

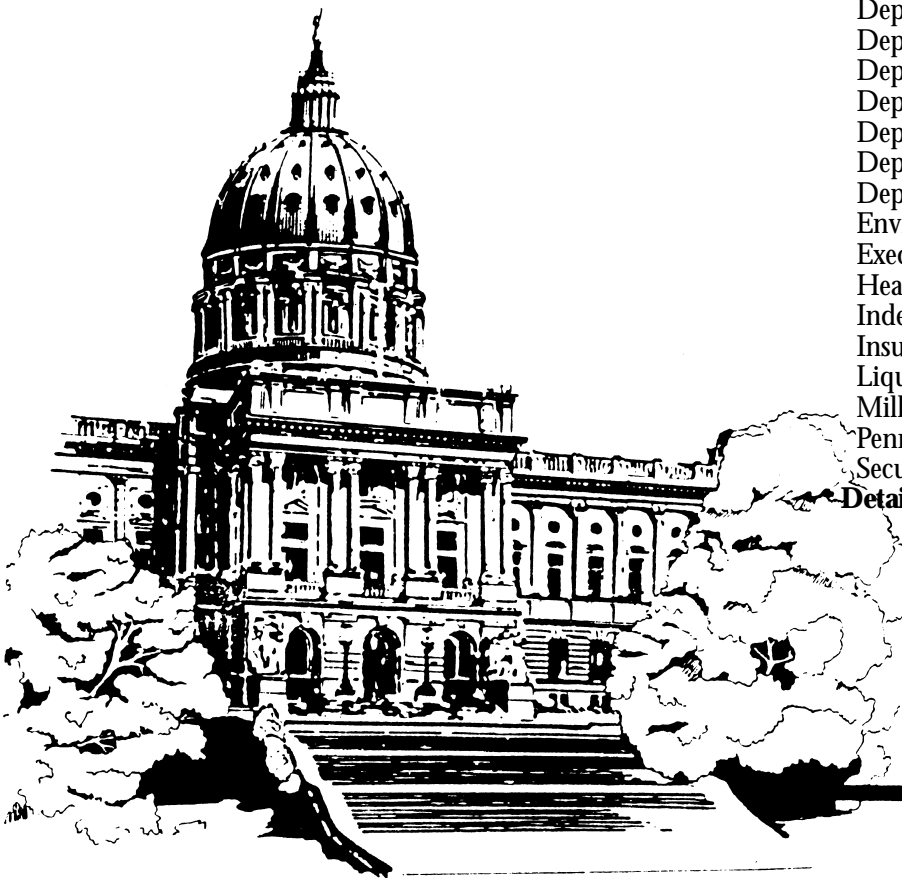
PENNSYLVANIA BULLETIN

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Agencies in this issue:

The General Assembly
The Courts
Department of Agriculture
Department of Banking
Department of Conservation and
Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Revenue
Department of State
Department of Transportation
Environmental Quality Board
Executive Board
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Milk Marketing Board
Pennsylvania Public Utility Commission
Securities Commission

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No. 345, August 2003

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READER'S GUIDE TO THE *PENNSYLVANIA BULLETIN* AND *PENNSYLVANIA CODE*

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

Recent Actions during the 2003 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2003 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2003 GENERAL ACTS ENACTED—ACT 018 through 019					
018	Aug 5	SB0506	PN1049	immediately	Conveyance—Commonwealth property in Washington County
019	Aug 5	SB0201	PN1079	60 days	Walter J. Dealtrey Memorial Highway, Charles R. McDevitt Highway and Farrell Jackson Exit—designations

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore-PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 03-1625. Filed for public inspection August 22, 2003, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

And Now, this 5th day of August, 2003, the Beaver County Local Rules of Civil Procedure are amended as follows:

1. New Rules L207.1 and L212.3 are promulgated to read as follows, and

2. The Local Rules governing compulsory arbitration, comprised of Local Rules L1301A, L1301B, L1301C, L1301D, L1301.1, L1302A, L1302B, L1302C, L1302D, L1302E, L1302F, L1303, L1306, L1307 and L1308, are amended to read as follows.

3. This order and the following rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven (7) certified copies of this order and the following to the Administrative Office of Pennsylvania Courts, two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court, one (1) certified copy with the Beaver County Law Library and one (1) copy with the Prothonotary of Beaver County to be kept for public inspection and copying

By the Court

ROBERT E. KUNSELMAN,
President Judge

Rule L1301—Compulsory Arbitration

Rule L1301A—These Rules apply to the following civil matters or issues which shall be submitted to compulsory arbitration under Section 7361 of the Judicial Code:

1. All civil actions, as defined in Pa. R.C.P. No. 1001(a) and (b)(1), as amended, for money damages where the amount in controversy on any claim is \$25,000.00 or less, exclusive of interest and costs. The amount in controversy shall be determined from the pleadings, by agreement of the parties or by the court.

2. Where no appearance has been entered or a default judgment has been entered in a civil action and the plaintiff desires to have the damages assessed in an amount not to exceed \$25,000.00.

3. By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.

Rule L1301B—Exceptions

These rules shall not apply to the following matters:

1. Action in Ejectment;
2. Action to Quiet Title;
3. Action in Replevin, unless authorized by the court;
4. Action in Mandamus;
5. Action in Quo Warranto;

6. Action of Mortgage Foreclosure;

7. Actions upon Ground Rent;

8. Foreign Attachment;

9. Fraudulent Debtors Attachment; and

10. Where claims for relief were heretofore asserted in an action in equity.

Rule L1301C—Compensation of Board

Each member of the Board of Arbitration who has signed an award, whether as a majority or as a dissenter, shall receive as compensation a daily fee in an amount as set by the Court from time to time by special order. Where hearings exceed one day, the arbitrators may petition the court for additional compensation which may be granted for cause shown. Any such request should be made prior to submitting the award to the Court Administrator as required by Local Rule 1306.

Rule L1301D—Procedure for Payment

Upon the filing of the arbitrator's award, the Prothonotary shall certify such filing to the County Commissioners and to the County Controller, together with the names of the members of the Board and an Order for payment. The County Commissioners and Controller shall thereupon pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs in the case.

Rule L1301.1—Powers of Arbitrators

The Board of Arbitrators shall have the powers conferred upon them by law, including:

(1) The power to permit the amendment of any pleading. The Arbitrators' permission and the amendment must be filed in writing promptly.

NOTE

1. See Pa. R.C.P. Nos. 1303(b) and 1304(a) for the power of arbitrators to act when a party fails to appear or is not ready.

Rule L1302—Arbitrators

Rule L1302A—Eligibility to Serve as Arbitrators

Only persons actively engaged in the practice of law in Beaver County shall be eligible to serve as Arbitrators. For purposes of this rule, "persons actively engaged in the practice of law" is defined as: persons who are authorized by the Pennsylvania Supreme Court to practice law and who regularly maintain their principal office in Beaver County for the practice of law, excluding all attorneys employed full time by Beaver County unless their Department Head consents in writing to their eligibility. Judicial law clerks who are employed by the Court of Common Pleas of Beaver County on the date this amendment becomes effective may continue to be eligible.

Rule L1302B—Qualifications of Chairman

Only persons admitted to the practice of law for at least fifteen (15) years and who have extensive civil trial experience are eligible to serve as Chairman of the Boards of Arbitrators.

Rule L1302C—List of Arbitrators

The Court Administrator of Beaver County shall, with the approval of the President Judge, on or before October 1 of each year, compile a list of persons eligible to serve as Arbitrators including persons eligible to serve as Chairmen of Boards of Arbitrators. Persons who have

been determined to be eligible shall file a written consent to serve as an Arbitrator or Chairman with the Court Administrator. Arbitrators and Chairmen shall be selected alphabetically as nearly as possible by the Court Administrator in accordance with L1302D from the persons who have filed a consent to serve.

Rule L1302D—Selection of Board

Boards of Arbitrators shall be selected by the Court Administrator to serve on each arbitration day designated by the Court. Two Arbitrators and a Chairman shall be selected from the list of eligible persons who have consented to serve and appointed to each Board. At least one of the two other arbitrators shall have significant civil trial experience. The Court Administrator shall give each Arbitrator at least ninety (90) days written notice of the date the Arbitrator is to serve.

L1302E—Scheduling of Cases

The Court Administrator shall schedule a sufficient number of cases for hearing on each arbitration day and give at least 45 days written notice of the hearing date to counsel for the parties and to pro se litigants. All requests for a continuance must be submitted to and approved by the Court to a date to be selected by the Court Administrator. Copies of all hearing notices shall be filed with proof of mailing.

When scheduling cases for hearing, the Court Administrator shall avoid the creation of conflicts of interest with Arbitrators. The notice of hearing shall identify the members of the Board of Arbitration. Any objection to an Arbitrator shall be made to the Court within twenty (20) days of mailing the notice and, if sustained, will be ground to continue the hearing.

L1302F—Vacancies

Should a vacancy on the Board of Arbitration occur for any reason prior to hearing, or should a member of the Board be unable to serve or fail to attend on the arbitration day, the Court Administrator shall be notified and shall appoint a substitute. The appointment of the substitute Arbitrator shall be communicated to all parties or their counsel prior to the commencement of the hearing. If a party has an objection to the substitute, it shall be made forthwith or be waived.

Should an Arbitrator fail to appear on the scheduled arbitration day, without good cause or without having notified the Court Administrator at least ten (10) days prior thereto, that Arbitrator shall be removed from the list of eligible Arbitrators. In the event a substitute Arbitrator cannot be appointed, sanctions may be imposed against the delinquent Arbitrator.

Rule L1303—Arbitration Hearings

Arbitration hearings shall be conducted at the Beaver County Courthouse pursuant to assignment by the Court Administrator. Prior to the commencement of the hearing, the Prothonotary shall administer the oath of office in the form mandated by Pa. R.C.P. 1312, to each arbitrator and deliver the file to the Chairman.

Rule L1306—Arbitration Award

The Board shall submit its award to the Court Administrator who shall note the same on its records and forthwith file the award with the Prothonotary. Failure to submit the Award promptly may result in the imposition of sanctions, including forfeiture of the Arbitrator's fees.

Rule L1307—Amount of Arbitrator's Compensation for Appeal

The amount of compensation of arbitrators to be paid upon an appeal shall be determined by the Court Admin-

istrator on a pro rata basis as to the number of cases heard by the Board. That amount shall be transmitted with the award to the Prothonotary who shall include that amount in "the notice of award" given to each party or their counsel.

L.R. 1308 Discovery

Discovery in cases subject to these rules shall be governed by L.R. 4011.

L.R. 207.1—Motions to Exclude Expert Testimony Which Relies Upon Novel Scientific Evidence

All motions to exclude expert testimony authorized by Pa. R.C.P. No. 207.1 shall be filed and served no later than the date and time of the pre-trial conference.

Note: This rule is intended to require a party to raise the issue of the admissibility of testimony of an expert witness prior to trial pursuant to Pa. R.C.P. No. 207.1(b). Establishing the last day to do so at the pre-trial conference will provide the opposing party a fair opportunity to prepare to rebut the motion so as to avoid surprise at trial. If a motion is filed after the pre-trial conference, the issue will be deemed waived and the motion dismissed sua sponte.

L.212.3 Imposition of Sanctions for Obdurate Conduct in Pre-Trial Proceedings

A. An official court stenographer shall attend each pre-trial conference and take notes of the discussions of the participants. The notes shall not be transcribed except upon order of the presiding judge.

B. The presiding judge shall recommend a settlement amount to counsel for parties if the judge determines that he or she can fairly evaluate the case for settlement purposes. The recommendation and the reasons in support thereof shall be included in the stenographer's notes as well as the parties' settlement positions and the reasons therefore.

