 6/9/03 in order to address legislative concerns—will be resubmitted ASAP	Act 45 of 1999, providing for a uniform statewide building code, requires department to promulgate regulations. The regulation will provide for administration and enforcement of statewide building code. Because this measure in effect repealed the Dry Cleaning Law, Elevator Law and Fire and Panic Act, the regulations pursuant to each (including those for Personal Care Homes), will be addressed through regulations for Act 45.	Jon Balson 717-787-3323
Repeal of mine and excavation regulations, Title 34, Labor and Industry Regulations.	Bureau of Occupational and Industrial Safety will submit final-omitted regulation in Summer 2003.	Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority,	Edward Leister 717-787-3323
Boiler requirements, Title 34 Labor and Industry Regulations.	Bureau of Occupational and Industrial Safety will submit proposed rulemaking in Summer 2003.	The regulations will update requirements for boilers and unfired pressure vessels in accordance with the Boiler and Unfired Pressure Vessel Law.	Edward Leister 717-787-3323
Liquefied Petroleum Gas, Title 34 Labor and Industry Regulations.	Bureau of Occupational and Industrial Safety will submit proposed rulemaking in Summer 2003.	Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.	Edward Leister 717-787-3323
Business Enterprise Program, Title 34 Labor and Industry Regulations	Bureau of Blindness and Visual Services will submit proposed rulemaking in Summer 2003	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	Mark Frankel 717-787-3667
<b>MILITARY AND VETERANS AFFAIRS</b>			
State Veterans Home 43 Pa. Code Section 7.1 et seq	October 2003, as proposed.	This regulation is necessary to update current regulations to make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Eclenus Wright, Jr. 717-861-8503

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>			
See Public School Employees' Retirement System.			
<b>PROBATION AND PAROLE</b>			
No regulations being developed or considered at this date.			
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>			
22 Pa. Code Chapter 215	Publication anticipated within 2-3 months	This proposal is being made to amend 22 Pa. Code, Chapter 215 and would delete the transitional provisions for electing to participate in an optional alternate retirement plan contained in § 215.36. The provision is no longer needed, and may conflict with current Retirement Code provisions.	Frank Ryder (717) 720-4733
<b>PUBLIC WELFARE</b>			
Personal Care Homes 55 Pa. Code Chapters 2600, 2620	February 2004, as final	This regulation strengthens health and safety requirements for personal care homes.	Ruth O'Brien (717) 783-2800
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	January 2004, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800
Subsidized Child Day Care Eligibility 55 Pa. Code Chapter 3040	November 2003, as proposed	This regulation clarifies and revises the eligibility requirements for child day care subsidy.	Ruth O'Brien (717) 783-2800
Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680	August 2004, as proposed	This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.	Ruth O'Brien (717) 783-2800
Workfare/Community Service 55 Pa. Code Chapters 166, 275	January 2004, as proposed	This regulation clarifies who may be assigned and the priority and factors to be considered in making Workfare program assignments. The regulation also defines responsibilities of county assistance offices and project operators regarding participation expenses and program requirements and provides for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation. This regulation will be reviewed by representatives of community legal services agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Real Property Liens 55 Pa. Code Chapters 101, 121, 177, 183, 257, 297	January 2004, as proposed	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257 (relating to Reimbursement). Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Criminal History * 55 Pa. Code Chapters 125, 133, 141	January 2004, as proposed	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Support Rights 55 Pa. Code Chapter 187	January 2004, as proposed	This regulation will require Medical Assistance applicants recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	January 2004, as proposed	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Family Violence Option 55 Pa. Code Chapter 187	January 2004, as proposed	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Lump Sum Income (Cash) 55 Pa. Code Chapter 183	August 2003, as final	This regulation codifies provisions to specify that lump sum is considered income in the month of receipt and a resource in subsequent months. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other client advocacy groups.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Increases in Payment for Burial and/or Cremation* 55 Pa. Code Chapter 285	September 2003, as proposed	This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment—TANF, General Assistance, State Blind Pension, or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance for Workers with Disabilities 55 Pa. Code Chapter 140	September 2003, as proposed	This regulation provides Medicaid benefits to Workers with Disabilities (MAWD) who would otherwise not be eligible, effective January 1, 2002. The Ticket to Work and Work Incentives Improvement Act of 1999 (P. L. 106-170) gave states the option of providing categorically needy Non-Money Payment Medicaid benefits to workers with disabilities who have higher incomes and resources than the current Medicaid standards. Pennsylvania exercised this option by passing Act 2001-77 of June 26, 2001 (P. L. 755), also known as the Tobacco Settlement Act, which establishes MAWD. MAWD is intended to provide individuals with disabilities the opportunity to enter and remain in the workforce while receiving Medicaid coverage. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, disability advocacy organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Breast and Cervical Cancer Prevention and Treatment Program 55 Pa. Code Chapter 140	September 2003, as proposed	This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides Medical Assistance for women who have breast and cervical cancer, including pre-cancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including pre-cancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, professional medical organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Semi-annual Budgeting 55 Pa. Code Chapters 142, 168, 175, and 183	January 2004, as proposed	This regulation will change the manner of reporting and adjusting earned income for employed clients. Reporting of earned income will be required for specific periods within six-month intervals. Benefits will be adjusted on a post-adjustment basis so that income reported for period A will affect benefits received in period B, etc. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Limitations in Spend-down Eligibility 55 Pa. Code Chapter 181	January 2004, as final	This regulation will change the spend-down procedure within the Medicaid eligibility determination process. The change will affect the Medically Needy Only category by limiting unpaid medical expenses used as a deduction to those incurred during the retroactive period. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Changes in Nursing Care Eligibility 55 Pa. Code Chapters 178 and 181	January 2004, as final	This regulation will change the eligibility requirements for applicants and recipients in long-term care facilities. Recipients of Medicaid Program benefits will be required to contribute more toward the cost of long-term care services. Applicants for Medicaid Program benefits will be required to use more of their own resources to pay for their care prior to being authorized eligible for the Medicaid Program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, long term care provider organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181	December 2003, as proposed	This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act.	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT) * 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	December 2003, as final omitted	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Case Management Services * 55 Pa. Code Chapter 1239	January 2004, as final omitted	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
OMNIBUS MA * 55 Pa. Code Chapters 1101, 1121, 1149	December 2003, as final omitted	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service and (3) prescription drugs except legend birth control drugs. This regulation also implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. In addition, this regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
OMNIBUS Pharmacy * 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	December 2003, as final omitted	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee in 2001.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) for Mental Health Services* 55 Pa. Code Chapters 1157, 1165	December 2003, as proposed	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee on 3/28/02. The Department received comments from 6 agencies. These comments are currently under review by the Department.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife* 55 Pa. Code Chapter 1141	December 2003, as final omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Discontinuance of the Mandatory Second Opinion Program* 55 Pa. Code Chapter 1150	December 2003, as final omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2004, as proposed	This regulation takes the policy as set forth in the Statement of Policy published at 27 Pa.B. 6238 (November 29, 1997) and promulgates it into the regulations. This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
New Definition of "Emergency Medical Condition"* 55 Pa. Code Chapters 1101, 1141, 1150, 1221	October 2003, as final omitted	This final regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	December 2003, as proposed	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	December 2003, as final omitted	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	September 2003, as final omitted	This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Preadmission Requirements for Nursing Facility Services (Mandatory 12 month spend-down) 55 Pa. Code Chapter 1187	September 2003, as proposed	This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Penile Prosthesis 55 Pa. Code Chapters 1141, 1163,	December 2003, as proposed	This regulation revises the current § 1141.59(8) noncompensable services and § 1163.59(a)(4) noncompensable services, items and outliers days.	Ruth O'Brien (717) 783-2800
Miscellaneous Case Mix Changes 55 Pa. Code Chapter 1187	November 2003, as proposed	This regulation clarifies existing definitions and adds new definitions. The amendments include requirements for multiple-site and single-site licensed nursing facilities regarding certification, enrollment, participation, peer group medians, prices and per diem rates. This regulation also clarifies existing policies relating to the method of indexing costs in the database used for rate setting, the treatment of gross adjustments and the reopening of nursing facility cost report audits.	Ruth O'Brien (717) 783-2800
Pharmaceutical Services 55 Pa. Code Chapter 1121	October 2003, as final	This regulation revises the rates paid by the Department to pharmacy providers governing payment for and dispensing of brand-name prescription drugs under the fee for service component of the Medical Assistance Program.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Nursing Facility Per Diem Rate Limitation (Emergency regulation) 55 Pa. Code Chapter 1187	September 2003, as final omitted	This regulation will change the methods and standards for setting nursing facility case-mix per diem rates. The Commonwealth's budget deficit makes it necessary for the Department to reduce Medical Assistance nursing facility payments.	Ruth O'Brien (717) 783-2800
Nursing Facility Assessments 55 Pa. Code Chapter 1187	January 2004, as final omitted	This regulation will provide that the nursing facility assessment imposed by legislation may be reported on the cost report as an allowable cost.	Ruth O'Brien (717) 783-2800
Extension of County Transition Payments and Double Disproportionate Share 55 Pa. Code Chapter 1187	January 2004, as final omitted	This regulation will extend the county nursing facility transition rates for the period July 1, 2003, through June 30, 2008, and will increase the disproportionate share incentive payments to qualified nursing facilities for the period July 1, 2003 through June 30, 2007. The disproportionate share incentive payment shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with 55 Pa. Code Chapter 1187 § 1187.111(c). This regulation will be reviewed by the Medical Assistance Advisory Committee. These changes are made in accordance with the Intergovernmental Transfer Agreements.	
<b>REVENUE</b>			
Construction Contractors 61 Pa. Code, Article II	November 2003, as proposed.	The regulation will provide an update to the rules regarding contracts with exempt and nonexempt entities.	Jeffery S. Snaveley 717-772-9212
Employer Returns and Other Withholding Provisions 61 Pa. Code §§ 113.2, 113.3, 113.3a, 113.3b, 113.3c, 113.4, 113.4a, 113.7 and 121.16	September 2003, as final.	The Department is amending various withholding regulatory sections, including requiring an employer who is required to file 250 or more withholding statements, to forward to the Department the reconciliation statement with such withholding statements via electronic or magnetic media as specified in the instructions of the Department. In addition, § 121.16 is amended to delete language relating to the filing of a W-2 with Form PA-40 as evidence of taxes withheld.	Jeffery S. Snaveley 717-772-9212
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	October 2003, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Jeffery S. Snaveley 717-772-9212
Prebuilt Housing	August 2003, as proposed.	The regulation codifies legislative changes relating to prebuilt housing that were set forth in Act 23-2000 (72 P. S. §§ 7201(g)(8), (vv)—(zz), 7202(f) and 7204(60)).	Jeffery S. Snaveley 717-772-9212
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	September 2003, as proposed.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Jeffery S. Snaveley 717-772-9212
Repeal of Obsolete Lottery Regulations 61 Pa. Code §§ 817.91—817.107, 817.111—817.127, 831.1—831.17, 867.1—867.17, 868.1—868.17 and 869.1—869.15	September 2003, as final.	Play of the on-line lottery games subject to repeal under this regulation were concluded in accordance with the terms of the regulations. The Lottery does not intend now or in the near future to offer these games in their stated configuration.	Jeffery S. Snaveley 717-772-9212



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Small Games of Chance Amendments 61 Pa. Code, Part VII	August 2003, as proposed.	The regulation contains comprehensive amendments to Part VII to incorporate legislative changes made to the Local Option Small Games of Chance Act (10 P. S. §§ 311—328) in 1990 and 2000 and to codify policy and administrative changes regarding games of chance.	Jeffery S. Snavely 717-772-9212
Support Offset and Other Personal Income Tax Provisions	October 2003, as proposed	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Jeffery S. Snavely 717-772-9212
<b>SECURITIES COMMISSION</b>			
“Banking institution; savings and loan institution” 64 Pa. Code § 102.041	Final Rulemaking July 2003	The Commission plans to amend this regulation to conform its provisions with federal law.	G. Philip Rutledge (717) 783-5130
“Institutional investor” 64 Pa. Code § 102.111	Final Rulemaking July 2003	The Commission plans to amend this regulation to include a 1985 Interpretive Opinion on qualifications for IRAs, KEOGHs and SEPs to be an institutional investor.	G. Philip Rutledge (717) 783-5130
“Real property units” 64 Pa. Code § 102.202	Final Rulemaking July 2003	The Commission plans to repeal this regulation which is overly narrow.	G. Philip Rutledge (717) 783-5130
“Exchange” 64 Pa. Code § 102.241	Final Rulemaking July 2003	The Commission plans to revise language to make it conform to federal law.	G. Philip Rutledge (717) 783-5130
“Private activity bonds” 64 Pa. Code § 202.010	Final Rulemaking July 2003	The Commission plans to amend this regulation to conform its requirements to the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
“Commercial paper” 64 Pa. Code § 202.030	Final Rulemaking July 2003	The Commission plans to amend this regulation to conform its requirements to the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
“Commercial paper issued by bank holding companies” 64 Pa. Code § 202.032	Final Rulemaking July 2003	The Commission plans to repeal this regulation in reliance a single regulation dealing with the commercial paper exemption.	G. Philip Rutledge (717) 783-5130
“Guaranties of debt securities exempt” 64 Pa. Code § 202.092	Final Rulemaking July 2003	The Commission plans to amend this regulation to conform its requirements to the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
“Equity securities by reporting company” 64 Pa. Code § 203.091	Final Rulemaking July 2003	The Commission proposes to delete Form 203-I in that the filing requirement was repealed by Act 108 of 2002.	G. Philip Rutledge (717) 783-5130
“Debt securities of nonprofit organizations” 64 Pa. Code § 203.161	Final Rulemaking July 2003	The Commission plans to amend this regulation to conform to amendments to this exemption made by Act 108 of 2002.	G. Philip Rutledge (717) 783-5130
“Isolated transaction exemption” 64 Pa. Code § 203.189	Final Rulemaking July 2003	The Commission plans to move the definition of Accredited Investor from Regulation 204.010 to this regulation.	G. Philip Rutledge (717)783-5130
“Increasing the number of purchasers and offerees” 64 Pa. Code § 204.010	Final Rulemaking July 2003	The Commission plans to move the definition of Accredited Investor from this regulation to Regulation 203.189	G. Philip Rutledge (717) 783-5130
“Continuous offering” 64 Pa. Code § 207.120	Final Rulemaking July 2003	The Commission plans to repeal this regulation to conform to the National Securities Markets Improvement Act of 1996	G. Philip Rutledge (717) 783-5130

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
"Supervision of agents, investment adviser representatives and employees" 64 Pa. Code § 305.011	Final Rulemaking July 2003	The Commission proposes to amend this regulation to conform to relevant rules of the National Association of Securities Dealers.	G. Philip Rutledge (717) 783-5130
"Financial reports to security holders" 64 Pa. Code § 606.011	Final Rulemaking July 2003	The Commission proposes to amend this regulation to conform provisions of Act 108 of 2002 providing for annual financial statements to holders of debt securities issued by non-profit organizations.	G. Philip Rutledge (717) 783-5130
"Delegation and substitution" 64 Pa. Code § 606.041	Final Rulemaking July 2003	The Commission plans to amend this rule to allow the Assistant Director of Corporate Finance to exercise certain delegations in the absence of the Division Director.	G. Philip Rutledge (717) 783-5130
"Limited offering" 64 Pa. Code § 203.041	Final Rulemaking July 2003	The Commission proposes to amend Item 7 to Form E to require issuers to provide the amount of the offering which is to be offered in Pennsylvania in order to assess the correct statutory filing fee.	G. Philip Rutledge (717) 783-5130
<b>STATE</b>			
State Board of Accountancy —General Revisions— 49 Pa. Code, Chapter 11. (16A-559)  —CPA Examination— 49 Pa. Code, Chapter 11. (16A-550)  —Schedule of Civil Penalties— 49 Pa. Code § 43b.10a (16-32)	Fall 2003, as Proposed.  Fall 2003, as Proposed  Summer 2003, as Proposed.	The regulation would repeal outdated and unnecessary requirements; clarify certain issues relating to certification and practice; and make editorial changes. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3(10)—(12).  This proposed regulation would revise requirements relating to administration of the CPA examination for consistency with the procedures governing the new computer-based examination developed by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy. Statutory Authority: Section 3(10) and (12) of the CPA Law, 63 P. S. § 9.3(10) and (12).  This proposed regulation amends the schedule of Act 48 civil penalties for violations of the CPA law and the Board's regulations to correct a technical error in the authority cited for two violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Dorna Thorpe (717) 783-1404
State Architects Licensure Board —Firm practice— 49 Pa. Code § 9.162 (16A-417)  —Schedule of Civil Penalties— 49 Pa. Code § 43b.21. (16-32)	Fall 2003, as Final.  Summer 2003, as Proposed	The regulation would establish requirements for the practice of architecture as a limited liability company or limited liability partnership. Statutory Authority: 63 P. S. §§ 34.6(a) and 34.13(j).  This regulation would amend the schedule of Act 48 civil penalties for violations of the Architects Licensure Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Dorna Thorpe (717) 783-3397
State Board of Auctioneer Examiners —Deletion of Reference to Examination Fees— 49 Pa. Code § 1.41. (16A-647)	Summer 2003, as Proposed.	The regulation would delete references to examination fees. Statutory Authority: Section 6(a) of the Auctioneer and Auction Licensing Act, 63 P. S. § 734.6(a).	Tammy Radel (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Barber Examiners —Deletion of Examination Fees— 49 Pa. Code, Chapter 3. (16A-425)</p> <p>—Ten chair schools— 49 Pa. Code § 3.82 (16A-426)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code § 43b.4 (16-32)</p>	<p>Fall 2003, as Final.</p> <p>Summer 2003, as Proposed.</p> <p>Summer 2003, as Proposed</p>	<p>The regulation would delete licensing examination fees. Statutory Authority: Section 14 of the Barber's Licensing Law, 63 P. S. § 564.</p> <p>The regulation would reduce the minimum number of barber chairs and desks and the minimum square footage requirements for barber schools and eliminate the requirement of two inspections for new barber schools. Statutory Authority: Section 15-A.4(b) of the Barbers' Licensing Law, 63 P. S. § 566.4(b).</p> <p>This regulation would amend the schedule of Act 48 civil penalties for violations of the Barbers' Licensing Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Sara Sulpizio (717) 783-3402</p>
<p>State Board of Chiropractic —Chiropractic specialties— 49 Pa. Code Ch. 5 (16A-4312)</p> <p>—Adjunctive procedures— 49 Pa. Code § 5.14 (16A-4311)</p> <p>—Patient records— 49 Pa. Code § 5.51 (16A-4313)</p> <p>—Volunteer license— 49 Pa. Code § 5.20 (number not yet assigned)</p>	<p>Fall 2003, as Proposed.</p> <p>Fall 2003, as Proposed.</p> <p>Fall 2003, as Proposed.</p> <p>Summer 2003, as Proposed.</p>	<p>The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>The regulation would clarify the types of procedures for which an adjunctive procedures certificate is required. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This regulation is required by the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302.</p>	<p>Deborah Smith (717) 783-7155</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Commissioner, BPOA —Schedule of Civil Penalties— 49 Pa. Code §§ 43b.4; 43b.8; 43b.10a and 43b.11a (16-32)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code §§ 43b.8a; 43b.9a; 43b.15; 43b.16; 43b.17; 43b.18 and 43b.19 (16-29)</p>	<p>Summer 2003, as Proposed.</p> <p>Summer 2003, as Statement of Policy</p>	<p>The regulation would amend the schedules of civil penalties for the State Board of Barber Examiners, Real Estate Commission, State Board of Accountancy, and State Architects Licensure Board that were previously codified as regulations under Act 48 of 1993. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> <p>This Statement of Policy would establish Act 48 Civil Penalty Schedules for five additional boards (State Board of Certified Real Estate Appraisers; State Board of Examiners in Speech-Language and Hearing; State Board of Examiners of Nursing Home Administrators; State Board of Nursing; and State Board of Occupational Therapy Education and Licensure) and add additional violations to the existing Civil Penalty Schedules for the State Real Estate Commission and the State Board of Vehicle Manufacturers, Dealers and Salespersons. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Cynthia K. Montgomery (717) 783-7200</p>
<p>State Board of Cosmetology —Deletion of Examination Fees— 49 Pa. Code § 7.2. (16A-4510)</p> <p>—Sanitation/Disinfection— 49 Pa. Code §§ 7.90—7.101 (16A-454)</p> <p>—General Revisions— 49 Pa. Code §§ 7.1—7.142. (16A-459) (Includes previous 16A-457)</p>	<p>Fall 2003, as Final.</p> <p>Fall 2003, as Final.</p> <p>Fall 2003, as Proposed.</p>	<p>The regulation would amend the Board's fee schedule by deleting references to examination fees, which are determined by contract. Statutory Authority: Sections 11 and 16 of the Beauty Culture Law, 63 P. S. §§ 517, 522.</p> <p>The proposed regulation would update the Board's sanitation and disinfection requirements for manicuring, cosmetician and cosmetology shops and schools. Statutory Authority: Sections 11 and 14 of the Beauty Culture Law, 63 P. S. §§ 517 and 520.</p> <p>The Board plans a comprehensive amendment to Chapter 7 to bring existing regulations up-to-date and to clarify requirements for sanitation and the provisions of advanced aesthetic services. Statutory Authority: Section 11 of the Beauty Culture Law, 63 P. S. § 517.</p>	<p>Sara Sulpizio (717) 783-7130</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Dentistry —Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia— 49 Pa. Code §§ 33.331—33.344. (number not yet assigned)	Fall 2003, as Proposed.	This regulation would amend requirements for administration of anesthesia/analgesic in response to a Commonwealth Court case and the enactment of Act 135 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o) and Section 2 of Act 135 of 2002.	Lisa Burns (717) 783-7162
—Sexual Misconduct— 49 Pa. Code, Chapter 33. (16A-4613)	Fall 2003, as Final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
—Update of Application Fee for Dental Radiology— 49 Pa. Code, Chapter 33. (16A-4611)	Fall 2003, as Final.	This regulation would amend the Board's fee schedule to reflect the actual cost incurred by the Board to authorize applicants to perform radiologic services. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
—Expanded Function Dental Assistants— 49 Pa. Code § 33.103. (16A-4612)	Fall 2003, as Final.	This regulation would eliminate the clinical examination component with respect to expanded function dental assistants. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
—Volunteer license— 49 Pa. Code § 33.110 (number not yet assigned)	Summer 2003, as Proposed.	This regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Funeral Directors —Unprofessional Conduct— 49 Pa. Code § 13.201, 202. (16A-483)	Summer 2003, as Proposed.	The amendment would add to the Board's standards of practice and conduct. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	Michelle Demerice (717) 783-3397
—Advertising— 49 Pa. Code §§ 13.191 to 13.196 (16A-484)	Summer 2003, as Proposed.	These amendments would update the Board's regulations related to advertising. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Application— 49 Pa. Code, Chap. 13 (16A-485)	Summer 2003, as Proposed.	This regulation revises the procedures for applying for licensure as a funeral establishment. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Facility— 49 Pa. Code, Ch. 13 (16A-486)	Summer 2003, as Proposed.	The amendments would update facility requirements for funeral establishments. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Qualifications— 49 Pa. Code, Ch. 13 (16A-487)	Fall 2003, as Proposed.	The amendments would update qualifications for licensure. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Supervisor— 49 Pa. Code, Chap. 13 (16A-488)	Summer 2003, as Proposed.	This regulation amends the procedures for licensure as a supervisor and clarifies the responsibilities of a funeral supervisor. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Continuing Education— 49 Pa. Code, Ch. 13 (16A-489)	Summer 2003, as Proposed.	This regulation is being promulgated to comply with the requirement of Act 48 of 2000 that the Board adopt regulations to implement continuing education, as now required by Section 10(b) of the Funeral Director Law. Statutory Authority: 63 P. S. § 479.10(b).	
—Limited License— 49 Pa. Code §§ 13.1, 13.12, and 13.77 (16A-4810)	Summer 2003, as Proposed.	This regulation is being promulgated to implement the provisions of Act 48 of 2000 that authorized the Board to enter into agreements with other states to issue limited licenses to funeral directors from other states. Statutory Authority: Section 9(c) of the Funeral Director Law, 63 P. S. § 479.9(c).	
—Renewal fees— 49 Pa. Code § 13.12 (16A-4811)	Fall 2003, as Final.	This regulation would update the Board's biennial renewal fee. Statutory Authority: Sections 16(a) and 18.1 of the Funeral Director Law, 63 P. S. §§ 479.16(a) and 479.18.1.	
State Board of Landscape Architects —Deletion of Reference to Examination Fees— 49 Pa. Code § 15.12. (16A-617)	Summer 2003, as Proposed.	The regulation would delete references to examination fees. Statutory Authority: Section 4(2) of the Landscape Architects' Registration Law, 63 P. S. § 904(2).	Shirley Klinger (717) 772-8528
—General Revisions— 49 Pa. Code, Chapter 15. (16A-618)	Fall 2003, as Proposed.	The regulation would entail general revisions of the Board's current regulations. Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine —General Delegation— 49 Pa. Code, Chap. 16 (16A-4912)	Summer 2003, as Final.	This regulation would establish standards for the delegation of medical services to qualified personnel. Statutory Authority: Section 17(b) of the Medical Practice Act of 1985, 63 P. S. § 422.17(b).	Joanne Troutman (717) 783-1400
—Sexual Misconduct— 49 Pa. Code, Chap. 16 (16A-497)	Fall 2003, as Final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
—Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-4914)	Summer 2003, as Proposed.	This regulation would implement the act of March 20, 2002 (P. L. __, No. 13) (Act 13). Act 13 requires the Board to promulgate regulations establishing CME requirements for physicians, including training in patient safety and risk management. Statutory Authority: Section 910 of Act 13.	
—Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-4915)	Fall 2003, as Proposed.	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001.	
—Licensure of Medical Doctors— 49 Pa. Code §§ 17.1(b), 17.2(c) and 17.5(c)(2) (16A-4917)	Summer 2003, as Proposed.	This regulation would delete the requirements that graduates of foreign medical schools demonstrate 32 months and 4000 hours of instruction and 72 weeks of clinical instruction. It would also amend the regulation pertaining to licensure by endorsement to prove the Board greater discretion in assessing the qualifications of physicians who have extensive practice experience. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
—Disciplinary Procedures— 49 Pa. Code, Chapter 16, Subchapter E. (16A-4918)	Fall 2003, as Proposed.	This regulation would amend the Board's disciplinary procedures regulations to codify existing practices and to assure that in light of the passage of the Mcare Act, the procedures suggested by the Health Care Services Malpractice Act survive. Statutory Authority: Sections 8 and 9 of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.9.	
—Volunteer License— 49 Pa. Code § 16.18 (number not yet assigned)	Summer 2003, as Proposed.	This regulation is required to amend the current regulations regarding volunteer licenses to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing —Conscious Sedation— 49 Pa. Code § 21.14. (16A-5114)	Fall 2003, as Proposed.	This regulation would embody the statement of policy on conscious sedation at 49 Pa. Code § 21.413(d). Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	Ann Steffanic (717) 783-7142
—Oral Orders— 49 Pa. Code §§ 21.14; 21.145. (16A-5115)	Summer 2003, as Final.	This regulation would delete the prohibition on LPNs accepting oral orders in other than urgent circumstances. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
—CRNP Program Approval— 49 Pa. Code §§ 21.260—278, 286—289. (16A-5119)	Summer 2003, as Proposed.	This regulation would establish requirements for CRNP education programs approved by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Update of CRNP Prescriptive Authority Fees— 49 Pa. Code § 21.253. (16A-5116)	Summer 2003, as Proposed.	This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2.	
—CRNP Continuing Education— 49 Pa. Code § 21.253. (16A-5117)	Summer 2003, as Final.	This regulation pertains to continuing education requirements associated with Certified Registered Nurse Practitioners. Statutory Authority: Sections 2.1(k) and 8.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 218.1.	
—Programs in Transition— 49 Pa. Code § 21.51 (16A-5118)	Fall 2003, as Proposed.	This regulation sets requirements for hospital-based registered nurse diploma education programs to transition to degree-granting status under the authority of a college or university which is pursuing, but has not yet attained, regional accreditation. Statutory Authority: Section 2.1(k) and Section 6 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 216.	
—Licensed Dietitian-Nutritionist Regulations— 49 Pa. Code §§ 21.701—21.717 (16A-5120)	Summer 2003, as Proposed.	Act 99 of 2002 amended the Professional Nursing Law to include the licensure of dietitian-nutritionists. These regulations implement those amendments. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Temporary Practice Permits— 49 Pa. Code §§ 21.7 and 21.149 (16A-5121)	Fall 2003, as Proposed.	The regulation provides for temporary practice permits for graduate professional nurses and graduate practical nurses and for currently-licensed professional nurses and practical nurses practicing in other jurisdictions who apply for licensure in this Commonwealth. Statutory Authority: Sections 2.1(k) and 4.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 214.1; and sections 3.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 653.1 and 667.6.	
—Volunteer License— 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)	Summer 2003, as Proposed.	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2003, as Statement of Policy.	The policy statement would establish a schedule of Act 48 civil penalties for violations of the Professional Nursing Law and the Practical Nurse Law. Statutory Authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).	