C. The court may make a finding that a party has engaged in obdurate conduct in regard to the party's settlement position either sua sponte or on petition of another party. In either event, not later than ten (10) days after a jury verdict or a decision of the court, a rule shall be issued to show cause why counsel fees should not be awarded under 42 Pa.C.S.A. § 2503(7). The Petition Practice set forth in Pa. R.C.P. No. 206.1 et seq. will apply.

D. The court should consider and weigh the following factors determining whether or not to impose sanctions:

1. The facts and circumstances which existed at the time of the pre-trial conference;
2. Whether there was a change in such facts or circumstances to account for a variation between the plaintiff's demand, the defendant's offer and the jury's verdict;
3. The final settlement demand and offer;
4. The settlement value;
5. Whether there was substantial merit to the parties' claim or defense, and;
6. Whether a party's settlement position had a reasonable basis in law or in fact.

[Pa.B. Doc. No. 03-1626. Filed for public inspection August 22, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 183]

Income

The Department of Public Welfare (Department) adopts amendments to Chapter 183 (relating to income) to read as set forth in Annex A. The final-form rulemaking is adopted under the authority of sections 201(2) and 403(b) of the Public Welfare Code (code) (62 P. S. §§ 201(2) and 403(b)).

Notice of proposed rulemaking was published at 31 Pa.B. 4172 (August 4, 2001).

Purpose

The purpose of this final-form rulemaking is to amend Chapter 183 to be consistent with section VI(A)(7) (relating to determining eligibility) of the Temporary Assistance for Needy Families (TANF) State Plan published at 32 Pa.B. 6401 (December 28, 2002). Section VI(A)(7) of the TANF State Plan provides that lump sum income is counted as income only in the month of receipt and as a resource in the following months. For consistency between cash assistance programs, this change also affects the Commonwealth's General Assistance (GA) program.

Need for the Final-Form Rulemaking

The intent of both Federal and State welfare reform legislation is to establish requirements that promote personal responsibility, work and self-sufficiency. Under current regulation, which is based on Federal requirements of the former Aid to Families with Dependent Children Program, families that receive sizeable lump sum payments are often ineligible for cash assistance thereafter for extended periods of time. The prevailing opinion when this regulation was promulgated was that lump sum income should be used for basic living needs during the period of ineligibility. Federal welfare reform legislation gave states the flexibility to design and operate cash assistance programs that are tailored to meet the needs of the people they serve. This final-form rulemaking reflects the premise of personal responsibility and allows families to decide how best to use available funds. For example, the lump sum payment may be used to meet current or past due household expenses or to pay for needed items such as reliable transportation to work, start-up capital for self-employment endeavors or better housing.

Under the final-form rulemaking, families that receive a lump sum payment in excess of their monthly assistance payment will be ineligible for cash assistance in the month of receipt but may be eligible the following month as long as any lump sum remaining is less than the appropriate resource limit. In situations where the lump sum exceeds the family's monthly assistance payment but does not exceed the resource limit, cash assistance is not discontinued but, instead, suspended for 1 month.

Affected Individuals, Groups and Organizations

This final-form rulemaking affects applicants for and recipients of TANF and GA cash assistance who receive lump sum payments.

Accomplishments and Benefits

This final-form rulemaking affords families the opportunity to use lump sum payments in the manner that they determine is most beneficial to their circumstances. Under the former lump sum policy, the prescribed period of ineligibility, based on the amount of the lump sum received, left some families with no alternative but to use the lump sum payment to meet basic living needs. This final-form rulemaking is premised on the principle of personal responsibility and the belief that self-determination will lead to self-sufficiency. Families may use the lump sum payment to purchase a reliable vehicle, find and maintain better housing, invest in a business opportunity or otherwise improve their standard of living without fear of losing their cash assistance benefits for prolonged periods of time.

Summary of Public Comment and Changes

Written comments, suggestions and objections were solicited within a 30-day comment period after publication of the proposed rulemaking. The Department received two sets of comments: one from legal services attorneys and the other from the Independent Regulatory Review Commission (IRRC). In addition to suggestions for constructive revisions to the rulemaking, the legal services attorneys expressed strong support for this final-form rulemaking.

The Department has carefully reviewed and considered each suggestion and comment and thanks the organizations that commented on the proposed rulemaking. The following is a summary of the written comments received during the public comment period and the Department's responses.

1. *§ 183.2 (relating to definitions)*

Comment: Since lump sum income is not defined in § 183.2 or in the body of the regulation, one commentator expressed two concerns. The first concern is that it is unclear what would specifically be considered lump sum income. This concern generated the following questions: (1) If a person receives an annuity 1 month of a year, is that considered lump sum income for the month of receipt or a resource?; (2) Does lump sum income "occur" at actual receipt of the income or the deemed receipt of the income?; and (3) Could multiple disbursements of a single amount be treated as lump sum income? A further concern is that it is not clear how the regulation will be applied to income. The commentator asked how an insurance payment (which is lump sum income as per the preamble in the notice of proposed rulemaking) is distinguished from an insurance reimbursement. Finally, the commentator questioned how an inheritance with limitations on spending affects a person's eligibility.

Response: The Department does not define lump sum income because those words are used with the dictionary meaning. (See *Pennsylvania Code & Bulletin Style Manual*, § 1.7(b) (relating to definitions).)

In response to the first question, an annuity received in only 1 month of a year is lump sum income in the month of receipt. Any portion remaining is considered a resource in subsequent months.

In response to the second question, lump sum income is considered available in the month it is received by a member of the budget group. Lump sum income that is deemed available to a budget group from certain nonas-

sistance household members is deemed available in the month it is received by the nonassistance member.

In response to the third question, each disbursement of multiple disbursements from a single source may be considered lump sum income. The type of payment determines whether it is considered (and treated) as lump sum income. For example, an individual may receive a non-recurring personal injury award of \$75,000, which is paid in three installments of \$25,000. Each payment is considered and treated as lump sum income of \$25,000 in the month it is received.

In response to the commentator's further question regarding how an insurance payment is distinguished from an insurance reimbursement, the answer is that there is no need to distinguish between the two because they are treated in the same manner. The Department allows deductions from the lump sum payment for expenses related to receipt of the payment. For example, a deduction will be made from an insurance personal injury settlement for medical expenses related to the injury and costs of litigation, including attorney's fees in accordance with § 183.98(1) and (2) (relating to unearned income and lump sum income deductions). Allowable deductions also include the replacement cost of real or personal property that is part of a damage award or insurance settlement. For example, a recipient receives an insurance settlement for fire damage to the recipient's property. In determining countable lump sum income, the Department will deduct the replacement cost of the damaged property in accordance with § 183.98(3). Generally in these cases, this deduction reduces the countable amount of the settlement to a zero dollar amount.

Finally, in response to the commentator's question regarding treatment of an "inheritance with limitations," the Department will review these cases individually to determine the availability of the lump sum income. An inheritance with limitations will be counted as income to the extent it is available for basic living needs.

2. § 183.105(4)(i) (relating to increases in income)

Comment: As proposed, § 183.105(4)(i) provides that lump sum income deductions are applied as specified in §§ 183.91, 183.93—183.95 and 183.98(1)—(3). Commentators suggested that this sentence in § 183.105(4)(i) is confusing because most of the regulations that are cross-referenced in § 183.105(4)(i) do not mention "lump sum income deductions." One commentator stated that if the intent is to apply the income deductions outlined in those sections to lump sum income, then the last sentence in § 183.105(4)(i) should be revised as follows: "The income deductions specified in §§ 183.91, 183.92, 183.93, 183.94, 183.95 and 183.98 are applied to the lump sum."

Commentators also questioned why § 183.105(4)(i) did not include a reference to § 183.92 (relating to LRR residing elsewhere—GA). Finally, commentators questioned why the reference to § 183.98 is limited to paragraphs (1)—(3) when the entire section, including paragraphs (4)—(7), relates to unearned income and lump sum income deductions.

Response: The Department agrees that the commentators' suggested revisions to § 183.105(4)(i) would make the regulation more clear. Accordingly, the Department has revised § 183.105(4)(i) (redesignated as § 183.105(4)(ii)) to clarify that income deductions, as specified in §§ 183.91—183.95 and 183.98, are applied to the lump sum payment.

3. § 183.105(4)(v)

Comment: One commentator claimed that § 183.105(4)(v) is confusing and suggested the following revision: "Any portion of the lump sum retained by the sponsor of an alien subsequent to the month of receipt is a resource to the alien in subsequent months, provided the alien entered into the United States within 3 years prior to the month in which the resource would be counted. Once the alien has been in the United States for 3 years, income and resources of the sponsor are no longer deemed to the alien."

Response: The Department agrees and has revised § 183.105(4)(v) (redesignated as § 183.105(4)(vi)) to clarify that the portion of the lump sum payment retained by a sponsor after the month of receipt is considered a resource to the alien only if the alien entered the United States within 3 years prior to the month in which the payment is counted. Section 183.105(4)(i) is also revised to clarify that the requirement to deem lump sum income from a sponsor to an alien is subject to the same time frames.

4. Implementation procedures

Comment: One commentator suggested that the Department clarify in the final-form rulemaking that individuals determined ineligible for cash assistance under the old lump sum rules may apply for and receive cash assistance, if otherwise eligible, without waiting for the period of ineligibility to expire. This commentator suggested the Department add the following subparagraph to the final-form rulemaking: "§ 183.105(4)(viii). An individual who has previously been found ineligible due to receipt of a lump sum may reapply at any point, and may receive benefits if the remaining amount of the lump sum does not exceed the resource limit and if the individual is otherwise eligible."

The same commentator urged the Department to notify affected individuals of the change in lump sum regulation and that they may reapply for cash assistance benefits. The commentator is concerned that these individuals, who can be identified through the Department's computer files, will have no way of knowing that their period of ineligibility for cash assistance is no longer in effect. IRRC asked whether family groups who are ineligible under existing regulation will be notified that they may be eligible under the new regulation and, if so, how.

Response: The Department agrees that individuals determined ineligible under the previous lump sum rule may qualify for cash assistance under this regulation without waiting for any period of ineligibility resulting from the old rule to expire. The Department does not agree that a regulation is needed to achieve this result. Individuals can reapply for assistance at any time. Effective upon publication, this final-form rulemaking will apply to all applicants and recipients, including those previously ineligible due to receipt of a lump sum.

The Department will notify individuals affected by this change in the lump sum rule. Data indicates the average period of ineligibility due to receipt of a lump sum is 14 months. The Department will contact those individuals whose cash assistance was closed due to receipt of a lump sum within 18 months prior to the effective date of the final-form rulemaking. The notice will inform those individuals of the effect of this change in regulation and remind them that they can reapply for cash assistance.

Many of the individuals whose cases were closed because of the old lump sum rule are also receiving monthly benefits from the same source that provided the lump

sum, for example, Social Security benefits, and currently have income in excess of the limits for cash assistance. Of the other individuals whose cash assistance was closed because of lump sum income, many are currently receiving Medicaid or food stamps and are in regular contact with a county assistance office. They will be reviewed for cash eligibility.

Additional Revisions

The following is a discussion of additional revisions to the final-form rulemaking which the Department made as a result of its own internal review in preparing the final-form rulemaking.

1. § 183.105(4). The Department revised § 183.105(4) to clarify that a lump sum payment is treated as income in the month of receipt and a resource in subsequent months.

2. § 183.105(4)(ii). The Department revised § 183.105(4)(ii) to provide that income deductions as specified in §§ 183.91—183.95 and 183.98 are applied to a lump sum payment. This provision was in § 183.105(4)(i) in proposed rulemaking.

3. § 183.105(4)(iii). The Department revised § 183.105(4)(iii) to add clauses (A)—(C) that describe how a lump sum payment affects eligibility and payment amount. For example, a lump sum payment may result in a grant reduction in the corresponding payment month, a temporary suspension of cash benefits or a termination of cash benefits.

4. § 183.105(4)(iv)—(vi). These subparagraphs are renumbered from subparagraphs (iii)—(v), respectively, in proposed rulemaking.

Fiscal Impact

Public Sector

Commonwealth: The Commonwealth will incur an estimated annual cost of \$360,000. This estimate represents an additional 13 months of eligibility for 135 GA clients at an average monthly cost of \$205 per client. The estimate assumes that clients will spend down the resource limit in 1 month.

Political Subdivisions: No other government entity will incur any costs or realize any savings. Since TANF is a block grant, there is no change in Federal expenditures.

Private Sector: No private sector entity will incur any costs or realize any savings.

General Public: The general public will not incur any costs or realize any savings.

Paperwork Requirements

This final-form rulemaking will moderately decrease the paperwork requirements associated with the lump sum eligibility process. The calculation of ineligibility in the month of receipt of the lump sum is simpler. There is no longer a need to determine a period of ineligibility.

Effective Date

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

There is no sunset date. The Department conducts periodic reviews of the GA program in accordance with section 403(e) of the code (62 P. S. § 403(e)). TANF regulations are reviewed through the Department's Quality Control and Corrective Action review process.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 23, 2001, the Department submitted a copy of the notice of proposed rulemaking, published at 31 Pa.B. 4172, to IRRC and the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 14, 2003, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 24, 2003, and approved the final-form rulemaking.

Findings

The Department finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The final-form rulemaking is necessary and appropriate for the administration of the code.

Order

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 183, are amended by amending § 183.105 to read as set forth in Annex A.

(b) The Secretary of the Department has submitted this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law. The Office of General Counsel and the Office of Attorney General have approved this order and Annex A as to legality and form.

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

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

ESTELLE B. RICHMAN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 4040 (August 9, 2003).)

Fiscal Note: 14-471—FINAL. (1) General Fund; (2) Implementing Year 2002-03 is \$360,000; (3) 1st Succeeding Year 2003-04 is \$360,000; 2nd Succeeding Year 2004-05 is \$360,000; 3rd Succeeding Year 2005-06 is \$360,000; 4th Succeeding Year 2006-07 is \$360,000; 5th Succeeding Year 2007-08 is \$360,000; (4) 2001-02 Program—\$271,774,000; 2000-01 Program—\$292,301,000; 1999-00—\$311,394,000; (7) Cash Grants; (8) recommends adoption. Funding for this change is included in the 2002-2003 and 2003-2004 budgets.

Annex A
TITLE 55. PUBLIC WELFARE
PART II. PUBLIC ASSISTANCE MANUAL
Subpart D. DETERMINATION OF NEED AND
AMOUNT OF ASSISTANCE
CHAPTER 183. INCOME
MONTHLY ASSISTANCE PAYMENT
DETERMINATION

§ 183.105. Increases in income.

An increase in actual, deemed or estimated income of the budget group in a calendar month affects eligibility and the amount of the monthly assistance payment as follows:

(1) If the increase in recurring income results in ineligibility, and the ineligibility is expected to last more than 1 month, assistance is terminated for the first check which can be reached in the first month of ineligibility or the following month with proper notice being provided as described in § 133.4 (relating to procedures). An overpayment occurs for assistance received beginning with the first month of ineligibility.

(2) If the increase in recurring or nonrecurring income results in ineligibility, but ineligibility will exist for only 1 month, and it is caused by excessive income or other similar circumstances in the budget month, assistance is suspended for the corresponding payment month using the proper notice as described in § 133.4.

(3) If the increase in recurring or nonrecurring income does not result in ineligibility, the increase in actual or deemed income in the budget month affects the assistance payment in the corresponding payment month.

(4) If the increase in income is due to receipt of a lump sum payment, the payment is treated as income in the month of receipt and a resource in subsequent months as follows:

(i) A lump sum payment is counted if it is received by a member of the budget group or certain other household members such as an LRR, a parent of a TANF minor parent, a stepparent or a sponsor of an alien. A lump sum payment received by a sponsor is subject to deeming, provided the alien entered the United States within 3 years prior to the month in which the payment would be counted under § 183.36 (relating to income deemed available from a sponsor).

(ii) Income deductions, as specified in §§ 183.91—183.95 and 183.98, are applied to a lump sum payment.

(iii) The receipt of a lump sum payment affects eligibility as follows:

(A) If a lump sum payment does not result in ineligibility, the actual or deemed lump sum is adjusted as income in the corresponding payment month.

(B) If a lump sum payment results in ineligibility only in the month of receipt, assistance is suspended in the corresponding payment month.

(C) If a lump sum payment results in ineligibility that may last more than 1 month, assistance is terminated for the first payment date that can be reached either in the month of receipt or the following month after proper notice is provided, as described in § 133.4 (relating to procedures). An overpayment occurs for cash assistance received during a month of ineligibility.

(iv) When a lump sum payment is received by a budget group member or LRR living in the household, the portion of the lump sum payment that remains after the month of receipt is considered a resource under § 177.1 (relating to general requirements).

(v) When a lump sum payment is received by a stepparent or a parent of a TANF minor parent, the portion retained by the stepparent or parent of a TANF minor parent after the month of receipt is a resource to that individual and is not considered in determining the eligibility of the budget group unless it is actually made available to the budget group.

(A) If a stepparent or parent of a TANF minor parent received a lump sum payment, the net amount of the lump sum, after allowable deductions, is deemed as income to the budget group in the month the lump sum is received.

(B) In the month following the month of receipt, the remaining portion of the lump sum would be a resource to the stepparent or parent of a TANF minor parent. This resource amount would be excluded as a resource to the budget group unless the stepparent or parent of a TANF minor parent made any or all of it available to the budget group.

(vi) When a lump sum payment is received by a sponsor of an alien, the portion retained by the sponsor after the month of receipt is a resource to the alien in subsequent months, provided the alien entered the United States within 3 years prior to the month in which the payment would be counted, as specified under subparagraph (i).

(vii) If the exact amount of a lump sum payment that is received is unknown because of a refusal to provide this information, the budget group is ineligible due to failure to cooperate under § 125.21(a) (relating to policy).

[Pa.B. Doc. No. 03-1627. Filed for public inspection August 22, 2003, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Stream Redesignations (Brushy Meadow Creek, et al.)

The Environmental Quality Board (Board) proposes to amend §§ 93.9c, 93.9g, 93.9l, 93.9n, 93.9o, 93.9q and 93.9v to read as set forth in Annex A.

This proposal was adopted by the Board at its meeting on December 17, 2002.

A. Effective Date

These proposed amendments are effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. Contact Persons

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

C. Statutory and Regulatory Authority

This proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and the Federal regulation at 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

D. Background of the Proposed Amendments

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution. The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality and permitted activities, such as wastewater treatment requirements, shall ensure the attainment of designated and existing uses for all waters.

The Department may identify candidates during routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (FBC). Organizations, businesses or individuals may submit a rulemaking petition to the Board.

These streams were evaluated in response to two petitions, as well as requests from the FBC and the Department's Southcentral Regional Office (SCRO), Northeast Regional Office (NERO) and Bureau of Water Supply and Wastewater Management (BWSWM) as follows:

Petitions: Crum Creek and Green Lick Run

FBC: Pine Creek

SCRO: Little Juniata River and Spring Creek

NERO: Brushy Meadow Creek and Waltz Creek

BWSWM: South Fork Beech Creek

These regulatory changes were developed as a result of aquatic studies conducted by the BWSWM and the FBC. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. Based upon the data collected in these surveys, the Board recommends the designations described in this preamble and as set forth in Annex A.

Copies of the Department's stream evaluation reports for these waterbodies are available from Edward R. Brezina whose address and telephone number are listed in Section B.

The following is a brief explanation of the recommendations for each waterbody:

Brushy Meadow Creek—Brushy Meadow Creek is a tributary to Martins Creek at the Borough of Bangor in Northampton County. This basin is currently designated Trout Stocking—Migratory Fishes (TSF-MF). NERO collected fishery data that suggested that the lower portion of the stream supported trout, and requested that it be redesignated Cold Water Fishes (CWF). To confirm the year-round presence of cold water species, the Department and the FBC studied the stream in August. Various year classes of brown trout were found, indicating year-round presence and natural reproduction of trout. In addition, the migratory American eel was found in the lower portion of Brushy Meadow Creek. As a result of these findings, it is recommended that the main stem of Brushy Meadow Creek from the East Bangor dam to the mouth be redesignated CWF, MF. Any unnamed tributaries in this reach will retain the TSF—MF designation.

Waltz Creek—Waltz Creek is a tributary to Martins Creek near Bangor, Northampton County. This basin was surveyed to determine the correct aquatic life use designation because Waltz Creek was inadvertently omitted from Chapter 93 (relating to water quality standards). Fishery data collected by the Department and the FBC showed the presence of trout during both cold and warm weather months. The finding of trout below the legal length suggests natural reproduction. American eels were found during both field studies. Based on this data, it is recommended that the Waltz Creek basin be designated CWF, MF.

Crum Creek—The Willistown Conservation Trust petitioned the Board to redesignate the Crum Creek basin

upstream from the Springton (Geist) Reservoir to EV. The study area is located in Chester and Delaware Counties. The Crum Creek basin is currently designated HQ-CWF from its source to the junction of Newtown, Edgmont and Willistown Townships, and CWF from there to the reservoir. Only one portion of the basin, the West Branch Crum Creek, scored more than 92% in comparison to the appropriate EV reference station, thus satisfying the regulatory criterion for redesignation as EV. It is recommended that the West Branch Crum Creek basin be redesignated as EV, and that the other sections of the study area retain their current use designations.

South Fork Beech Creek—The South Fork Beech Creek is a tributary to Beech Creek in the West Branch Susquehanna River basin in Centre County. The lower reach of the South Fork, from the confluence of Stinktown Run to the confluence with the North Fork Beech Creek was inadvertently omitted from Chapter 93. This portion of the basin was assessed to determine the proper aquatic life use designation. Fishery data collected by the Department revealed the presence of naturally reproducing brook and brown trout as well as the presence of other cold water species. It is recommended that the South Fork Beech Creek basin from Stinktown Run to the mouth be designated CWF.

While this evaluation was being conducted, the Department noticed that the unnamed tributaries to Beech Creek had also been omitted from the drainage list. This rulemaking proposes to add them with a CWF designation, which is the same designation as the main stem of Beech Creek.

Little Juniata River—The Department's SCRO requested evaluation of a portion of the Little Juniata River for redesignation from TSF to CWF. The study area consists of the main stem from the confluence of Logan Spring Run to the confluence of Spruce Creek. This river section is located in Tyrone and Snyder Townships in Blair County and Warriors Mark and Spruce Creek Townships in Huntingdon County. Brown trout were found at all four sampling stations in the study reach. The trout from the upper two stations appeared to be the result of fingerling stocking by the FBC. The presence of young-of-the-year trout at the two lower stations confirms natural reproduction. Due to the maintenance and propagation of trout in this reach, it is recommended that the designated use be changed from TSF to CWF.

Spring Creek—Spring Creek is a tributary of the Susquehanna River in Dauphin County. It arises near the Harrisburg East Mall, flows under Interstate 83 and flows through the urbanized Harrisburg area. It joins the Susquehanna River between Harrisburg and Steelton. Despite the urban setting for much of its length, Spring Creek supports a naturally reproducing population of brown trout. Blacknose dace, another cold water species, is also present. As a result of these findings, it is recommended that the Spring Creek basin be redesignated from Warm Water Fishes (WWF) to CWF.