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Examiners of Nursing Home Administrators —Deletion and Correction of Fees— 49 Pa. Code § 39.72. (16A-628)</p> <p>—Requirements for Admission to Examination— 49 Pa. Code § 39.5. (16A-627)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Summer 2003, as Proposed.</p> <p>Fall 2003, as Proposed.</p> <p>Summer 2003, as Statement of Policy.</p>	<p>This regulation would delete licensing examination fees. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).</p> <p>This regulation would update and revise the requirements for admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).</p> <p>This Statement of Policy would establish a schedule of Act 48 civil penalties for violations of the Nursing Home Administrators Licensing Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Christina Stuckey (717) 783-7155</p>
<p>State Board of Occupational Therapy Education and Licensure —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Summer 2003, as Statement of Policy.</p>	<p>The Statement of Policy would establish a schedule of Act 48 of 1993 civil penalties for violations of the Occupational Therapy Practice Act and Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Lisa Burns (717) 783-1389</p>
<p>State Board of Optometry —General Revisions— 49 Pa. Code §§ 23.1, 23.33, 23.34, 23.42, 23.64, 23.71. (16A-528)</p> <p>—Continuing Education— 49 Pa. Code, §§ 23.82, 23.83, 23.87 (16A-529)</p> <p>—Continuing Education, Certification to Treat Glaucoma— 49 Pa. Code §§ 23.82, 23.86, 23.91, and 23.205 (16A-5211)</p> <p>—Volunteer License— 49 Pa. Code § 23.26 (number not yet assigned)</p>	<p>Fall 2003, as Final.</p> <p>Fall 2003, as Final.</p> <p>Summer 2003, as Proposed.</p> <p>Summer 2003, as Proposed.</p>	<p>The Board is making general revisions to its current regulations, including requirements that must be met for contact lens prescriptions provided at the discretion of the licensee. Statutory Authority: Sections 3(a)(2.1) and (b)(14) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(a)(2.1), (b)(14).</p> <p>This regulation would amend the continuing education requirements of licensees. Statutory Authority: Section 3(b)(12) and Section 4.1(b) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(b)(12), 244.4a(b).</p> <p>This regulation implements amendments to the Act made by Act 225 of 2002, adds the American Academy of Ophthalmology and its affiliates to the list of pre-approved continuing education providers, and establishes an application procedure and related fee for certification to treat glaucoma. Statutory Authority: 63 P. S. §§ 244.2b and 244.3(b)(12)and(14).</p> <p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).</p>	<p>Deborah Smith (717) 783-7155</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Osteopathic Medicine —Sexual Misconduct— 49 Pa. Code, Chapter 25. (16A-539)	Summer 2003, as Final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	Gina Bittner (717) 783-4858
—Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-5313)	Summer 2003, as Proposed.	This regulation would implement the act of March 20, 2002 (P. L. __, No. 13) (Act 13). Act 13 requires the Board to promulgate regulations requiring osteopathic physicians to complete CME in patient safety and risk management. Statutory Authority: Section 910 of Act 13.	
—Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-5314)	Fall 2003, as Proposed.	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001.	
—Delegation— 49 Pa. Code, Chap. 16 (16A-5312)	Summer 2003, as Proposed.	This regulation would establish standards for the delegation of osteopathic medical services to qualified personnel. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	
—Volunteer License— 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned)	Summer 2003, as Proposed.	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	
State Board of Pharmacy —Technology and Automation— 49 Pa. Code, Chapter 27. (16A-5410)	Summer 2003, as Proposed.	The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).	Melanie Zimmerman (717) 783-7156
—Return to Stock of Undelivered Medications— 49 Pa. Code § 27.102 (16A-5411)	Summer 2003, as Statement of Policy.	This Statement of Policy would address the issue of undelivered medications being returned to the active stock of the pharmacy. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390.6(k)(9).	
—Drug Therapy Protocols— 49 Pa. Code, Chapter 27 (number not yet assigned)	Fall 2003, as Proposed.	Section 2 of Act 102 of 2002 requires the Board to adopt regulations establishing the parameters of written agreements or protocols for drug therapy management in institutional settings. Statutory Authority: Section 9.1 of the Pharmacy Act, 63 P. S. § 390-9.1.	
—Administration of Injectable Medications, Biologicals and Immunizations— 49 Pa. Code, Chapter 27 (number not yet assigned)	Fall 2003, as Proposed.	Section 2 of Act 102 of 2002 requires the Board to adopt regulations to establish education and training standards and practice guidelines under which pharmacists may be authorized to administer injectable medications, biologicals and immunizations to persons who are more than eighteen years of age. Statutory Authority: Section 9.2 of the Pharmacy Act, 63 P. S. § 390—9.2.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Physical Therapy —General Revisions— 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21—40.24. (16A-659)</p> <p>—Certificate of Authorization to Practice Physical Therapy Without a Referral— 49 Pa. Code Chap. 40 (16A-651)</p>	<p>Fall 2003, as Final.</p> <p>Summer 2003, as Proposed.</p>	<p>The regulation would correct and revise existing regulations regarding physical therapists. Statutory Authority: Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).</p> <p>This regulation would implement the act of Feb. 21, 2002 (P. L. ___, No. 6) (Act 6), which enables licensees to seek a certificate of authorization to practice physical therapy without a referral from a physician. Statutory Authority: Section 2 of Act 6 of 2002; Section 3 of the Physical Therapy Practice Act, 63 P. S. § 1303.</p>	<p>J. Robert Kline (717) 783-7134</p>
<p>State Board of Podiatry —Continuing Education— 49 Pa. Code, Chapter 29. (16A-446)</p> <p>—Professional Liability Insurance— 49 Pa. Code, Chapter 29, §§ 29.52-29.54 (16A-447)</p> <p>—Sexual Misconduct— 49 Pa. Code, Chapter 29 (16A-448)</p> <p>—Volunteer License— 49 Pa. Code § 29.55 (number not yet assigned)</p>	<p>Summer 2003, as Final.</p> <p>Fall 2003, as Proposed.</p> <p>Summer 2003, as Proposed.</p> <p>Summer 2003, as Proposed.</p>	<p>This regulation would amend the current continuing education provision at 49 Pa. Code § 29.61 to include pre-approved course providers. Statutory Authority: Section 9 and 9.1 of the Podiatry Practice Act, 63 P. S. §§ 42.9 and 42.9a.</p> <p>This regulation would amend the current regulations to eliminate references to the Health Care Services Act and replaces them with references to the Medical Care Availability and Reduction of Error (Mcare) Act. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p> <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Sections 15 and 16(3) of the Podiatry Practice Act, 63 P. S. §§ 42.15 and 42.16(3).</p> <p>This regulation is required to amend the Board's regulations to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p>	<p>Gina Bittner (717) 783-4858</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Psychology —Ethics Principles— 49 Pa. Code § 41.61. (16A-6312)</p> <p>—Doctoral Degrees in Psychology— 49 Pa. Code § 41.31 (16A-6313)</p> <p>—Notice Requirements— 49 Pa. Code §§ 41.65-41.66 (16A-6314)</p>	<p>Spring 2004, as Proposed.</p> <p>Fall 2003, as Proposed.</p> <p>Summer 2003, as Proposed.</p>	<p>This regulation would amend Principles 2(b) and 7(i) of the Board's Code of Ethics. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. 1203.2(2).</p> <p>This proposed regulation would require applicants educated in North American and the U.S. territories to have been awarded a doctoral degree in psychology or a related field at an institution either accredited by the APA/CPA or designated by the ASPPB. Statutory Authority: Sections 3.2(1) and 6(a)(2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and 1206(a)(2).</p> <p>This regulation would require licensees to provide notice to the Board of certain criminal convictions and disciplinary actions taken by licensing authorities in other jurisdictions and require licensees who have been suspended or revoked by the Board to notify all current clients/patients of the disciplinary action. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).</p>	<p>Christina Stuckey (717) 783-7155</p>
<p>State Board of Certified Real Estate Appraisers —Experience Options for Certification, Duties of Supervising Appraiser— 49 Pa. Code §§ 36.13 and 36.14. (16A-706)</p> <p>—General Revisions— 49 Pa. Code § 36.51. (16A-7014)</p> <p>—Continuing Education for Certified Pennsylvania Evaluators— 49 Pa. Code, Chapter Chapter 36, Subchapter C (16A-7015)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Fall 2003, as Proposed.</p> <p>Fall 2003, as Proposed.</p> <p>Fall 2003, as Proposed.</p> <p>Spring 2003, as Statement of Policy.</p>	<p>The regulation would revise qualifying experience for certification as an appraiser; impose supervisory and record-keeping duties on appraisers who supervise appraisal assistants; and require appraisal reports submitted as qualifying experience to conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulations are consistent with standards established for state appraiser boards by the federal Appraiser Qualification Board (AQB). Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).</p> <p>The regulation would update requirements for consistency with AQB standards; clarify the applicability of USPAP standards to brokers/appraisers; and make some editorial changes. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).</p> <p>The regulation would require certified Pennsylvania evaluators to complete the same 7-hour USPAP Update Course that certified appraisers and broker/appraisers must complete as part of their biennial continuing education requirement. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).</p> <p>The policy statement would establish a schedule of Act 48 of 1993 civil penalties for violations of the Real Estate Appraisers Certification Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Michelle Demerice (717) 783-4866</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Real Estate Commission —Education— 49 Pa. Code, Chapter 35. (16A-561)	Summer 2003, as Proposed.	This regulation proposes changes to the current pre-Licensure and continuing education requirements and adds distance education. Statutory Authority: Section 404.1(a) of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404a.(a).	Deborah Sopko (717) 783-3658
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2003, as Statement of Policy.	The policy statement would establish a schedule of Act 48 of 1993 civil penalties for additional violations of the Real Estate Licensing and Registration Act and the Commission's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
—Schedule of Civil Penalties— 49 Pa. Code § 43b.8 (16-32)	Summer 2003, as Proposed.	This regulation would amend the existing Act 48 Schedule of Civil Penalties formerly promulgated by the Real Estate Commission in 1998. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—Continuing Education—49 Pa. Code, Chapter 47 (number not yet assigned)</p> <p>—Dual Licensing of Substance Abuse Services—49 Pa. Code § 49.17 (16A-697)</p> <p>—Sexual Intimacies—49 Pa. Code §§ 50.20—50.25. (16A-691)</p> <p>—Supervised Clinical Experience—49 Pa. Code, §§ 47.12c, 48.13 and 49.13. (16A-698)</p> <p>—Technical Amendments—49 Pa. Code §§ 47.1 and 47.1a. (16A-699)</p>	<p>Fall 2003, as Proposed.</p> <p>Summer 2003, as Statement of Policy.</p> <p>Fall 2003, as Proposed.</p> <p>Fall 2003, as Proposed.</p> <p>Fall 2003, as Proposed.</p>	<p>This regulation would require that licensees complete continuing education as a condition of license renewal. Statutory Authority: Sections 18(a) 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1918(a) and 1906(2).</p> <p>This Statement of Policy establishes the Board's position on the dual licensing of providers of Substance Abuse Services by the Board and the Department of Health. Statutory Authority: Section 2 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1902.</p> <p>This regulation defines the professional relationship and prohibits sexual intimacies between a client/patient and the social worker, clinical social worker, marriage and family therapist or professional counselor. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p> <p>This regulation permits supervised clinical experience to include group supervisory sessions within educational, institutional and agency settings without the requirement that the supervisor supervise no more than six individuals at the same time. Statutory Authority: Sections 6(2) and 7 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1906(2) and 1907.</p> <p>This regulation clarifies the definition of "accredited school" and deletes the requirement that supervisors of clinical social work applicants for licensure hold a license to practice social work in this Commonwealth so long as they are currently licensed to practice social work in any jurisdiction. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906.</p>	<p>Cindy Warner (717) 783-1389</p>
<p>State Board of Examiners in Speech-Language and Hearing—Continuing Education—49 Pa. Code, Chapter 45. (16A-6802)</p> <p>—Assistant Regulations—49 Pa. Code §§ 45.301-308. (16A-6801)</p> <p>—Act 48 of 1993 Civil Penalties—49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Summer 2003, as Proposed.</p> <p>Summer 2003, as Proposed.</p> <p>Summer 2003, as Statement of Policy.</p>	<p>This regulation would establish continuing education requirements to comply with Act 71 of 2000. Statutory Authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7).</p> <p>This amendment would update the regulatory provisions pertaining to assistants. Statutory Authority: Section 5(8) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(8).</p> <p>The policy statement would establish a schedule of Act 48 civil penalties for violations of the Speech-Language and Hearing Licensure Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Cindy Warner (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Vehicle Manufacturers, Dealers and Salespersons —Consignment Sales— 49 Pa. Code § 19.19. (16A-607)(formerly 16A-601)	Fall 2003, as Final.	This regulation would set forth the standards by which dealers may engage in consignment sales. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	Teresa Woodall (717)783-1697
—Auction License— 49 Pa. Code § 19.21. (16A-603)	Fall 2003, as Final.	This regulation would set out standards for licensure as a vehicle auction, a new category of licensure created by the 1996 amendments to the Act. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	
—Display Requirements— 49 Pa. Code § 19.18. (16A-604)	Fall 2003, as Final.	This regulation would create an exception in the Board's regulations to permit a vehicle dealer to display up to five vehicles in a non-conforming area so long as the public is not permitted to enter the non-conforming area. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	
—Branch Lots— 49 Pa. Code § 19.18. (16A-605)	Fall 2003, as Final.	This regulation permits vehicle dealers to (1) display a single vehicle, or series of single vehicles, at an unlicensed location if no sales activity is occurring at that location and (2) store vehicles at an unlicensed location if no sales activity is occurring at that location. Statutory Authority: Sections 2, 4 and 5 of the Board of Vehicles Act, 63 P. S. §§ 818.2, 818.4(4), 818.4(9), and 818.5(e).	
—Emergency Vehicles— 49 Pa. Code Ch. 19 (16A-606)	Summer 2003, as Proposed.	The proposed regulation would exempt dealers of emergency vehicles from complying with display area regulations. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2003, as Statement of Policy.	The policy statement would establish a schedule of Act 48 of 1993 civil penalties for additional violations of the Board of Vehicles Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Veterinary Medicine —Prescription Drugs— 49 Pa. Code § 31.21, Principle 8. (16A-5712)	Summer 2003, as Final.	This regulation would require veterinarians to meet specified standards regarding dispensing, packaging and labeling of prescription drugs and will mandate that veterinarians use only current, unexpired drugs. Statutory Authority: Section 5(1) and (2) of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5(1), 485.5(2).	J. Robert Kline (717) 783-7134
—Pre-approved Continuing Education Providers— 49 Pa. Code §§ 31.16 and 31.40 (16A-5714)	Summer 2003, as Final.	This regulation would add the Registry of Approved Continuing Education (RACE) of the AAVSB to the list of pre-approved continuing education providers. Statutory Authority: Section 18 of the Veterinary Medicine Practice Act, 63 P. S. § 485.18.	
<b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>			
Chapter 241. Preliminary Provisions 4 Pa. Code § 241.1 Definitions Definition of 'death benefit'	Fall 2003	New section to add definition of 'death benefit' to mean any remaining present value in the account. Currently undefined. Amendment will facilitate efficient processing of small payments by clarifying that when no present value is left then the number of days payments owed to a member may be paid to the member's estate.	Brian E. McDonough (717) 237-0229  Sean Sanderson (717) 237-0261