Pine Creek—Pine Creek is a tributary to Oil Creek near Titusville. The watershed is located in Crawford and Warren Counties, and was evaluated at the request of the FBC. Pine Creek is currently designated CWF, except for Caldwell Creek which is designated HQ-CWF. Based on biological comparisons to EV reference stations, a number of use designation changes are recommended. The upper Pine Creek basin, from the source to Caldwell Creek, is recommended for redesignation from CWF to HQ-CWF

based on biological condition score comparisons between 83% and 92% of reference. The upper portion of the Caldwell Creek basin, from the source to West Branch Caldwell Creek, is to retain the current HQ-CWF designation. The remainder of the Caldwell Creek basin, which includes the West Branch Caldwell Creek basin and the Caldwell Creek basin below the West Branch, is recommended for EV designation based on scoring more than 92% in comparison to reference conditions. It is recommended that the Pine Creek basin from Caldwell Creek to the mouth retain its CWF designation.

Green Lick Run—Green Lick Run is tributary to Jacobs Creek in Bullskin Township, Fayette County. This basin is currently designated WWF, and was evaluated for redesignation to EV in response to a rulemaking petition submitted by the Rural Area Concerned Citizens. As a result of biological sampling and 100% comparison to an EV reference, the upper portion of Green Lick Run, from the source to Latta Run, is recommended for redesignation to EV. A cold water fish community was found in the lower portion of the basin studied during this evaluation. As a result, Latta Run and the Green Lick Run basin from Latta Run to the T-753 bridge should be redesignated CWF.

In addition to these regulatory revisions, the Department discovered an error that occurred during rulemaking for the Class A Wild Trout Streams package. The entire main stem of Moshannon Creek was designated TSF. While redesignating the upper part of the Moshannon Creek basin, an entry for the remainder of the main stem was inadvertently deleted. An entry for the main stem from Roup Run to the mouth needs to be replaced to complete the Moshannon Creek listing. This entry, which shows that the lower main stem retains its TSF designation, is shown in Annex A, Drainage List L.

E. *Benefits, Costs and Compliance*

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use of the stream.

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for, the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on treatment requirements. No costs will be imposed directly upon local governments by this recommendation. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in cost as noted in this preamble in the discussion of impacts on the private sector.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams must comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of

the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are upgraded.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. Surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The proposed amendments will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus, an individual permit, and its associated additional paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification, and the nonfeasibility of nondischarge alternatives, may be required for new or expanded discharges to certain HQ Waters.

F. *Pollution Prevention*

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged, and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

G. *Sunset Review*

These proposed amendments will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 13, 2003, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In addition to submitting the proposed rulemaking, IRRC and the Committees have been provided a detailed regulatory analysis form prepared by the Department, the General Assembly and the Governor prior to final publication of the regulations.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final-form publication of the regulations.

I. *Public Comments*

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments must be received by the Board by October 3, 2003. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by October 3, 2003. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed amendments will be considered. If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by October 3, 2003.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-380. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

ANTIDegradation Requirements

§ 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania

Delaware River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
2—Martins Creek	Main Stem, Confluence of East and West Forks to Mouth	Northampton	TSF, MF	None
	* * * *	*		
3—Brushy Meadow Creek (UNT 64106)	Basin, Source to East Bangor Dam	Northampton	TSF, MF	None
3—Brushy Meadow Creek	Main Stem, East Bangor Dam to Mouth	Northampton	CWF, MF	None
4—Unnamed Tributaries to Brushy Meadow Creek	Basins, East Bangor Dam To Mouth	Northampton	TSF, MF	None
3—Waltz Creek	Basin	Northampton	CWF, MF	None
	* * * *	*		

§ 93.9g. Drainage List G.

Delaware River Basin in Pennsylvania

Delaware River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
2—Crum Creek	Basin, Source to [Junction of Newtown, Edgemont and Willistown Township Borders] West Branch Crum Creek	Chester [- Delaware]	HQ-CWF	None
2—West Branch Crum Creek	Basin	Chester	EV	None
2—Crum Creek	Basin, West Branch Crum Creek to Junction of Newtown, Edgemont, and Willistown Township Borders	Chester - Delaware	HQ-CWF	None
	* * * *	*		

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania

West Branch Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
3—Moshannon Creek	Basin, Source to Roup Run	Clearfield-Centre	HQ-CWF	None
3—Moshannon Creek	Main Stem, Roup Run To Mouth	Clearfield-Centre	TSF	None

		* * * * *			
4—Beech Creek	[Basins		Clinton-Centre	CWF	None]
5—South Fork Beech Creek	Basin, Source to Stinktown Run		Centre	CWF	None
6—Stinktown Run	Basin		Centre	HQ-CWF	None
5—South Fork Beech Creek	Basin, Stinktown Run to Mouth		Centre	CWF	None
5—North Fork Beech Creek	Basin, Source to Confluence with South Fork		Centre	CWF	None
4—Beech Creek	Main Stem, Confluence of South and North Branches to Mouth		Clinton-Centre	CWF	None
5—Unnamed Tributaries to Beech Creek	Basins		Clinton-Centre	CWF	None
		* * * * *			

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania
Juniata River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
3—Little Juniata River	Main Stem, Source to [South Bald Eagle Creek] Logan Spring Run	Blair-Huntingdon	TSF	None
4—Unnamed Tributaries to Little Juniata River	Basins, Source to [South Bald Eagle Creek] Logan Spring Run	Blair	WWF	None
		* * * * *		
5—Sink Run	Basin	Blair	TSF	None
4—Logan Spring Run	Basin	Huntingdon	WWF	None
3—Little Juniata River	Main Stem, [South Bald Eagle Creek to Spruce Creek] Logan Spring Run to Confluence with Frankstown Branch	Huntingdon	[TSF] CWF	None
4—Unnamed Tributaries to Little Juniata River	Basins, [South Bald Eagle Creek to Spruce Creek] Logan Spring Run to Confluence with Frankstown Branch	Huntingdon-Blair	WWF	None
[4—Logan Spring Run	Basin	Huntingdon	WWF	None]
4—Elk Run	Basin	Blair	WWF	None
4—Gensimore Run	Basin	Huntingdon	WWF	None
4—Sinking Run	Basin	Huntingdon	CWF	None
4—Spruce Creek	Basin	Huntingdon	HQ-CWF	None
[3—Little Juniata River	Main Stem, Spruce Creek to Confluence with Frankstown Branch	Huntingdon	CWF	None]
[4—Unnamed Tributaries to Little Juniata River	Basins, Spruce Creek to Confluence with Frankstown Branch	Huntingdon	WWF	None]
4—McLain Run	Basin	Huntingdon	WWF	None
		* * * * *		

§ 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania
Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
2—Paxton Creek	Basin	Dauphin	WWF	None
2—Spring Creek	Basin	Dauphin	[WWF] CWF	None
	* * * * *			

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania
Allegheny River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Pine Creek	[Main Stem] Basin, Source to Caldwell Creek	Crawford	[CWF] HQ-CWF	None
[5—Unnamed Tributaries to Pine Creek	Basins	Warren-Crawford	CWF	None
5—Campbell Creek	Basin	Warren	CWF	None
5—Dunham Run	Basin	Warren	CWF	None]
5—Caldwell Creek	Basin, Source to West Branch Caldwell Creek	[Crawford] Warren	HQ-CWF	None
6—West Branch Caldwell Creek	Basin	Crawford	EV	None
5—Caldwell Creek	Basin, West Branch Caldwell Creek to Mouth	Crawford	EV	None
4—Pine Creek	Basin, Caldwell Creek to Mouth	Crawford	CWF	None
[5—Henderson Run	Basin	Crawford	CWF	None]
	* * * * *			

§ 93.9v. Drainage List V.

Ohio River Basin in Pennsylvania
Monongahela River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Jacobs Creek	Basin [from], Bridgeport Reservoir Dam to [Mouth] Green Lick Run	Fayette-Westmoreland	WWF	None
5—Green Lick Run	Basin, Source to Latta Run	Fayette	EV	None
6—Latta Run	Basin	Fayette	CWF	None
5—Green Lick Run	Basin, Latta Run to T-753 Bridge	Fayette	CWF	None

5—Green Lick Run	Basin, T-753 Bridge to Mouth	Fayette	WWF	None
4—Jacobs Creek	Basin, Green Lick Run to Mouth	Fayette-Westmoreland	WWF	None
	* * * * *			

[Pa.B. Doc. No. 03-1628. Filed for public inspection August 22, 2003, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 83]

Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 1517, 1518 and 6103 (relating to medical advisory board; reports on mental or physical disabilities or disorders; and promulgation of rules and regulations by department), proposes to amend Chapter 83 (relating to physical and mental criteria, including vision standards relating to the licensing of drivers) to read as set forth in Annex A.

Purpose of the Chapter

The purpose of Chapter 83 is to set forth physical and mental criteria, including vision standards, for the licensing of drivers, formulated by the Medical Advisory Board (Board) under 75 Pa.C.S. §§ 1517 and 1518. In addition to their use by the Department in connection with its responsibilities under 75 Pa.C.S. (relating to the Vehicle Code), these physical and mental criteria are to be used by medical providers in conducting physical examinations of applicants for learner permits and driver licenses and by physicians and other persons authorized to diagnose and treat disorders and disabilities covered in Chapter 83 to determine whether a person should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

Purpose of the Proposed Rulemaking

The purpose of the amendments to Chapter 83 is to provide for waiver of the seizure-free requirements for drivers who have a seizure disorder but who are not a threat to public safety and who would have their driving privileges recalled under the current regulations. The proposed rulemaking also proposes new vision criteria to provide a waiver from the corrective lens requirement for certain drivers whose combined vision would not be improved by the use of corrective lenses for one eye and to provide for a restricted license for certain drivers whose combined visual acuity is less than 20/70 but is at least 20/100.

The regulations reflect consultation with the Board, as required by 75 Pa.C.S. §§ 1517 and 1518. The Board, after having conducted in-depth reviews and discussions, has determined that the regulations require amendments to make them consistent with existing medical practice and improved technology. The Department has also actively sought the participation of representatives from hospitals, rehabilitation facilities and special interest groups. The proposed rulemaking reflects the collective concurrence of the constituencies consulted in developing the amendments to the existing regulations.

Summary of Significant Amendments

Section 83.2 (relating to definitions) has been amended to add the terms “seizure” and “seizure disorder.” These terms replace the term “epilepsy” in § 83.4 (relating to epilepsy). This broader terminology takes into consideration a number of symptoms and conditions that are not specifically epilepsy but are seizure disorders that can affect a person’s ability to operate a motor vehicle safely. In addition, this definition states that the term “seizure disorder” does not include isolated events caused by acute illness, intoxication, metabolic imbalance or trauma. Many individuals are reported to the Department as having seizure disorders when, in fact, they have had a seizure attributable to something other than electrically diagnosed epilepsy.

Section 83.2 has been amended to add the term “aura.” This term defines the physical warning many people experience prior to a seizure or instead of a seizure. It does not cause a change in the individual’s ability to think clearly or in the ability to safely operate a motor vehicle.

Section 83.3 (relating to visual standards) has been amended to permit an individual to obtain a waiver of the requirement to wear corrective lenses provided a licensed optometrist or ophthalmologist certifies that the individual’s combined visual acuity would not be improved with use of corrective lenses.

Section 83.3 has been amended to permit an individual who does not meet the current visual acuity standard of 20/70 combined vision to apply for a special restricted license if the combined visual acuity is at least 20/100. Research has indicated that in this range of visual acuity there is still ample sight to operate a vehicle safely with some restrictions.

The driver would have to successfully pass both a driver’s examination and a complete vision examination. This special license granted would restrict the individual to daylight driving only, driving on roads other than freeways and driving a passenger vehicle weighing no more than 10,000 pounds; the special license would not permit the driver to operate a motorcycle. A complete vision examination will be required annually and there will also be an annual review of the individual’s driving record. The license will be recalled if there is a violation of the conditions or limitations.

Section 83.3 has been amended to reduce the required horizontal field of vision from 140° to 120°. Studies indicate that drivers with a field of vision of only 120° are still able to scan the area necessary to safely operate a motor vehicle.

Section 83.4 has been amended to eliminate the requirement for individuals 16 and 17 years of age to be seizure free for 2 years. In the past, seizure disorders in adolescents were difficult to distinguish from brain tumors and other similar neurological disorders. The 2-year waiting period was necessary to make a proper diagnosis. With diagnostic advances in this area, this concern has been eliminated.

Section 83.4 has also been amended to reduce the required seizure free period from 1 year to 6 months. Neurologists have indicated that advances in research and medication now allow them to determine, within a shorter time period, when an individual's seizure disorder is under control by medication. In addition, this section has also been amended to allow persons who experience only auras to retain their driving privilege. The aura does not interfere with the ability to drive and thus poses no risk.

Additional changes have been made to the waiver provisions of § 83.4. A waiver of the freedom from seizure requirement for "a pattern of seizures immediately upon awakening" has been added to the waiver for strictly nocturnal seizures. Seizures which occur only while the individual is waking, and therefore not driving, pose no risk. The period of time for the establishment of a history of these patterns has been shortened to 2 years, as has the time period for the establishment of a history of experiencing only auras. Neurologists are now confident that the consistency of a pattern can be established in a much shorter period of time.

The waiver provisions of § 83.4 have also been amended to allow an individual who has had a seizure due to a prescribed change in or removal from medication while under medical supervision, to retain his driving privilege, provided the individual is returned to the medication with which the seizure disorder was previously controlled. Amendments to this section also allow an individual who has had a seizure due to a nonrecurring transient illness, toxic ingestion, metabolic imbalance or nonrecurring trauma, to retain his driving privilege. Seizures occurring as a result of these conditions are not true seizure disorders, but rather the seizure is secondary to the causing condition. Treatment of the underlying cause of the seizure eliminates the concern that additional seizures will occur.

A provision has also been added which clarifies the reporting requirements for single seizures. This will allow the Department to better ensure that individuals with uncontrolled seizure disorders will be identified.

Section 83.5 (relating to other physical and medical standards) has been amended to define and further clarify general disqualifications due to other physical and mental conditions likely to interfere with the ability to operate a motor vehicle safely. These general disqualifications have also been broken down into two categories to differentiate those conditions which require a physician to recommend recall of the driving privilege from those which automatically require that recall. A 6-month driving prohibition was added to § 83.5(a) for cerebral vascular insufficiency or cardiovascular disease resulting in syncopal attacks, loss of consciousness, vertigo, paralysis or loss of qualifying visual fields. A 1-year driving prohibition was added for periodic episodes of loss of consciousness that are of unknown etiology or not otherwise categorized.

Section 83.5(b) has been amended to include a short-term term disability provision wherein the physician will inform the patient that he has a short-term condition that will impair the ability to safely operate a motor vehicle, but because of the brevity of the condition will not be required to report the condition to the Department. This will be used for conditions that are self-correcting, normally healing, and fully recoverable, such as a broken arm.

Section 83.5 has been amended to eliminate standards for mental deficiencies. Functional mental ability to oper-

ate a vehicle safely can be demonstrated by successfully passing the complete driver's examination. The standards in this section regarding mental disorders have been expanded to better explain current psychiatric rationale and to stress the importance of the physician's clinical judgement.

Section 83.6 (relating to providers to report unqualified person) has been added to clarify the statutory requirement in 75 Pa.C.S. § 1518 that every provider is to report to the Department each person found to be unqualified to drive under Chapter 83. This was added to ensure that physicians are aware of their statutory reporting requirements.

Persons and Entities Affected

The proposed rulemaking affects all persons qualified or desiring to be qualified to drive, health care providers and the State Police.

Fiscal Impact

Implementation of the proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. The proposed rulemaking will not impose additional costs on the medical community and may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers. It may impose additional costs on drivers wishing to apply for the restricted license for low vision drivers because of the requirement for an annual vision examination.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 11, 2003, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Sunset Provisions

The Department will make the proposed rulemaking effective upon final-form publication following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under 75 Pa.C.S. The Department, however, will continue to closely monitor the regulations for effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Rebecca L. Bickley, Director, Bureau of Driver Licensing, 1101 South Front Street, Harrisburg, PA 17104, within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed rulemaking is Michael P. Kistler, Manager, Driver Safety Division, Bureau of Driver Licensing, 1101 S. Front Street, 4th Floor, Harrisburg, PA 17104, (717) 772-2119.

ALLEN D. BIEHLER, P. E., Secretary

Fiscal Note: 18-374. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 83. PHYSICAL AND MENTAL CRITERIA, INCLUDING VISION STANDARDS RELATING TO THE LICENSING OF DRIVERS

§ 83.2. Definitions.

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

* * * * *

Aura—An epileptic seizure which does not alter an individual's ability to think clearly or interfere with an individual's mechanical or sensory ability to operate a motor vehicle.

* * * * *

Licensed optometrist—A doctor of optometry licensed by the State Board of [Optometrical Examiners] Optometry.

* * * * *

Nocturnal—As used in relation to seizures, the term means occurring during sleep.

* * * * *

Seizure—A paroxysmal disruption of cerebral function characterized by altered consciousness, altered motor activity or behavior identified by a physician as inappropriate for the individual.

Seizure disorder—Condition in which an individual has experienced a single seizure of electrically diagnosed epilepsy, or has experienced more than one seizure not including seizures resulting from an acute illness, intoxication, metabolic disorder or trauma.

* * * * *

§ 83.3. Visual standards.

(a) *Driving without corrective lenses.* A person with visual acuity of 20/40 or better combined vision may drive without corrective lenses[, but if that person has less visual acuity than 20/40 in one eye, that eye shall be corrected to its best visual acuity].

(1) If a person with visual acuity of 20/40 or better combined vision, however, has less visual acuity than 20/40 in one eye, the vision in that eye shall be corrected to its best visual acuity.

(2) A person with visual acuity of 20/40 or better combined vision and who has visual acuity of less than 20/40 in one eye, may drive without corrective

lenses upon determination by a licensed optometrist or ophthalmologist that the person's combined vision would not be improved by the use of corrective lenses.

(b) *Driving with corrective lenses.* A person with less visual acuity than 20/40 combined vision shall wear lenses correcting [his] combined vision to 20/40 or better while driving, except that if correction to 20/40 is not possible, the person may drive in daylight hours only if one of the following are met:

* * * * *

(c) *Visual acuity of less than 20/70.*

(1) A person with visual acuity of less than 20/70 combined vision but at least 20/100 combined vision with best correction may apply for and may be issued a restricted license only upon recommendation of a licensed optometrist or ophthalmologist or licensed physician who has equipment to properly evaluate visual acuity, and only if the following conditions or limitations are satisfied:

(i) The person takes and successfully passes a complete vision examination, including plotted visual fields, upon application and annually thereafter.

(ii) The person takes and successfully passes a driver's examination upon application.

(iii) The person's driving privilege is limited to roads other than freeways.

(iv) The person's driving privilege is limited to passenger vehicles weighing no more than 10,000 pounds, and excludes operation of a motorcycle.

(v) If determined by the Department to be appropriate, the person's driving privilege is limited to driving within a specific geographic area.

(2) Violation of these conditions or limitations shall result in the recall of the restricted license. In addition, an annual review of the person's accident and violation history will be conducted by the Department and the restricted license may be recalled if the Department determines that the person was involved in an at fault accident or convicted of two moving violations committed within a 1-year period.

(d) *Visual acuity of less than 20/100.* A person with visual acuity of less than [20/70] 20/100 combined vision with best correction [is] will not [authorized] be qualified to drive.

[(d)] (e) *Vision requirements.* A person shall have a combined field of vision of at least [140°] 120° in the horizontal meridian, excepting the normal blind spots.

[(e)] (f) *Sight in one eye.* A person may be adequately sighted in only one eye and still meet the requirements of this section[; however, the]. The person's driving privilege will be restricted to vehicles having mirrors so located as to reflect to the person a view of the highway for a distance of at least 200 feet to the rear.

[(f)] (g) * * *

§ 83.4. [Epilepsy] Seizure disorder.

(a) *General.* A person [suffering from epilepsy may] who has a seizure disorder will not be qualified to drive unless [their personal licensed] a

physician reports that the person has been free from seizure for [a period of] at least [1 year] 6 months immediately preceding, with or without medication. A person will not be disqualified if the person has experienced only an aura during that period.

(b) [*Applicants between the ages of 16 and 18 years.* Applicants between the ages of 16 and 18 years applying for their first license shall have been free from seizure for a period of at least 2 years immediately preceding, with or without medication.

(c) [*Waiver.* Waiver of the freedom from seizure requirement may be made upon specific recommendation by a licensed physician [who specializes in neurology or neurosurgery] if one of the following conditions apply:

(1) A strictly nocturnal pattern of [the condition] seizures or a pattern of seizures occurring only immediately upon awakening has been established over a period of at least [3] 2 years immediately preceding, with or without medication [; or].

(2) A specific prolonged aura accompanied by sufficient warning has been established over a period of at least [5] 2 years immediately preceding, with or without medication.

(3) The person previously had been free from seizure for a 6 month period and the subsequent seizure or seizures occurred as a result of a prescribed change in or removal from medication while under the supervision of a licensed physician. This waiver will only be provided upon reinstatement of previous medication.

(4) The person previously had been free from seizure for 6 months and the subsequent seizure or seizures occurred during or concurrent with a nonrecurring transient illness, toxic ingestion, metabolic imbalance or nonrecurring trauma.

(c) *Reporting requirements for physicians.* Every physician who treats a person who has experienced a single seizure shall provide, consistent with 75 Pa.C.S. § 1518(b) (relating to reports on mental or physical disabilities or disorders), a report to the Department which shall constitute cause for the Department to direct the person to undergo an examination prescribed under 75 Pa.C.S. § 1519 (relating to determination of incompetency).

§ 83.5. Other physical and medical standards.

(a) *General disqualifications.* A person [afflicted by] who has any of the following conditions [may] will not be qualified to drive [if, in the opinion of the examining physician, the conditions are likely to interfere with the ability to control and safely operate a motor vehicle]:

(1) [Loss or impairment of the use of a foot, leg, finger, thumb, hand or arm, as a functional defect or limitation.

(2) * * *

[(3)] (2) Cerebral vascular insufficiency or cardiovascular disease [, including hypertension, with accompanying signs and symptoms.] which, within the preceding 6 months, has resulted in one or more of the following:

(i) Syncopal attack or loss of consciousness.

(ii) Vertigo, paralysis or loss of qualifying visual fields.

[(4)] (3) Periodic episodes of loss of consciousness [, attention or awareness from whatever cause] which are of unknown etiology or not otherwise categorized, unless the person has been free from episode for the year immediately preceding.

(b) *Disqualification on provider's recommendation.* A person who has any of the following conditions will not be qualified to drive if, in the opinion of the provider, the condition is likely to impair the ability to control and safely perform motor functions necessary to drive a motor vehicle:

(1) Loss of a joint or extremity as a functional defect or limitation.

(2) Impairment of the use of a joint or extremity as a functional defect or limitation.