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 243. Membership, Credited Service, Classes of Service and Eligibility for Benefits. 4 Pa.Code § 243.12. Eligibility for death benefits.	Fall 2003	Amend to eliminate obsolete language that contradicts statute. Amend to be consistent with definition of 'death benefits' in order to facilitate the efficient processing of small payments.	Brian E. McDonough (717) 237-0229  Sean Sanderson (717) 237-0261
Chapter 247. Death Benefits 4 Pa.Code § 247.7. Death Benefits	Fall 2003	Amend to add small payment processing and description. Delete obsolete language.	Brian E. McDonough (717) 237-0229  Sean Sanderson (717) 237-0261
Chapter 249. Administration, Funds, Accounts, and General Provisions. 4 Pa.Code § 249.59	Fall 2003	New section to add small overpayment collection description in order to facilitate the efficient processing of small overpayments.	Brian E. McDonough (717) 237-0229  Sean Sanderson (717) 237-0261
<b>STATE POLICE</b>			
Regulatory amendments to further adopt a cheating policy as part of the Municipal Police Officers Education and Training Commission regulations.	The final regulation will be published in the <i>Pennsylvania Bulletin</i> in the summer of 2003.	The provisions of this chapter set forth regulations for the administration of the training program for municipal police by the Municipal Police Officers Education and Training Commission. The proposed amendments will further adopt a cheating policy.	Syndi L. Guido 717-772-0905
Regulations to set forth procedures to be followed regarding the interception, maintenance, and destruction of recordings made pursuant to 18 Pa.C.S. §§ 5704(16), 5749.	The Department is currently working on a preliminary draft of the proposed regulations.	Act 53 of 2002 requires the State Police Commissioner, in consultation with the Attorney General, to promulgate these regulations.	Syndi L. Guido 717-772-0905
Regulations to effectuate the collection and testing of DNA from individuals convicted of specified offenses.	The Department is currently developing the regulations.	Act 57 of 2002 amended Title 42 of the Judicial Code to include Chapter 47, which establishes a DNA database and provides for the collection and testing of DNA samples from individuals convicted of specified offenses. The act is a recodification of a prior DNA act. The act requires the Department to promulgate regulations to effectuate the act.	Syndi L. Guido 717-772-0905
Updating the guidelines for the administration of Megan's Law and regulations regarding neighborhood notification of sexually violent predators' residence, school, or employer.	The regulations are in the drafting process.	Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them.	Syndi L. Guido 717-772-0905