(i) The provider shall inform the patient of the prohibition against driving due to the functional impairment.

(ii) The provider shall inform the Department in writing of the impairment if the condition has lasted or is expected to last longer than 90 days.

[(5)] (3) Rheumatic, arthritic, orthopedic, muscular, vascular or neuromuscular disease.

(i) The provider shall inform the patient of the prohibition against driving due to the functional impairment.

(ii) The provider shall inform the Department in writing of the impairment if the condition has lasted or is expected to last longer than 90 days.

(4) Cerebral vascular insufficiency or cardiovascular disease which, within the preceding 6 months, has resulted in lack of coordination, confusion, loss of awareness, dyspnea upon mild exertion or any other sign or symptom which impairs the ability to control and safely perform motor functions necessary to operate a motor vehicle.

[(6)] Mental deficiency or marked mental retardation in accordance with the International Classification of Diseases. For diagnostic categories, terminology and concepts to be used in classification, the physician should refer to the *Diagnostic and Statistical Manual* of the American Psychiatric Association and the *Manual on Terminology and Classification in Mental Retardation* of the American Association on Mental Deficiency.

(7) [(5)] Mental [or emotional] disorder, whether organic or [functional.] without known organic cause, as described in the current Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association, 1700 18th Street NW, Washington, DC 20009, especially as manifested by the symptoms set forth in subparagraphs (i)—(iii). While signs or symptoms of mental disorder may not appear during examination by the physician, evidence may be derived from the applicant's history as provided by self or others.

(i) Inattentiveness to the task of driving because of, for example, preoccupation, hallucination or delusion.

(ii) **Contemplation of suicide, as may be present in acute or chronic depression or in other disorders.**

(iii) **Excessive aggressiveness or disregard for the safety of self or others, or both, presenting a clear and present danger, regardless of cause.**

(6) **Periodic episodes of loss of attention or awareness which are of unknown etiology or not otherwise categorized, unless the person has been free from episode for the year immediately preceding, as reported by a licensed physician.**

[(8)] (7) * * *

[(9) Another] (8) **Any other condition which, in the opinion of [the examining licensed physician, could interfere with] a provider, is likely to impair the ability to control and safely operate a motor vehicle.**

[(b)] (c) *Special driving examination.* A person [**afflicted by**] who has any of the conditions enumerated in subsection [(a)(1), (5) or (9)] (b)(1), (2), (3) or (8) may be required to undergo a special driving examination to determine driving competency. The person may be restricted to driving [**a vehicle equipped in a manner prescribed by the examining licensed physician or by the Department**] only when utilizing appropriate adaptive equipment.

§ 83.6. Providers to report unqualified persons.

Physicians and other persons authorized to diagnose and treat disorders and disabilities defined by the Medical Advisory Board shall report to the Department, in writing, the full name, date of birth and address of every person 15 years of age and older diagnosed as having any specified disorder or disability within 10 days, under 75 Pa.C.S. § 1518 (relating to reports on mental or physical disabilities or disorders).

[Pa.B. Doc. No. 03-1629. Filed for public inspection August 22, 2003, 9:00 a.m.]

**[67 PA. CODE CH. 175]
Vehicle Equipment and Inspection**

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority in 75 Pa.C.S. §§ 4103, 4107, 4702 and 6103, proposes to amend Chapter 175 (relating to vehicle equipment and inspection), to read as set forth in Annex A.

Purpose of Chapter 175

The purpose of Chapter 175 is to implement 75 Pa.C.S. §§ 4101—4982 (relating to vehicle characteristics), which establishes minimum standards for vehicle equipment and performance and makes unlawful the sale and use of items which do not comply with standards.

Purpose of the Proposed Rulemaking

The purpose of the proposed rulemaking is to ensure that all vehicles registered in this Commonwealth are equipped with appropriate exhaust emission control systems as required by State and Federal law. Section 4107 of 75 Pa.C.S. (relating to unlawful activities) makes it unlawful for persons to willfully and intentionally remove or render inoperative an item of vehicle equipment which was required to be installed at the time of the vehicle's

manufacture. See 75 Pa.C.S. § 4107(b). The Clean Air Act (act) (42 U.S.C.A. §§ 7401—7671q) and the regulations promulgated thereunder, 40 CFR Parts 51 and 85 (relating to regulations for preparation, adoption and submittal of implementation plans; and control of air pollution from mobile sources) require vehicle manufacturers to install the emission control equipment which is the subject of this proposed rulemaking. As applied in this Commonwealth, other provisions of the act provide for the testing of this required vehicle emissions equipment in 25 counties in this Commonwealth. However, there are currently no provisions in Department regulations requiring inspection for even the presence of this required equipment in the remaining 42 counties under which to ensure that vehicle owners are in compliance with 75 Pa.C.S. § 4107(b) and that this equipment has not been removed or rendered inoperative. The proposed rulemaking provides for an inclusion in the safety inspection regimen of a visual inspection for the presence of the required equipment in vehicles registered in the counties not subject to emissions testing.

The proposed rulemaking also eliminates the requirement that inspection stations forward original official inspection report sheets to the Department and retain duplicate copies in station files. The proposed rulemaking requires only retention of the original official inspection report sheets in the station files.

Significant Provisions of the Proposed Rulemaking

The proposed rulemaking adds § 175.80(d) (relating to inspection procedure). This adds a visual inspection for the presence of the catalytic converter, exhaust gas recirculation valve, positive crankcase ventilation valve, fuel inlet restrictor, air pump and evaporative control system components. The section also requires a determination by the inspector as to whether the device is the correct type for the vehicle and if it appears to be properly connected.

The subsection will be applicable to vehicles registered in counties where there is not an emission inspection program. In counties where there is a current inspection/maintenance inspection program, verification of the presence and appropriateness of these components is already a part of the emissions inspection performed under Chapter 177 (relating to enhanced emission inspection program).

In addition, the proposed rulemaking modifies § 175.42(c) (relating to recording inspection), which currently requires inspection stations to forward completed official inspection report sheets to the Department and retain duplicate copies in station files for 2 years. The amendment would eliminate the need to forward the original sheets to the Department and require only that the original sheets be kept in station files for the 2-year period. This recordkeeping change will not impair the enforceability of the section.

Persons and Entities Affected

The amendment to § 175.80 will affect the owners of vehicles registered in the counties in this Commonwealth where there is not a current emission inspection program. The amendment will also affect certified safety inspection stations in those counties. Some inspection stations in counties having a current emission inspection program may also be affected to the extent that vehicles registered in neighboring counties where there is not an emission inspection program may seek to have a safety inspection performed at that station.

The amendment to § 175.42 will provide paperwork relief to all safety inspection stations.

Fiscal Impact

The proposed rulemaking may result in additional cost to consumers with vehicles registered in counties where there is not an emission inspection program if a vehicle fails to pass the safety inspection because of these new components of the inspection. Additional market-driven marginal increases in the cost of inspection could also result because of the addition of the new visual inspection procedures. The amendment to § 175.42 will marginally reduce the cost for inspection stations in eliminating postage and duplicating costs associated with sending the original inspection report sheets to the Department and retaining duplicate copies. The fiscal impact of these amendments cannot, however, be measured with any precision.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 12, 2003, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Transportation. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Sunset Provisions

The Department is not establishing a sunset date since these amendments are needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Kristen Singer, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed rulemaking is Kristen Singer, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, krsinger@state.pa.us.

ALLEN D. BIEHLER, P. E.,
Secretary

Fiscal Note: 18-385. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter C. CERTIFICATE OF INSPECTION

§ 175.42. Recording inspection.

* * * * *

(c) [*Duplicates*] *Records retention.* [An] The original official inspection report sheet shall be [maintained in duplicate and, upon completion of the entire sheet, the original copy shall be forwarded immediately to the Bureau of Motor Vehicles, Vehicle Control Division, Post Office Box 8696, Harrisburg, Pennsylvania 17105. The duplicate copy shall be] retained as a garage record and kept on file at the station for 2 years. At the close of each inspection period, [the original report shall be returned to the Bureau at once] the official inspection report sheet shall be placed in the station's files, even though all spaces may not have [not] been used, and a new inspection report sheet shall be started for the new inspection period.

* * * * *

(f) [*Enclosures prohibited.* Letters, checks, sticker requisitions or other items may not be enclosed when forwarding the report forms to the Vehicle Control Division.

(g)] * * *

* * * * *

Subchapter E. PASSENGER CARS AND LIGHT TRUCKS

§ 175.80. Inspection procedure.

* * * * *

(d) *Visual inspection of emission control system.* Vehicles registered in counties where there is not an emission inspection program under Chapter 177 (relating to emission inspection program), shall be checked visually for the presence of emission control components. These components may be original vehicle equipment or an equivalent aftermarket replacement component meeting the same standards.

(1) The visual inspection shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(2) Provided that the make and model year of the vehicle would have originally been equipped with the device, reject if one or more of the following apply:

(i) The catalytic converter has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(ii) Exhaust gas recirculation (EGR) valve has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(iii) Positive crankcase ventilation (PCV) valve has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(iv) Fuel inlet restrictor has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(v) Air pump has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(vi) Evaporative control system components have been removed, disconnected or appear to be the wrong type for the certified vehicle configuration.

(e) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

* * * * *

[(e)] (f) * * *

* * * * *

[Pa.B. Doc. No. 03-1630. Filed for public inspection August 22, 2003, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Community and Economic Development

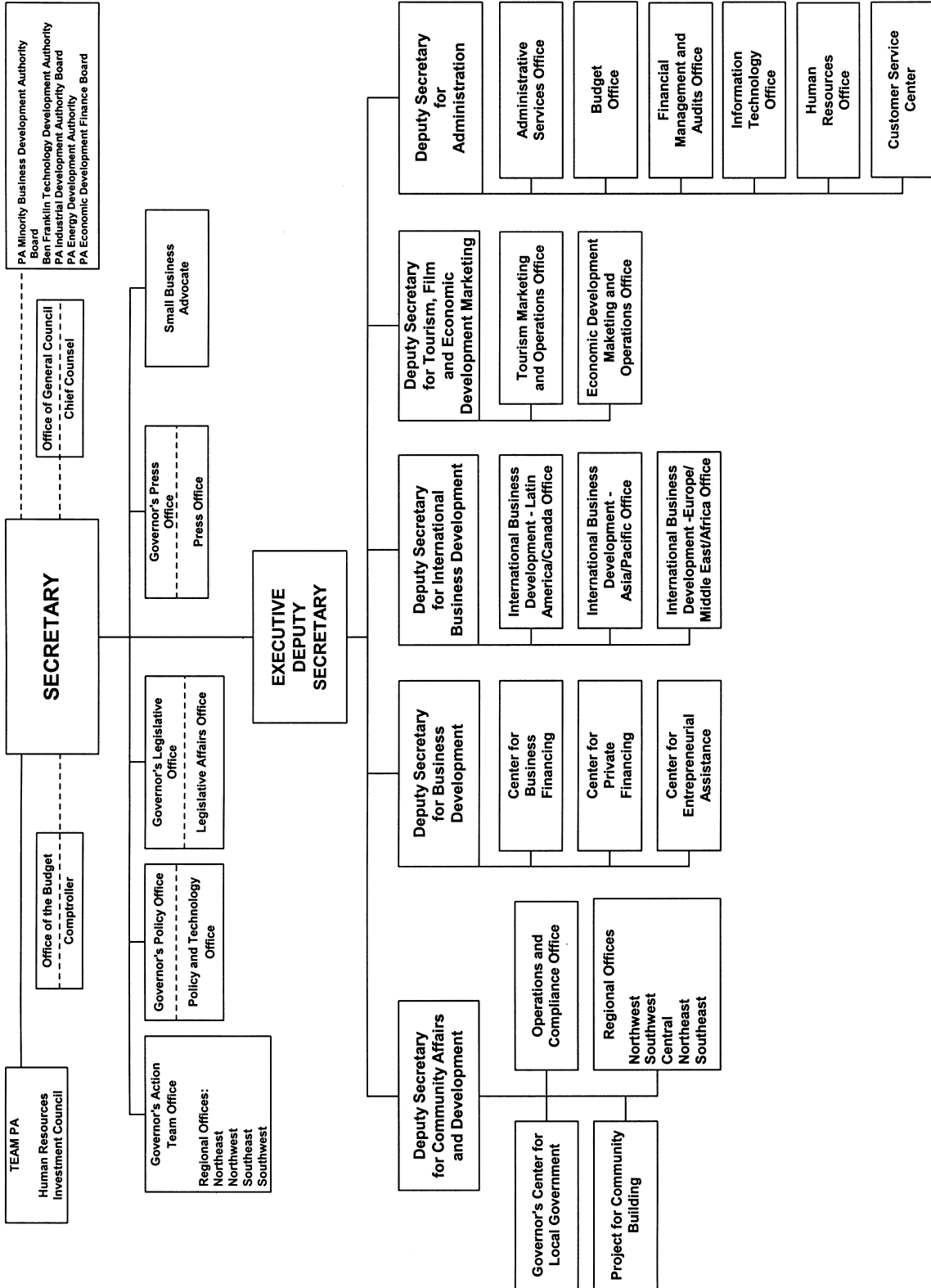
The Executive Board approved a reorganization of the Department of Community and Economic Development effective August 8, 2003.

The organization chart at 33 Pa.B. 4179 (August 23, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 03-1631. Filed for public inspection August 22, 2003, 9:00 a.m.]

COMMUNITY AND ECONOMIC DEVELOPMENT



NOTICES

DEPARTMENT OF AGRICULTURE

Application Period for Farm Safety and Occupational Health Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Farm Safety and Occupational Health (FSOH) Grant Program for FY 2004. Grant applications will be accepted at the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Room G-13, Harrisburg, PA 17110-9408, from August 30, 2003, to October 30, 2003. Applications must be postmarked by October 30, 2003, to be considered for funding.

The FSOH Grant Program was created by the General Assembly through the passage of the Farm Safety and Occupational Health Act (act) (3 P. S. §§ 1901—1915), effective February 10, 1995. The FSOH Grant Program is funded through a specific appropriation provided for in the act. For guidelines, see the FSOH Grant Program Guidelines.

The FSOH Grant Program will award financial assistance of up to \$2,500 to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs. The applications will be evaluated using criteria set forth in the Statement of Policy.

Obtaining Applications

Applications are available upon request by contacting Shiree Hunter, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5202, fax (717) 783-3275.

For further assistance, contact Phillip Pitzer, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5206.

DENNIS C. WOLFF,
Secretary

[Pa.B. Doc. No. 03-1632. Filed for public inspection August 22, 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 August 12, 2003.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-1-03	Fulton Financial Corporation, Lancaster, to acquire 100% of the outstanding shares of Premier Bancorp, Inc., Doylestown	Lancaster	Effective
As a result of this acquisition of shares, Premier Bank is now a wholly owned subsidiary of Fulton Financial Corporation.			
8-11-03	Univest Corporation of Pennsylvania, Souderton, to acquire 100% of the voting shares of Suburban Community Bank, Chalfont	Souderton	Approved
8-12-03	KNBT Bancorp, Inc., Bethlehem, to acquire 100% of the voting shares of First Colonial Group, Inc., Nazareth	Bethlehem	Approved

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-12-03	Keystone Savings Bank Bethlehem Northampton	Bethlehem	Approved
Represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank.			

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-11-03	Suburban Community Bank, Chalfont, and UNB Acquisition National Bank, Souderton Surviving Institution— Suburban Community Bank, Chalfont	Chalfont	Approved
8-12-03	Keystone Savings Bank, Bethlehem, and Nazareth National Bank and Trust Company, Nazareth Surviving Institution— Keystone Savings Bank, Bethlehem, with a change in corporate title to Keystone Nazareth Bank & Trust Company	Bethlehem	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-4-03	S & T Bank Indiana Indiana County	20001 Route 19 Cranberry Cranberry Township Butler County	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-5-03	Bank of Hanover and Trust Company Hanover York County	<i>To:</i> 2430 E. Market St. York York County <i>From:</i> 2215 E. Market St. York York County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-11-03	Lee Hospital Credit Union, Johnstown, and Cambria- Somerset COG Federal Credit Union, Windber Surviving Institution— Lee Hospital Credit Union, Johnstown	Johnstown	Approved

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-1633. Filed for public inspection August 22, 2003, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Nominations for Pennsylvania Recreational Trails Advisory Board

The Department of Conservation and Natural Resources (Department) is seeking nominations for three

appointments to the Pennsylvania Trails Advisory Board (PARTAB).

The PARTAB was created in October 1992 in accordance with the Transportation Equity Act for the 21st Century (TEA-21). The board's primary function is to advise the Department on general trail use throughout this Commonwealth, including the use of Federal trails funding.

The Pennsylvania Recreational Trails Advisory Board is composed of individuals representing physically challenged, water trails, ATV riding, snowmobiling, four-

wheel driving, horseback riding, cross country skiing, off-highway motorcycling, bicycling and hiking. The Department is seeking nominations for the off-highway motorcycling, bicycling and hiking positions which expire October 31, 2003. Nominations for the positions must be submitted to the Department by September 30, 2003. Appointments will be made by Secretary DiBerardinis. Appointees will serve a consecutive 3-year term.

To obtain a nomination form or for more information on the PARTAB or the nomination process, contact Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, Pennsylvania Recreational Trails Program, P. O. Box 8475, Harris-

burg, PA 17105-8475, (717) 787-2316, or e-mail Jane Fox at jafox@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Jane Fox at (717) 787-2316 or through the AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 03-1634. Filed for public inspection August 22, 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 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 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 in 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. 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

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

<i>NPDES 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>
PA0055298	Henry W. Anderson 2472 River Road New Hope, PA 18938	Bucks County Solebury Township	Rabbit Run	Y

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

<i>NPDES 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>
PA0061689	Foster Township P. O. Box 465 Freeland, PA 18224	Foster Township Luzerne County	2A	Y

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

<i>NPDES 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>
PA0087874	Robert and Lucille Kreiser 1569 Elm Road Elizabethtown, PA 17022	Conewago Township Dauphin County	UNT Brills Run 7G	Y
PA0082805	Robert Droege 2524 Ironville Pike Columbia, PA 17512	West Hempfield Township Lancaster County	Shawnee Run 7G	Y

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

<i>NPDES 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>
PA0228079	Middleburg Municipal Authority 13 North Main St. Middleburg, PA 17842-0415	Snyder County Franklin Township	Unnamed tributary to Middle Creek 6A	Y
PA0112470	Upper Augusta Township R. D. 1, Box 313 Sunbury, PA 17801	Northumberland County Upper Augusta Township	Unnamed tributary of Susquehanna River 5E	Y

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

<i>NPDES 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>
PA0104141	Jay Township Authority STP Box 186 Weedville, PA 15868	Jay Township Elk County	Bennett Branch Sinnemahoning Creek 8-A	Y
PA0210781	Hamilin Township R. D. 1, Box 185A Kane, PA 16735	Hamilin Township McKean County	Marvin Creek 16-C	Y

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

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

PA0027201, Industrial, SIC 4911, **Pennsylvania Power and Light Corporation**, Two North Ninth Street, Allentown, PA 18101-1179. This proposed facility is in Palmyra Township, **Pike County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge wastewater from the hydroelectric station.

The receiving stream, Lackawaxen River, is in the State Water Plan watershed no. 01B and is classified for HQ, TSF, migratory fish, aquatic life, water supply and recreation. The nearest downstream public water supply intake for East Stroudsburg/Stroudsburg Borough is on the Delaware River, 70 miles below the point of discharge.

Outfalls 021—023: These outfalls are for stormwater only. There are no specific effluent limitations for this discharge.

Outfall 024: Hydraulic drainage discharge (emergency use only). There are no specific effluent limitations for this discharge.

Outfall 025: Air conditioning cooling and condensate water. There are no specific effluent limitations for this discharge.

Outfall 026: Generator cooling water—0.65 MGD.

Outfall 027: Turbine discharge—315 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>
Dissolved Oxygen			minimum of 5.0 mg/l at all times	
pH			6.0 to 9.0 standard units at all times	
Total Iron			1.5	

Outfall 028: Electrical equipment room sump pump—2.16 MGD.

Outfall 029: Boiler room sump—1.44 MGD.

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

PA0247243, Sewage, **Foremost Industries, Inc.**, 2375 Buchanan Trail West, Greencastle, PA 17225. This facility is in Montgomery and Peters Township, **Franklin County**.

Description of activity: Issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream, dry swale unnamed tributary to West Branch Conococheague Creek, is in Watershed 13-C and classified for TSE, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is on the Monocacy River, downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.005 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD	10	20
Total Suspended Solids	10	20
NH ₃ -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

PA0083941, Industrial Waste, SIC Code 4953, **Community Refuse Service, Inc.**, 620 Newville Road, Newburg, PA 17240. This facility is in Hopewell Township, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is on the Conodoguinet Creek, approximately 29.4 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 0.100 MGD are:

<i>Parameter</i>	<i>Mass (lb/days)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			from 6.0 to 9.0 inclusive		
Dissolved Oxygen			minimum of 5.0 mg/l at all times		
Total Residual Chlorine	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	26	53	32	64	80
CBOD ₅	29	58	35	70	87
NH ₃ -N					
(5-1 to 10-31)	5.7	11.6	6.9	14	17
(11-1 to 4-30)	11.6	23	14	28	37
Total Phosphorus	1.6	3.3	2.0	4.0	5.0

Parameter	Mass (lb/days)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Fecal Coliform ⁽⁶⁾ (5-1 to 9-30)	XXX	XXX	200	XXX	XXX
(10-1 to 4-30)	XXX	XXX	100,000	XXX	XXX
Oil and Grease	Monitor and Report	XXX	15	XXX	30
Total Arsenic	Monitor and Report	Monitor and Report	0.050	0.100	0.125
Total Copper	Monitor and Report	Monitor and Report	0.050	0.100	0.125
Total Zinc	Monitor and Report	Monitor and Report	0.47	0.92	1.17
Total Iron	Monitor and Report	Monitor and Report	2.0	4.0	5.0
Acetone	Monitor and Report	Monitor and Report	0.109	0.218	0.272
2-Butanone	Monitor and Report	Monitor and Report	0.210	0.420	0.525
4-Methyl-2-Pentanone	Monitor and Report	Monitor and Report	0.015	0.030	0.037
Phenol	Monitor and Report	Monitor and Report	0.015	0.026	0.038
Benzoic Acid	Monitor and Report	Monitor and Report	0.071	0.120	0.178
p-Cresol	Monitor and Report	Monitor and Report	0.014	0.025	0.035
a-Terpineol	Monitor and Report	Monitor and Report	0.016	0.033	0.040
Total Barium	Monitor and Report	Monitor and Report	0.10	0.20	0.25
Total Manganese	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Aluminum	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Tetrahydrofuran	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX

In addition to the effluent limits, the permit contains the following major special conditions: monitoring of stormwater Outfalls 002—008; monitoring of leachate as required by the waste management program; and requirements for acceptance of imported wastewater for treatment.

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

The EPA waiver is in effect.