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations regarding police officers' use of unmarked vehicles.	The proposed regulations have been drafted and should be ready for publication this fall.	Act 75 of 2001 requires the State Police to promulgate regulations, in consultation with the Department of Transportation, for police officers' use of unmarked vehicles. The regulations must (1) establish the procedure an officer in an unmarked car must use when stopping a motorist; (2) require the use of audible and visual signals; and (3) establish requirements for wearing official police uniforms and display of official police identification.	Syndi L. Guido 717-772-0905
Updating regulations implementing the Lethal Weapons Training Act.	The regulations are still in the drafting stage.	Pursuant to the Private Detectives Act, the State Police must promulgate regulations to implement the education and training program for certifying individuals in handling lethal weapons.	Syndi L. Guido 717-772-0905
Regulations to implement age compliance checks of liquor licensees.	The proposed regulations have been drafted and should be ready for publication sometime this fall.	Act 141 of 2002 amended the Crimes Code to allow individuals between the age of 18 and 21 to purchase, possess, and transport alcoholic beverages if they are working under the direct supervision of an adult liquor control enforcement officer. The act requires the State Police to promulgate regulations prescribing the manner in which age compliance checks are performed. At a minimum, the regulations must require the underage individual to undergo approved training prior to participation in a compliance check.	Syndi L. Guido 717-772-0905
<b>STATE SYSTEM OF HIGHER EDUCATION</b>			
No regulations being developed or considered at this date.			
<b>TRANSPORTATION</b>			
177—Emission Inspection	12/02	This regulation is currently under review and amendments are being drafted to address anticipated program changes beginning in December 2003. Since October 1997, implementation, deficiencies were uncovered in the existing regulations. Additional changes will be required to incorporate OBD and an anti-tampering/gas cap check, in the existing and new areas of the Commonwealth.	Noreen Kline 717-783-8750
43—Temporary Registration Cards and Plates	4/00	HB152 requires messengers and agents to be under contract. Those contracts will contain wording that requires revisions. Revisions currently are being finalized. Chapter 43 regulates department agents regarding the issuance of temporary registration cards and plates. The requirement of agents and messengers to be under contract will cause major changes to this regulation.	Noreen Kline 717-783-8750
171—School Buses and School Vehicles	11/01	This regulation was published in the <i>Pennsylvania Bulletin</i> , March 16, 2002. This Regulation is anticipated to be fully promulgated by August 2003. IRRC has reviewed this Regulation and we are in the process of responding to their comments. Updating to be more in line with Federal Regulations allowing white roofs to help cool buses. Other minor revisions. (Clarification of SB stopping arm language).	Noreen Kline 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
175—Vehicle Equipment and Inspection	12/02	Notice of intent to change was published July 2001. Comments received (regarding inspection station hours of operation) as a result of notice of intent indicate stakeholder input is needed before proceeding with notice of proposed rulemaking. Section 4702 of the Vehicle Code requires the Department to establish a system of annual and semi-annual safety inspections. Chapter 175 prescribes the equipment and inspection criterion for vehicles subject to PA's safety inspection program. As a result of HB152 this Amendment will focus on operating hours for inspection stations. Recent settlements with two environmental groups also require changes in inspection criteria to include checks for the presence of emission control devices originally installed by a vehicle manufacturer.	Noreen Kline 717-783-8750
73—Photographic Driver's License	9/96	At this point, it is recommended that the regulation be repealed. Rapid changes in Environmental and Technology require swift response and flexibility in process and/or procedure. Changes should be published in <i>Pennsylvania Bulletin</i> similar to Act 115-96 for CDL testing procedures.	Noreen Kline 717-783-8750
75—Driver's License Exam	9/02	Eighty percent of this regulation has been reviewed. No additional review required. Current regulation identifies components of testing and scoring procedures. Publication of testing and scoring procedures in lieu of regulations meets public need for awareness of testing components. This also meets the Department's requirement to modify and evaluate the testing procedures to make them more effective. The Non-CDL test is being evaluated to determine its appropriateness based on the findings related to crashes involving young drivers. The change to the Regulation will be pursued in conjunction with this initiative.	Noreen Kline 717-783-8750
79—Restrictions on Driver's License	10/00	This regulation has been reviewed. A Task Group is planned to address and update these regulations in 2003. Technology and care of handicapped drivers has advanced faster than regulations could keep up. The regulations are being used to keep our roadway safe, but can be improved by including new adaptive equipment.	Noreen Kline 717-783-8750
21—Odometer Read Disclosure Statements	12/98	This regulation has been reviewed and repeal is recommended. Section 7134 of the Vehicle Code lists the requirements pertaining to Odometer Disclosure Statements. Chapter 21 is no longer needed.	Noreen Kline 717-783-8750
23—Delivery of Certificates of Title	4/01	This regulation has been reviewed and repeal is recommended. Section 1101 of the Vehicle Code requires every owner of a vehicle within the Commonwealth to make application for a Certificate of Title. Chapter 23 is no longer needed.	Noreen Kline 717-783-8750
53—Manufacturers, Dealers and Misc. Motor Vehicle Business Registration Plates	12/01	Legal Counsel is reviewing this regulation. Amending to resolve some inconsistencies between the vehicle code and regulations.	Noreen Kline 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
95—Sale, Publication or Disclosure of Driver, Vehicle and Accident Records and Information	6/02	This regulation has been reviewed in its entirety as of June 2002. Chapter 95 is recommended for amendment. This regulation is recommended for full review in 2004. Section 6114 of Vehicle Code limits the sale, publication and disclosure of records. Chapter 95 establishes guidelines relating to the sale, publication and disclosure of driver, vehicle and accident reports. Federal Driver Privacy Protection Act further restricts release of vehicle records and basic driver information.	Noreen Kline 717-783-8750
157—Established Sound Levels	12/98	This regulation will be reviewed in 2003. Section 4523 of the Vehicle Code requires that all vehicles operated do not exceed maximum sound levels prescribed in the regulation of the Department. Chapter 157 enumerates the decibel range acceptable. Amendment will address the process for testing maximum sound levels.	Noreen Kline 717-783-8750
159—New Pneumatic Tires	12/98	This regulation has been reviewed in its entirety as of December 1998. Section 4525 of the Vehicle Code requires vehicles to be equipped with tires of a type, size and construction approved by the Department. Federal regulation provides the prescribed and appropriate standards.	Noreen Kline 717-783-8750
161—Glazing Materials	12/98	This regulation has been reviewed in its entirety as of December 1998. Section 4103 and 4526 of the Vehicle Code provides the guidelines for safety glass used in motor vehicles, which is in compliance with regulations of the Department. Chapter 161 further describes the glazing requirements necessary to minimize occupant injury in the event of collision. Federal regulations provide the prescribed standards for enforcement agencies to monitor compliance.	Noreen Kline 717-783-8750
163—Warning Devices	12/98	This regulation is recommended for full review in 2003. Section 4530 of the Vehicle Code charges the Department with promulgating regulation to prescribe needed lighting devices for motor vehicles designed to warn approaching traffic of the presence of a stopped vehicle.	Noreen Kline 717-783-8750
165—Slow Moving Vehicle Identification Emblem	12/98	This regulation is recommended for full review in 2003. Section 4529 of the Vehicle Code requires certain slow moving vehicles to display identification consistent with the regulations of the Department. Chapter 165 establishes emblem dimension specifications and performance requirements.	Noreen Kline 717-783-8750
169—Diesel Smoke Measurement Procedure	12/98	This regulation is recommended for full review when EPA establishes cost effective means to test. As of May 2003, EPA has not yet mandated Diesel Testing Standards or Testing Procedures. Section 4532 of the Vehicle Code charges the Department with promulgating regulations to prescribe standards and inspection procedures for the assessment of transient steady state and smoke emissions from diesel powered vehicles.	Noreen Kline 717-783-8750
227—Seizure of Registration Plate and Card and Driver License	12/98	This regulation has been reviewed in its entirety as of December 1998. This regulation is recommended for full review in 2003. Chapter 227 is authorized by the Vehicle Code under Section 1376(a), 1540(c) and 6103. It specifies the manner of selecting Department employees and State and Local Police to seize registration plates and cards and drivers' licenses, which have been suspended or revoked.	Noreen Kline 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
251—Location of Replacement Vehicle Identification Number (VIN) Plates	5/03	This regulation was reviewed and no changes are required. Recommend full review in 2005. Section 6103 of the Vehicle Code authorizes the Department to promulgate rules and regulations regarding guidelines for the location of VIN replacements. Chapter 251 further specifies the locations acceptable when the Department has issued a replacement VIN.	Noreen Kline 717-783-8750
13—Special Mobile Equipment	11/02	Regulation Review completed. Changes being forwarded to be finalized. Prior to the late 1980's Section 6103 of the Vehicle Code authorized the department to promulgate rules and regulations regarding guidelines for determining special mobile equipment. Chapter 13 further specified procedures for determining such vehicles. Currently the Vehicle Code is more specific for determining such vehicles.	Noreen Kline 717-783-8750
17—Authorization to Verify ID Numbers	11/02	Regulation Review completed. Changes being forwarded to be finalized. The Vehicle Code authorizes the: Department to designate persons permitted to verify VIN numbers. Chapter 17 designates those persons who are authorized to verify the VIN numbers for those vehicles requiring a certificate of title.	Noreen Kline 717-783-8750
11—Implements of Husbandry	11/02	Regulation review completed. Recommendations will be submitted to repeal this regulation since it is no longer needed. The Vehicle Code has been amended and clarifies and establishes the guidelines for determining whether a vehicle is an implement of husbandry.	Noreen Kline 717-783-8750
19—Specially Constructed Vehicles and Street Rods	12/98	This regulation is recommended for full review in 2003. Section 1103 of the Vehicle Code authorized Chapter 19 and sets forth the rules and procedures for titling reconstructed and specialty constructed Street Rod Vehicles.	Noreen Kline 717-783-8750
41—Registration Criteria	12/01	This regulation is recommended for full review in 2003. Section 6103 of the Vehicle Code establishes registrations for certain types of vehicles including station wagons, vans and multi-purpose vehicles or buses.	Noreen Kline 717-783-8750
47—Display of Registration Plates	11/02	Regulation review completed. A repeal of the provision for temporary registration plates and "T" stickers will be proposed. (See Chapter 43) Section 1332 of the Vehicle Code mandates that registration plates be securely fastened to the vehicle in accordance with department regulations. Chapter 47 specifies fastening and location requirements for vehicle registration plates.	Noreen Kline 717-783-8750
49—Personal Plates	11/02	Review completed—no changes proposed. Section 1341 of the Vehicle Code establishes the rules and procedures governing the issuance of personal registration plates. Chapter 49 establishes the procedures to issue personal registration plates.	Noreen Kline 717-783-8750
51—Transfer, Exchange and Reclassification of Registration	11/02	Review completed—amendment needed to remove incorrect fee amount for registration transfer. Section 1314 of the Vehicle Code requires and prescribes the methodology for the transfer of registration. Chapter 51 establishes administrative procedures for such transfers. House Bill 67 requires and increases the transfer fee to \$6.00.	Noreen Kline 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
55—Registration Class Stickers	5/01	Recommended for full review in 2003. Section 1304(B) of the Vehicle Code charges the Department with identifying vehicles as to the weight, design, loading and use. Chapter 55 further prescribes the identification of such vehicles.	Noreen Kline 717-783-8750
57—Staggered Registration	5/01	This regulation is recommended for full review in 2003. Section 1307 of the Vehicle Code mandated that the Department establish a system of staggered registration renewal. Chapter 57 establishes the criterion to implement the staggered registration system.	Noreen Kline 717-783-8750
59—Confidential Registration	11/02	Review completed—no changes proposed. Section 6103 of the Vehicle Code provides the power for the Department to provide for issuance of confidential plates necessary for law enforcement activities. Chapter 59 establishes the rules and procedures for the issuance of confidential registrations.	Noreen Kline 717-783-8750
60—Permanent Registration of Fleet Vehicles	10/02	Regulation review completed. Changes being forwarded to be finalized. Section 1307 of the Vehicle Code enables the Department to promulgate regulations for the permanent registration of fleet vehicles. Chapter 60 provides rules and procedures to implement permanent registration of fleet vehicles. Fee changes in House Bill 67, require regulation be amended.	Noreen Kline 717-783-8750
63—Proportional Registration of Fleet Vehicles	12/00	Amendments prepared and are to be forwarded for review in 2003. Section 6145 of the Vehicle Code enables the Department to promulgate regulations for proportional registrations. Chapter 63 provides the rules and procedures to implement the International Registration Plan so Pennsylvania DOT can collect out of state registrations from carriers using our highways and to insure that our carriers pay their fair share when traveling in other states. Fee changes in House Bill 67, require regulation be amended.	Noreen Kline 717-783-8750
65—Permit Agents	11/02	This regulation has been reviewed. Changes will be forwarded for finalization in 2003. Section 6142 of the Vehicle Code outlines the authority of the Department to establish rules governing the qualifications and duties of designated agents for the issuance of trip permits, hunter permits to owners of heavy trucks. Chapter 65 establishes the regulations for issuing and approving permits by agents.	Noreen Kline 717-783-8750
67—Antique and Classic Vehicles	11/02	Review completed—changes being considered that would permit the Department to use approved associations and/or groups to help determine appropriateness of antique/classic registration plate issuance. Program and regulation changes to be continued in 2003. Section 1340 of the Vehicle Code requires that PennDOT have a system to approve Antique and Classic Vehicles. The information in Chapter 67 establishes procedures governing the issuance and use of Antique and Classic Registration Plates.	Noreen Kline 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
69—Temporary Weight Increase Registration Permits	5/01	This regulation is recommended for full review in 2003. This regulation is authorized by the Vehicle Code Section 1310 and 6103. It established the procedures Service Agents and Fleet Owners to issue temporary registration permits used by an applicant for increasing the Registered Combined Gross weight of a vehicle. This Chapter also establishes the sanctions when agents violate their responsibility under this regulation.	Noreen Kline 717-783-8750
71—School Bus Drivers	11/01	The regulation was published in the <i>Pennsylvania Bulletin</i> , March 16, 2002. This Regulation is anticipated to be fully promulgated by August 2003. IRRC has reviewed this Regulation and we are in the process of responding to their comments. Medical Advisory Board (MAB) states blanket ban on diabetic and cardio cases is unnecessary. Therefore, on the advice of counsel we have implemented a waiver system to accommodate the pending regulation. The requested amendment will not alter current practices.	Noreen Kline 717-783-8750
81—Reports to Bureau of Driver Licensing	6/02	This regulation has been reviewed in its entirety as of June 2002. This regulation is recommended for full review in January 2004. Sections 1554, 1771, 6104(a) 6323 require certified reports to be submitted to suspend operating privileges. Chapter 81 defines more fully the requirements of these sections by specifying the information required in the report. Names and numbers of report forms have been revised.	Noreen Kline 717-783-8750
83—Physical and Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers	11/01	The proposed regulation updates are being advanced and it is anticipated that they will be fully promulgated by October 2003. Medical Advisory Board (MAB) has made recommendations to change regulations.	Noreen Kline 717-783-8750
84—Dual Control Learner's Permit	12/00	This regulation has been reviewed in its entirety as of December 2000. This regulation is recommended for full review in 2003. Need to review and update medical requirements.	Noreen Kline 717-783-8750
85—Actual Name on Certificate of Title, Driver's License, and ID Card	1/97	Sixty percent of this regulation was reviewed at this point it was determined that the correct course of action was to repeal this regulation. Changes in technology and needs require that we be flexible in what documents should be accepted and published in <i>Pennsylvania Bulletin</i> . This should be a published procedural issue rather than a regulatory issue.	Noreen Kline 717-783-8750
87—Special Driver Exam	5/03	This regulation has been reviewed in its entirety as of May 2003. Must retain in order to administer current written special point examination.	Noreen Kline 717-783-8750
89—Receipt of Driver's License	5/03	This regulation has been reviewed in its entirety as of May 2003. This regulation is recommended for full review in 2005. Provides for and delineates requirements for surrendering a drivers license while serving a suspension.	Noreen Kline 717-783-8750
91—ID Cards	12/00	This regulation has been reviewed in its entirety as of December 2000. This regulation is recommended for full review in 2003. Changes in Environment and Technology require rapid response to changing needs. This Regulation should be repealed allowing for procedures to be published in the <i>Pennsylvania Bulletin</i> rather than controlled by Regulation.	Noreen Kline 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
93—Surrender and Cancellation of Driver's License	12/00	Full review completed in 2000; next review should be 2003. To allow surrender of licenses and for parents to surrender junior licenses.	Noreen Kline 717-783-8750
97—Proof of Payment of Federal Heavy Vehicle Use Tax	5/01	This regulation is recommended for full review in 2003. Chapter 97 describes how PA issues vehicle registrations on trucks over 55,000 GVW to be in compliance with Federal Heavy Vehicle Use Tax.	Noreen Kline 717-783-8750
105—Mechanical Electrical and Electronic Speed Timing Devices	12/98	This regulation is recommended for full review in 2003. This Chapter is authorized by the Vehicle Code Sections 3368 and 6103. Amendments reflect updates (periodically required) to ensure speed-timing devices used by law enforcement officials conform to State and Federal requirements.	Noreen Kline 717-783-8750
107—Motor Cycle Helmets	12/01	This regulation has been reviewed in its entirety as of December 2001. Federal regulation provides the prescribed standards for compliance and enforcement or rules related to helmet performance standards. This regulation reflects the Federal standards.	Noreen Kline 717-783-8750
153—Lamps, Reflective Devices and Associated Equipment	12/98	This regulation is recommended for full review in 2003. Federal regulation provides the prescribed standards for compliance and enforcement. Contingent to the Affect of Section 4103 of the Vehicle Code, which placed Federal Standards above those of the Commonwealth, this regulation should be repealed.	Noreen Kline 717-783-8750
155—Use and Display of Illuminated Signs	12/98	This regulation is recommended for full review in 2003. Section 4307 of the Vehicle Code authorizes the Department to approve illuminated signs mounted on certain vehicles. Chapter 155 lists the specific use and display requirements.	Noreen Kline 717-783-8750
167—Portable Emergency Warning Devices	12/98	This regulation is recommended for full review in 2003. Section 4530 of the Vehicle Code charges the Department with promulgating a regulation to prescribe needed reflective devices used to warn motorists of the presence of stopped vehicles.	Noreen Kline 717-783-8750
173—Flashing or Revolving Lights on Emergency and Authorized Vehicles	12/98	This regulation is for review in 2003. Review will be done by PSP and PENNDOT. Section 4572 of the Vehicle Code charges the Department with promulgating a regulation to describe display requirements and use flashing or revolving lights on certain authorized vehicles. Chapter 173 further enumerates the number of color, size and display characteristics of all flashing and revolving lights. Amendments maybe necessary to bring this regulation into compliance with Act 151.	Noreen Kline 717-783-8750
195—Tow Truck ID Signs	12/01	This regulation is recommended for full review in 2003. Section 4573 of the Vehicle Code required the identification of certain vehicles. Chapter 195 details the criterion for identification for trucks used commercially to tow other vehicles.	Noreen Kline 717-783-8750
207—Retention of Records	12/00	This regulation is recommended for full review in 2004. Section 6104 of the Vehicle Code outlines the administrative duties of the Department to include the retention of records. Chapter 207 establishes the minimum periods of time that may elapse before records can be destroyed.	Noreen Kline 717-783-8750
219—Proof of Financial Responsibility	11/02	Review completed—no changes proposed. Needed to enforce mandatory insurance laws and define proof of insurance.	Noreen Kline 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
221—Obligations of Insurer and Vehicle Owner	11/02	Review completed—no changes proposed. Needed to enforce mandatory insurance laws.	Noreen Kline 717-783-8750
223—Self Insurance	11/02	Review completed—no changes proposed. Needed as an alternative for conventional insurance.	Noreen Kline 717-783-8750
225—Installment Payment of Judgments	12/00	This regulation has been reviewed in its entirety as of December 2000. Recommend Chapter 225 for amendment. This regulation is recommended for full review in 2003. Prescribes the guidelines for suspension of drivers' licenses for failure to pay fines. Judgment creditors often wish to enter into a second internal agreement in an attempt to obtain their money. Regulation as written prohibits more than one agreement.	Noreen Kline 717-783-8750
253—Salvors	11/02	Regulation review completed. Changes being forwarded to be finalized. Chapter 253 is authorized by the Vehicle Code Section 6103 and 7301. This regulation establishes the rules governing the qualifications and duties of salvors in removing and disposing of abandoned vehicles.	Noreen Kline 717-783-8750
255—Messenger Services	11/02	This regulation is currently being reviewed. Amendments may be required due to implementation of HB152 requiring agent/messengers to be on contracts. Amending to reflect consistencies with Chapter 43 and 53 when applicable to put more responsibilities on the messengers.	Noreen Kline 717-783-8750
401—Mobile Home Titling	1/02	The regulation has been reviewed and repeal is recommended. This regulation describes the titling and titles cancellation process and is no longer needed.	Noreen Kline 717-783-8750
179—Oversize and Overweight Loads and Vehicles	1/00	Complete—no action required. Necessary to administer Special Hauling Permit Program.	Dan Smyser 717-787-7445
181—Hold Down and Tie-Down Devices for Junked Vehicle Hulks	1/00	Complete—To be published as proposed deletion in approximately 12/03. No longer needed—covered in other regulations. (Chapter 229 and 231)	Dan Smyser 717-787-7445
183—Hold-Down and Tie-Down Devices for Metal Cargo and Logs	1/00	Complete—To be published as proposed deletion in approximately 12/03. No longer needed—covered in other regulations. (Chapter 229 and 231)	Dan Smyser 717-787-7445
185—Axle Weight Table	1/00	Complete—no action required. Necessary to inform industry of allowable axle weights.	Dan Smyser 717-787-7445
187—Movement of Special Vehicles Upon State Highways	1/00	Complete—no action required. Necessary to comply with the Vehicle Code.	Dan Smyser 717-787-7445
189—Hauling in Excess of Posted Weight Limit	1/00	Complete—no action required. Necessary to comply with the Vehicle Code.	Dan Smyser 717-787-7445
191—Authorization to Use Bridges Posted Due to Traffic Conditions	1/00	Complete—no action required. Necessary to comply with the Vehicle Code.	Dan Smyser 717-787-7445
193—Authorization to Use Highways Posted Due to Traffic Conditions	1/00	Complete—no action required. Necessary to comply with the Vehicle Code.	Dan Smyser 717-787-7445
209—Requests for Reasonable Access to the Designated Network	1/00	Complete—no action required. Necessary to comply with the Vehicle Code.	Dan Smyser 717-787-7445
213—Snow Emergency Routes	1/00	Complete—no action required. Necessary to comply with the Vehicle Code.	Dan Smyser 717-787-7445



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
229—Interstate Motor Carrier Safety Requirements	1/00	Complete—need to develop rulemaking notice due to changes in Federal Motor Carrier Safety Regulations. Anticipate proposed rulemaking approximately 12/03. Needs to be amended to be compatible with the Federal requirements.	Dan Smyser 717-787-7445
231—Intrastate Motor Carrier Safety Requirements	1/00	Complete—need to develop rulemaking notice due to changes in Federal Motor Carrier Safety Regulations. Anticipate proposed rulemaking approximately 12/03. Needs to be amended to be compatible with the Federal requirements.	Dan Smyser 717-787-7445
403—Hazardous Materials Transportation	1/00	Complete—need to develop rulemaking notice due to changes in Federal Motor Carrier Safety Regulations. Proposed rulemaking submitted to Office of Chief Counsel in 1/03. Compatibility with Federal requirements—Current regulation requires an annual registration of all hazardous materials transporters. It has been determined that some changes are required.	Dan Smyser 717-787-7445
441—Access to and Occupancy of Highways by Driveways and Local Roads	1/00	Complete—need to finalize details of proposed rulemaking. Proposed rulemaking submitted to the Office of Chief Counsel in 1/03. Update to better reflect current requirements.	Dan Smyser 717-787-7445
443—Roadside Rest Area	2/97	Complete—no further action. N/A	Dan Smyser 717-787-7445
453—Distribution of Highway Maintenance Funds	1/00	Complete—This regulation was deleted on 12/08/01. No longer required by law Act 3-97.	Dan Smyser 717-787-7445
459—Occupancy of Highways by Utilities	6/96	Complete—no further action. This regulation is required by law in order to specify the procedures and standards to be followed when installing utility facilities, i.e., pipelines and wires, within the Department is right-of-way.	Dan Smyser 717-787-7445
15—Authorized Vehicles and Special Operating Privileges	1/00	Complete—some changes are recommended. Anticipate preparing proposed rulemaking by approximately 6/03. Section 6107 of the Vehicle Code.	Art Breneman 717-787-3620
77—Equipment and Training Required for Administering Chemical Tests	1/00	Complete—no action required at this time. Section 1547(c)(1) of the Vehicle Code.	Art Breneman 717-787-3620
101—Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic	1/00	Complete—some editing may be proposed. Section 3102 of the Vehicle Code requires regulation. Some editing changes are required to eliminate redundancy within the Vehicle Code and to eliminate references that no longer exist.	Art Breneman 717-787-3620
103—Vehicles Required to Stop at Railroad Crossings	1/00	Complete—This chapter will be published as proposed deletion. Anticipate being sent to OCC by 3/03. Section 3342 of the Vehicle Code requires a regulation but Chapters 229 and 231 already adopted federal regulations. This regulation will be repealed.	Art Breneman 717-787-3620
104—School Bus Loading Zones	1/00	Complete—some changes will be proposed. Section 3345(h) of the Vehicle Code.	Art Breneman 717-787-3620
201—Engineering and Traffic Studies	12/98	Complete—This chapter was published as proposed deletion on 4/19/03. Section 6105 of the Vehicle Code requires a regulation, but this chapter will be partly eliminated since it duplicates Manual on Uniform Traffic Control Devices (MUTCD). Remaining required language will be placed in a new regulation to be promulgated in 2003.	Art Breneman 717-787-3620

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
203—Work Zone Traffic Control	12/98	Complete—This chapter was published as proposed deletion on 4/19/03. Section 6123 of the Vehicle Code requires a regulation, but most of Chapter 203 is unnecessary when adopting MUTCD. Remaining required language will be placed in a new regulation to be promulgated in 2003.	Art Breneman 717-787-3620
205—Municipal Traffic Engineering Certification	1/00	Complete—no action required. Section 6122 (a)(2) of the Vehicle Code.	Art Breneman 717-787-3620
211—Official Traffic Control Devices	12/98	Complete—This chapter was published as proposed deletion on 4/19/03. Section 6121 of the Vehicle Code required a manual consistent with MUTCD. The size of the regulation will be drastically reduced. The new regulation will be called Chapter 212.	Art Breneman 717-787-3620
215—Special Highway Conditions	1/00	Complete—no action required. This chapter is reserved.	Art Breneman 717-787-3620
217—Posting of Private Parking Lots	1/00	Complete—no action required. Section 3353(b)(2), Section 3354(d)(3) and Section 6103 of the Vehicle Code.	Art Breneman 717-787-3620
447—Hazardous Walking Routes	1/00	Complete—no action required. 24 P. S. Sections 13-1362 and 25-2541 (The Public School Code).	Art Breneman 717-787-3620
457—Pre-qualification of Bidders	10/00	Complete—CMD received the proposed changes from OCC in 11/02. CMD incorporated the changes recommended by OCC and returned the revisions to OCC to continue the promulgation process. 36 P. S. Section 670-404.1 "Prequalification of Bidders" mandates the Department to have regulations to establish and maintain a system for the qualification of competent and responsible bidders. Proposed changes are on hold.	Art Breneman 717-787-3620
445—Outdoor Advertising Devices	11/00	Complete—changes adopted on 7/28/01. No further action required. Act 160 of 1971.	Art Breneman 717-787-3620
451—Control of Junkyards and Automotive Dismantlers and Recyclers	11/00	Complete—no action required. The Department is mandated to have a regulation for control of junkyards and automobile dismantlers and recyclers.	Art Breneman 717-787-3620
455—Consultant Highway Design Errors	2/00	Complete—awaiting development of repeal rulemaking. Anticipate publication approximately 7/03. Since there is no legal need for this chapter, the Department proposes to delete and replace with a Department policy. John Robinson (OCC) is working on removing this as a regulation.	Art Breneman 717-787-3620
495—Leasing of Real Property	11/00	Complete—no action required. An administrative decision was made that a regulation was warranted to insure the fair and uniform leasing of real property.	Art Breneman 717-787-3620
471—Airport Rating and Licensing	4/97	This regulation is currently being reviewed. Public safety. Airports are licensed and inspected to maintain and improve the safe operations at Pennsylvania airports. This section has not been updated since 1984. Since then federal regulations have changed.	Kathy Reitz 717-705-1234
473—Aviation Development Grants	4/97	This regulation is currently being reviewed. This grant program is a valuable asset to the aviation infrastructure in Pennsylvania by assisting airports in completing projects, which improve safety and provide positive economic impact to local communities.	Kathy Reitz 717-705-1234
477—Local Real Estate Tax Reimbursement	4/97	This regulation is currently being reviewed. Valuable program that provides much needed real estate tax relief to public use airports.	Kathy Reitz 717-705-1234

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
479—Obstruction to Aircraft	4/97	This regulation is currently being reviewed. Structures in and around airports can be a hazard to the public. With the increase in cellular phone towers, obstruction evaluation is even more important to ensure safety.	Kathy Reitz 717-705-1234
257—Inspection and Certification of Electric Mass Transit Vehicles	12/02	Complete—no action required. Act 67 of 1980 requires regulations for state inspection of electric mass transit vehicles effective 8/17/80. Regulations published 12/19/80. Law and regulations are still in effect and are still necessary.	LaVerne Collins/Sherri Zimmerman 717-787-3921/ 717-705-1331
425—Shared-Ride Transportation	12/98	Department review is in process. Legislative authorization has changed and transit needs have changed. Regulations must be revised to address those changes.	LaVerne Collins/Sherri Zimmerman 717-787-3921/ 717-705-1331
449—Liquid Fuels Tax	5/03	This regulation was submitted to the Regulatory Review Commission (RRC) in October 2002. It was returned for correction and resubmission. It was corrected and submitted to Chief Counsel in November 2002. It was re-submitted to IRRC in January 2003, and approved on April 24th, completing the review. COMPLETED. Regulation procedures for proper use of liquid Fuel Funds needed to be updated.	LaVerne Collins/Sherri Zimmerman 717-787-3921/ 717-705-1331
491—Administrative Practice and Procedure	7/01	Approved 3/13/01 by IRRC. Published as Final Rulemaking in July 2001. To more fully delineate the authority of the Department Hearing Officer and to eliminate dilatory practices and thus encourage the swift administration of process.	Stephen F. J. Martin 717-787-5299
493—Service, Acceptance and Use of Legal Process and Legal Proceedings	8/01	Completed. To update addresses for the Office of Chief Counsel for the service of legal process and papers.	Stephen F. J. Martin 717-787-5299

[Pa.B. Doc. No. 03-1323. Filed for public inspection July 3, 2003, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, July 9, 2003, Data Systems Committee Meeting—10 a.m.; Education Committee Meeting—1 p.m.; Thursday, July 10, 2003, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who require accommodation due to a disability who wish to attend a meeting should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 03-1324. Filed for public inspection July 3, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
#57-224	Pennsylvania Public Utility Commission Generic Competitive Safeguards	6/23/03
#14-471	Department of Public Welfare Income	6/23/03

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-1325. Filed for public inspection July 3, 2003, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Application for Approval to Redomesticate

Highmark Life Insurance Company, a Connecticut stock life insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Connecticut to this Commonwealth. The filing was made under the requirements of 15 Pa.C.S. (relating to Associations Code). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include

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 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. 03-1326. Filed for public inspection July 3, 2003, 9:00 a.m.]

## Highmark Inc. d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-GRT-03-HCBCS; Experience Rated Group (Including Demographically Rated Groups) Trend Factors Update; Rate Filing

Highmark Inc. d/b/a Highmark Blue Cross Blue Shield is requesting approval to increase the insured full allowance and leveraged claim trend rates for its Master Group (Blue Cross Hospital), Blue Shield Medical/Surgical, Group Major Medical, Comprehensive Major Medical, Primary Care Gatekeeper Designated, Open Access and Nongatekeeper Preferred Provider Organization Medical Organization Medical Programs. These trends will apply to the demographically rated and experience rated business. This filing will apply to client notification dates on or after August 1, 2003, for new business and October 1, 2003, for renewals.

The average impact due to the requested additional increases in trend factors for each product is summarized as follows:

<i>Product</i>	<i>Number of Full Risk Contracts</i>	<i>Current Approved Trend Factor @ \$0 Deductible: In-Network</i>	<i>Requested Trend Factor @ \$0 Deductible: In-Network</i>	<i>Trend Increase</i>	<i>Annual Impact of Trend Increase in Millions</i>
<i>POS</i>					<i>\$ in Millions</i>
Community Blue POS (Small Network with Gatekeeper)	53,691	14.0%	20.0%	6.00%	\$14.64
Direct Blue (Open Access)	24,292	14.0%	20.0%	6.00%	\$6.97
Select Blue POS (Primary Care Designated Gatekeeper)	157,059	14.0%	20.0%	6.00%	\$44.62
Community Blue Direct (Small Network w/o Gatekeeper)	25,953	14.0%	20.0%	6.00%	\$7.15
POS Total	260,995			6.00%	\$73.38
<i>Traditional</i>					
Blue Cross	18,888	12.0%	19.0%	7.00%	\$4.39
Blue Shield	18,804	11.0%	20.0%	9.00%	\$2.76
Major Medical	19,684	18.0%	28.0%	10.00%	\$1.86
Traditional Total				8.05%	\$9.01
<i>Comprehensive</i>					
Nongatekeeper PPO	16,028	15.0%	20.0%	5.00%	\$3.98
	53,705	14.0%	19.0%	5.00%	\$13.35
Total Impact	388,104			5.9%	\$99.72

In addition, these trends will be used for the Cost Plus groups with 119,000 contracts having an impact of \$27 million.

The increases in the trend factors for the other deductibles and out-of-network are comparable to the \$0 deductible in-network trend increases.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

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. 03-1327. Filed for public inspection July 3, 2003, 9:00 a.m.]

### Philadelphia Contributionship Insurance Company; Homeowners Multi-Peril Insurance; Rate Filing

On June 20, 2003, the Insurance Department (Department) received from the Philadelphia Contributionship Insurance Company a filing for a proposed rate level change for homeowners multi-peril insurance.

The company requests an overall 5.0% increase amounting to \$1.725 million annually, to be effective September 15, 2003.

Unless formal administrative action is taken prior to August 19, 2003, the subject filing may be deemed approved by operation of law.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1328. Filed for public inspection July 3, 2003, 9:00 a.m.]

### State Farm Fire and Casualty Company; Homeowners Program Rate Revision

On June 18, 2003, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for homeowners insurance.

The company requests an overall 14.5% increase amounting to \$38,189,500 annually, to be effective November 15, 2003, for new business and January 15, 2004, for renewals.

Unless formal administrative action is taken prior to August 17, 2003, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1329. Filed for public inspection July 3, 2003, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Berks County, Wine & Spirits Shoppe #0617, Tulpehocken Village Shop, 430 N. 3rd Street, Womelsdorf, PA 19567-9701.

*Lease Expiration Date:* October 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space within 1/4 mile of the intersection of Routes 419 and 422 in Womelsdorf Borough, Heidelberg Township.

*Proposals due:* July 25, 2003, at 12 p.m.

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

Bucks County, Wine & Spirits Shoppe #0920, Quakertown Shopping Center, 1465 W. Broad Street, Quakertown, PA 18951-1189.

*Lease Expiration Date:* February 29, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space in a 1/2 mile radius on Route 309 near the intersection with Route 313, Quakertown.

*Proposals due:* July 25, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 03-1330. Filed for public inspection July 3, 2003, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Order

Public Meeting held  
June 12, 2003

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

*Pennsylvania Public Utility Commission v. Alexa Cab Company; R-00038492*

## Order

*By the Commission:*

On March 24, 2003, Michael R. Etemad, the owner of the Alexa Cab Company, filed an application, in the form of a letter-petition, seeking approval to increase the citywide taxi fares charged by Philadelphia taxi medallion owners and drivers. The letter-petition was filed on behalf of the Philadelphia Taxi Medallion Owners/Drivers.

Insofar as the Public Utility Code only allows changes in rate increases to be sought by public utilities, including common carriers (66 Pa.C.S. § 1308), and limits requests for PUC investigations into the uniform rates for medallion taxi cabs in Philadelphia to medallion holders and licensed drivers (66 Pa.C.S. § 2410(c)), a request for an increase in these rates by an association of medallion holders and drivers has not been made by an appropriate entity. We recognize, however, that Mr. Etemad, as the owner of the Alexa Cab Company and a medallion holder, may lawfully make a request. Therefore, we will treat this as a request for an increase in rates by the Alexa Cab Company.

Mr. Etemad alleges that there has not been a rate increase in taxicab fares in Philadelphia since 1990 and that insurance prices have gone up over 200%, vehicle depreciation has gone up over 350%, gasoline has risen 150% and auto repair parts/labor have increased over 300%. He further alleges that SEPTA has substantially increased its fares from 1990 when it cost \$1.25 per ride to its present rate of \$2 per ride, a 60% increase.

Mr. Etemad also contends that the City of Philadelphia and the tourism industry of Philadelphia in many respects view the taxicabs in Philadelphia as its first line of making an impression on tourists and business travelers. In 2000, during the National Republican Convention, the PUC auctioned 161 taxi medallions that all required a new "A" titled vehicle to be placed on the street. Not only did the city get an immediate face-lift with the introduction of 161 new cabs, but also many other cab operators bought newer vehicles to compete. Mr. Etemad claims the taxicab medallion owners absorbed the associated costs.

As a result, Mr. Etemad proposes the following rate increases for citywide Philadelphia taxi medallion holders and drivers:

1. Flag drop should increase to \$2.60.
2. Mileage should increase to \$1.95 per mile.
3. Waiting time should increase to \$22 per hour.
4. Flat charge from Center City to the Airport, and vice versa, should increase to \$25.

Mr. Etemad, however, included no affidavit, verification, proposed tariff pages, financial information or other supporting information with his letter-petition.

## Discussion

In addressing this matter, we must note at the outset that due to the uniform rates requirement of section 2410(b) the existing and the proposed rates do not apply to any one company, but to all taxi medallion companies doing business in Philadelphia (66 Pa.C.S. § 2410(b)). Comparing the proposed rates to existing rates shows that an increase in the flag drop from the current \$1.80 to \$2.60 would be a 44% increase, that an increase in the per mile rate from the current \$1.80 to \$1.95 per mile would be an 8% increase, that an increase in the waiting time from the current \$20 per minute or fraction thereof (\$12 per hour) to \$37 per minute or fraction thereof (\$22 per hour) would be an 83% increase, and that an increase in the flat charge from and to the Philadelphia International Airport from the current \$20 to \$25 would be a 25% increase. Given the level of increases sought in the letter-petition, we find that this would be a request for a general increase in rates pursuant to 66 Pa.C.S. § 1308(d), if Mr. Etemad had filed proposed tariffs and appropriate supporting data.

We recognize that operating expenses, such as insurance, fuel, vehicles and their maintenance, depreciation and taxes, may have changed since the uniform rates for medallion taxicabs were established in 1991. Alexa Cab which operates 20 medallion taxicabs and, as such, has standing to petition the Commission to reopen the prior rate investigation regarding Philadelphia medallion taxis. 66 Pa.C.S. § 2410(c). At the same time, since taxi rates have not been decoupled from earnings, the Commission needs to investigate the effect on earnings of the rate structure proposed in the letter-petition before it can determine whether the proposed rates are just and reasonable. In the transportation industry, the typical method is with reference to an operating ratio, that is, the ratio of reasonable and legitimate operating expenses to annual operating revenues. Moreover, while Chapter 24 did provide for the initial establishment of taxi rates for medallion owners and drivers, nothing in Chapter 24 indicates that general ratemaking provisions contained in Chapter 13 are not applicable to subsequent motor carrier utility rate increase requests.

Given the percent rate increases sought in the letter-petition, these proposed increases for all customers, if approved, would likely exceed the gross annual intrastate revenues threshold for a general rate increase defined in section 1308(d) of the Public Utility Code. 66 Pa.C.S. § 1308(d). Section 1308(d) applies to any public utility defined in paragraph 1(i), (ii), (vi) or (vii) in 66 Pa.C.S. § 102 (definition of "public utility") and to any public utility which the Commission designates by rule or regulation. 66 Pa.C.S. § 1308(d). The utilities described in the subsections described do not include common carriers by motor vehicle. However, our regulations at 52 Pa. Code § 23.114(f) states:

The provisions of 66 Pa.C.S. § 1308(d) apply to every public utility described in 66 Pa.C.S. § 102 (relating to definitions), except common carriers of property.

Therefore, a common carrier by motor vehicle, except those which carry only property, is a public utility to which section 1308(d) applies as long as the common carrier's tariff filing satisfies the percentages stated in section 1308(d) which qualify the tariff filing as a general rate increase.

In general, section 1308(d) requires that a utility seeking an increase in rates provide sufficient information concerning, but not limited to, wages, maintenance,

taxes, depreciation and fuel expenses as well as all revenues derived from the regulated service such as fares and leases. An application for an increase in rates should contain the necessary schedules, tables and related material to show that the requested increase is justified. As previously noted, that is not the case here.

As such, Mr. Etemad's letter-petition contains insufficient information on which to determine whether the proposed changes in rates for citywide taxi service in Philadelphia may be lawful, just, reasonable and in the public interest. Normally, under these circumstances, we would suspend the filed tariff for a period not to exceed 7 months; however, no proposed tariffs have been filed. Therefore, to perfect its application for a rate increase, we will direct Alexa Cab Company to file appropriate data concerning its annual expenses and revenues to support its request for an increase in rates. It should also file a proposed tariff with a 60 day notice period.

In addition, Mr. Etemad's letter-petition does not request an investigation into the prevailing wage rate or a prevailing maximum lease amount. These two items may well be intertwined with medallion taxicab rate structure. Our January 10, 1991, Order at Doc. Nos. I-900003, R-901702 and R-901703 established a prevailing wage rate and prevailing maximum lease amount. Twelve years have also passed since the prevailing wage rate and prevailing maximum lease amount have been examined. Therefore, any Commission investigation of uniform medallion taxicab rates should also include an investigation of the prevailing wage rate and prevailing maximum lease amount.

Finally, we would remind Alex Cab Company and any other parties to this proceeding that, under section 315(a) of the Public Utility Code (66 Pa.C.S. § 315(a)), the party advocating the change in rates has the burden of proof to show that the proposed rate is just and reasonable. Because the rates which may be established as a result of this proceeding shall apply to all medallion taxi cab companies in Philadelphia, it will be necessary for the Commission staff to obtain information on the annual expenses and revenues previously mentioned from many companies to verify and evaluate the proposed rates. We will expect that all taxi cab companies thus contacted will cooperate with the staff in the provision of information. We would also caution that, under Commonwealth law and Commission regulations, any corporation or company appearing before an administrative agency in an adjudicatory proceeding must be represented by counsel.

Therefore,

*It Is Ordered That:*

1. Alexa Cab Company shall have 60 days to file appropriate tariffs and supporting data; if not, the letter-petition will be deemed denied.

2. If Alexa Cab Company does file the tariffs and information referenced in ordering paragraph 1, the matter will be assigned to the Office of Administrative Law Judge for the prompt scheduling of such hearings as may be necessary culminating in the issuance of a Recommended Decision.

3. The Commission's Bureau of Transportation and Safety is hereby directed to participate as a party and to conduct an investigation into the lawfulness, justness and reasonableness of the existing rates, prevailing wage rate and prevailing maximum lease amount paid by drivers to owners.

4. A copy of this Order shall be published in the *Pennsylvania Bulletin*.

5. A copy of this Order shall be served upon the Philadelphia taxi medallion owners, the City of Philadelphia and the Philadelphia Parking Authority.

6. Notice of the request for an increase in rates by the Alexa Cab Company in cities of the first class be published in the *Philadelphia Inquirer* and the *Philadelphia Daily News*.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 03-1331. Filed for public inspection July 3, 2003, 9:00 a.m.]

### 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). A protest shall 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 by July 28, 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-00119883. Albit John Garcia t/d/b/a United Cab Company** (23 West Green Street, Mechanicsburg, Cumberland County, PA 17055)—persons upon call or demand in the Counties of Cumberland, Dauphin and York.

**A-00119889. Don M. Wilson** (413 Groffdale Rd., Quarryville, Lancaster County, PA 17566)—persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owing or operating motor vehicles.

**A-00119884. Valerie Lynn Sernik t/d/b/a Valerie Sernik's Errand Girl Service** (225 Wasser Rd., Greenville, Mercer County, PA 16125)—persons upon call or demand in the Borough of Greenville, Mercer County, and within an airline distance of 20 statute miles of the limits thereof.

**A-00119891. Mahmoud Awad** (248 Locust Grove Ct., Harrisburg, Dauphin County, PA 17109)—persons upon call or demand in York County.

**A-00119870. High Class Limousine, LLC t/d/b/a High Class Limousine Service** (52 South Keystone Avenue, Upper Darby, Delaware County, PA 19082), a corporation of the Commonwealth—persons in limousine service, between points in the City and County of Philadelphia, and the Township of Tinicum, Delaware County, and from points in said territory, to points in Pennsylvania, and return.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00117103, Folder 3. John J. Valasek t/d/b/a Extreme Limousines** (1532 Leishman Avenue, Arnold, Westmoreland County, PA 15068), additional right—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Armstrong, Butler and Westmoreland and from points in the Counties of Allegheny, Armstrong, Butler and Westmoreland, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-1332. Filed for public inspection July 3, 2003, 9:00 a.m.]

### Telecommunications

**A-310963F7001. Verizon North Inc. and Cypress Communications Operating Company Inc.** Joint petition of Verizon North Inc. and Cypress Communications Operating Company Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Cypress Communications Operating Company Inc., by its counsel, filed on June 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 North Inc. and Cypress Communications Operating Company 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. 03-1333. Filed for public inspection July 5, 2003, 9:00 a.m.]

### Telecommunications

**A-311262F7000. Verizon Pennsylvania Inc. and First Communications LLC.** Joint petition of Verizon Pennsylvania Inc. and First Communications LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and First Communications LLC, by its counsel, filed on June 13, 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 First Communications LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-1334. Filed for public inspection July 5, 2003, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-107.7, Rail Track Maintenance and Quarterly Inspections at PAMT, P98SA, P84S, P82S, P80S, P80SA, P78S, P78SA, P38-40S and TMT until 2 p.m. on Thursday, July 24, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 8, 2003. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on July 17, 2003, at 10 a.m. at the Tioga Admin. Bldg., 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-1335. Filed for public inspection July 3, 2003, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project #03-105.P, Pocket Planners/2004 Diaries until 2 p.m. on Thursday, July 17, 2003. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 8, 2003. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-1336. Filed for public inspection July 5, 2003, 9:00 a.m.]



# STATE EMPLOYEES' RETIREMENT BOARD

## Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

August 12, 2003	Patricia J. Ackason (Purchase of Service as an Independent Contractor)	1 p.m.
August 18, 2003	Judith A. Plusquellec (Adjustment of Earnings Affecting Final Average Salary)	1 p.m.
August 20, 2003	Sylvia Wright (Purchase of Service as an Independent Contractor)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 03-1337. Filed for public inspection July 3, 2003, 9:00 a.m.]

# STATE POLICE

## Addendum to the Listing of Approved Mobile Video Recording Systems

The State Police, under the authority of sections 5704(16)(ii)(C) and 5706(b)(4) of the Wiretapping and Electronic Surveillance Control Act (act) (18 Pa.C.S.

§§ 5704(16)(ii)(C) and 5706(b)(4)), published at 32 Pa.B. 3862 (August 3, 2002) a notice of mobile video recording system equipment standards and approved mobile video recording systems for use until the next comprehensive list is published. An addendum to the listing of approved mobile video recording systems was published at 33 Pa.B. 245 (January 11, 2003).

As a second addendum to the listing of approved mobile video recording systems published at 32 Pa.B. 3862, the State Police, under the authority of sections 5704(16)(ii)(C) and 5706(b)(4) of the act, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following list of additional approved mobile video recording systems which meet the minimum equipment standards published at 32 Pa.B. 3862:

InCharge 5555, Applied Integration, Tucson, AZ  
VMDT, Coban Research and Technology, Houston, TX  
Mobile Vision 5-C Video Recording System, Mobile Vision,  
Boonton, NJ  
Stalker Vision VHS, Applied Concepts Inc., Plano, TX  
Stalker Vision HI8, Applied Concepts Inc., Plano, TX  
Digital Eyewitness, Kustom Signals, Lenexa, KS

Comments, suggestions or questions should be directed to the State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COL. JEFFREY B. MILLER,  
*Commissioner*

[Pa.B. Doc. No. 03-1338. Filed for public inspection July 3, 2003, 9:00 a.m.]

## DNA Detection of Sexual and Violent Offenders Act; Notice of Capability

The State Police, under 42 Pa.C.S. § 4741 (relating to State Police notice of capability to carry out chapter), declares that it is capable of carrying out the provisions of 42 Pa.C.S. Chapter 47 (relating to DNA data and testing).

Comments, suggestions or questions should be directed to the State Police, Bureau of Forensic Services, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COL. JEFFREY B. MILLER,  
*Commissioner*

[Pa.B. Doc. No. 03-1339. Filed for public inspection July 3, 2003, 9:00 a.m.]