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

PA0001473, Sewage, **Mon River Sewage Corporation**, 1428 Delberts Drive, Monongahela, PA 15063. This application is for renewal of an NPDES permit to discharge treated sewage from Mon River Sewage Corporation Sewage Treatment Plant in Forward Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela 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 Pennsylvania-American Water Company—Pittsburgh, Aldrich Station.

Outfall 001: existing discharge, design flow of 0.014 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	100,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0110469, Sewage, **Borough of Patton**, P. O. Box 175, Patton, PA 16668. This application is for renewal of an NPDES permit to discharge treated sewage from Borough of Patton Wastewater Treatment Plant in the Borough of Patton, **Cambria County**.

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

Outfall 001: discharge, design flow of 0.37 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen	15.0	22.5		30.0
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)				
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.54 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen	12.0	18.0		24.0
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)				
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver in effect.

PA0215988, Sewage, **Sonnynick, Inc.**, R. D. 4, Box 240, Elizabeth, PA 15037. This application is for renewal of an NPDES permit to discharge treated sewage from Sonnynick, Inc. Sewage Treatment Plant in Menallen Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Saltlick 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 Newell Municipal Authority on the Monongahela River.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	3,000/100 ml as a geometric mean			
(10-1 to 4-30)				

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	0.6			1.3
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.055125 mgd.

Outfall 001: existing discharge, design flow of 0.055125 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.14			0.33
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver in effect.

PA0215996, Sewage, **3R Development**, 1025 Rostraver Road, Belle Vernon, PA 15012. This application is for renewal of an NPDES permit to discharge treated sewage from the 3R Development Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.0182 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5.5			11
(11-1 to 4-30)	16.5			33
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6,000/100 ml as a geometric mean			
Total Residual Chlorine	1.2			2.9
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216160, Sewage, **Eighty Four Mining Company**, P. O. Box 355, Eighty Four, PA 15330. This application is for renewal of an NPDES permit to discharge treated sewage from Livingston Portal STP in South Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pigeon Creek from a mine borehole and underground mine drainage system, 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 Pennsylvania American Water Company—Aldrich Station, on the Monongahela River.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)				
Total Residual Chlorine	1.4			3.3
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.

PA0239216, Sewerage, **Jerry and Gail Pazak SRSTP**, 7517 Tuscarora Street, Pittsburgh, PA 15208. This proposed facility is in Cranberry Township, **Venango County**.

Description of Proposed Activity: New discharge of treated sewage.

The receiving water, the Allegheny River, is in State Plan watershed 16-E and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Emlenton Water Company, is on the Allegheny River, approximately 43.6 miles below the point of discharge.

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

Parameter	Concentrations		
	Average Monthly (mg/l)	Maximum Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	X		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

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

WQM Permit No. 0903414, Sewerage, **Girl Scout of Freedom Valley**, 100 Juliette Low Way, P. O. Box 814, Valley Forge, PA 19482-0814. This proposed facility is in Haycock and East Rockhill Townships, **Bucks County**.

Description of Proposed Action/Activity: Construction of onsite wastewater treatment facilities to serve existing campground.

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

WQM Permit No. 0103404, Sewerage, **Andrew and Dawn Snyder**, 710A Crum Road, Fairfield, PA 17320. This proposed facility is in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their residence on Stutz Road.

WQM Permit No. 6703202, CAFO, **Barley Farms**, 37 Chestnut Grove Road, Conestoga, PA 17516 and **Hostetter Management Company, LLC**, P. O. Box 526, 120 Lake Street, Ephrata, PA 17522. This proposed facility is in North Codorus Township, **York County**.

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

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

WQM Permit No. 4903403, Sewerage, **Point Township Sewer Authority**, P. O. Box 312, Northumberland, PA 17857. This proposed facility will be in Point Township, **Northumberland County**.

Description of Proposed Action/Activity: The applicant proposed the construction of a collection system into unsewered areas of the township in the vicinity of Strawbridge Road. The project also includes the construction of a new pump station and the renovation of an existing pump station. Wastewater will be conveyed to the Northumberland Borough Sewage Treatment Plant.

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

WQM Permit No. 4303407, Sewerage, **Mark McCann**, 69 South Summit Road, Greenville, PA 16125. This proposed facility is in West Salem Township, **Mercer County**.

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

WQM Permit No. 2003423, Sewerage, **Lisa Schlosser and Mark D. Schlosser**, 17317 South Mead Road, Saegertown, PA 16433. This proposed facility is in Hayfield Township, **Crawford County**.

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

WQM Permit No. 2003423, Sewerage, **Larry E. Royer**, 24629 East Spring Road, Springboro, PA 16435. This proposed facility is in Spring Township, **Crawford County**.

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

WQM Permit No. 1003413, Sewerage, **Ronald J. Shemela**, 139 Hammond Road, Mars, PA 16046. This proposed facility is in Adams Township, **Butler County**.

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

WQM Permit No. 2503424, Sewerage, **Imperial Point Wastewater Company**, P. O. Box 927, Fairview, PA 16415. This proposed facility is in Girard Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the installation of a sludge filter press system.

WQM Permit No. 4374404, Sewerage Amendment No. 1, **Borough of Grove City**, P. O. Box 110, Grove City, PA 16127-0110. This proposed facility is in Borough of Grove City, **Mercer County**.

Description of Proposed Action/Activity: This project is for aeration system upgrades.

IV. NPDES Applications for Stormwater Discharges from MS4

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>	<i>Department Protocol (Y/N)</i>
PAG133694	Caroline Herr Strasburg Township 400 Bunker Hill Road Strasburg, PA 17579	Lancaster	Strasburg Township	Pequea Creek WWF Walnut Run WWF Little Beaver Creek TSF Big Beaver Creek TSF Calamus Run TSF	Y

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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>	<i>Department Protocol (Y/N)</i>
PAG133694	Caroline Herr Strasburg Township 400 Bunker Hill Road Strasburg, PA 17579	Lancaster	Strasburg Township	Pequea Creek WWF Walnut Run WWF Little Beaver Creek TSF Big Beaver Creek TSF Calamus Run TSF	Y

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

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903025	Penn Foam Corp. 2625 Mitchell Ave. Allentown, PA 18103	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF
PAI023903026	Robert Susko 2629 Fish Hatchery Rd. Allentown, PA 18013	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF

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>
PAI024003003	Back Mountain Recreation, Inc. 1183 Old Route 115 P. O. Box 244 Lehman, PA 18627	Luzerne	Lehman Township	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>
PAS10S017-3	Outletters Associates, LLP 490 N. Main St. Pittston, PA 18640	Monroe	Pocono Township	Pocono Creek HQ-CWF

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803021	Christopher Villani 514 Maple St. Bethlehem, PA 18018	Northampton	Lower Nazareth Township	Bushkill Creek HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

CAFO Notices of Intent Received

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

PAG123577, CAFO, Randy and Jacob Wimmer, Tuscarora Farms, Box 185, Dry Run, PA 17220. This proposed facility is in Metal Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Tuscarora Farms is an existing swine operation with total AEU's of 576.8. The operation is comprised of 4,400 feeder to finish swine with an estimated quantity of 1,202,970 gallons of manure generated per year. The swine are housed in two buildings measuring 80 feet by 225 feet each. Manure is stored in concrete manure storage structures directly beneath the buildings. The concrete manure storage is 4 feet 4 inches of usable volume capacity allowing for 6 inches of free board space below the bottom of the ventilation pit fans. All of the 1,202,970 gallons of manure generated on the farm is exported from the farm.

The receiving stream, tributary to the West Branch of the Conococheaque, is in watershed 13-C and classified for WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with the State narrative water quality standards.

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on 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 the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments 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 are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

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

Permit No. 0903505, Public Water Supply.

Applicant	Buckingham Township
Responsible Official	Gram Orton P. O. Box 413 Buckingham, PA 18912
Type of Facility	PWS
Consulting Engineer	Castle Valley Consultants 10 S. Clinton Street, Suite 302 Doylestown, PA 18901
Application Received Date	August 6, 2003
Description of Action	Construction of a 442,000 gallon storage tank.

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

Permit No. 5203504, Public Water Supply.

Applicant	Delaware Valley School District
Township or Borough	Dingman Township
Responsible Official	Delaware Valley School District 236 Route 6/209 Milford, PA
Type of Facility	Noncommunity water system
Consulting Engineer	McGoey, Hauser, Edsall, Engineers
Application Received Date	July 17, 2003
Description of Action	Install corrosion control and treatment for manganese

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 0298501-C2, Minor Amendment.

Applicant	Wilksburg-Penn Joint Water Authority 2200 Robinson Blvd. Pittsburgh, PA 15221
Responsible Official	Wilksburg-Penn Joint Water Authority
Type of Facility	Water Treatment Plant
Application Received Date	August 6, 2003
Description of Action	Change in water quality parameters.

Biosolids Individual Permits (PABIG and PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to land apply biosolids subject to certain requirements set forth in the permit.

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible Department regional office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

Following the 30-day comment period, the water management regional manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, comments received and other information are on file and may be inspected and arrangements made for copying at the responsible Department regional office indicated before the application.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

PABIS 3501. Municipal Authority of the Borough of Bedford, 244 West Penn Street, Bedford, PA 15522 has applied to beneficially use their biosolids on the Michael Stoltzfus Farm in Colerain Township, **Bedford County**.

Special Conditions: The permittee must notify the County Conservation District and regional Department staff 48 hours prior to each land application event at this site.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified, as the 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. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Tube City, Inc. Facility, Falls Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of United States Steel Corp., Parker Adams, 600 Grant St., Pittsburgh, PA 15219, has submitted a Notice of Intent to Remediate soil contaminated with inorganics and lead. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on July 30, 2003.

Alterman Property, Solebury Township, **Bucks County**. Babu Sanji, ANCO Environmental Services, Inc., 35 Russo Place, P. O. Box 188, Berkeley Heights, NJ 07922, on behalf of James Alterman, 5978 Atkinson Rd., New Hope, PA 18938, 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 *Intelligencer* on July 22, 2003.

CVS Pharmacy 0987 (Former Carr's Towing and Repair), Montgomery Township, **Montgomery County**. Robert Botterman, TolTest, Inc., 339 Haymaker Rd., Suite 1101, Monroeville, PA 15146, on behalf of Greg L. England, SCP 2002E-56 LLC, 15601 Dallas Parkway, Addison, TX 75244, has submitted a Notice of Intent to Remediate soil contaminated with lead and used motor oil and groundwater contaminated with MTBE. The applicant proposes to remediate the site to meet Background and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reporter* on July 25, 2003.

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

PPL Earl Substation, New Holland Borough, **Lancaster County**. PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101 submitted a Notice of Intent to Remediate site soils contaminated with PCBs. 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 *Lancaster Intelligencer* on July 29, 2003.

Univar USA Inc., Altoona Facility, Allegheny Township, **Blair County**. Univar USA, Inc., 1804 North 20th Street, Nampa, ID 83687 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents and other organics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on July 21, 2003.

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

Shamokin Area Community Hospital, Coal Township, **Northumberland County**. Northeastern Environmental Management, on behalf of Shamokin Area Community Hospital, 4200 Hospital Road, Coal Township, PA 17866, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with unleaded gasoline. 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 be published in the *News-Item* the week of July 7, 2003.

P & C Foods Parking Lot, Sayre Borough, **Bradford County**. Teeter Environmental Services, Inc., on behalf of Anthony Creaton, 333 North Hamilton Street, Painted Post, NY 14870, has submitted a Notice of Intent to Remediate soil contaminated with unleaded gasoline. 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 August 1, 2003.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Liberty Powder Site (Former), Dunbar Township, **Fayette County**. John M. Scrabis, P. E., Mactec Engineering & Consulting Inc., 700 North Bell Avenue, Suite 200, Carnegie, PA 15106 (on behalf of Richard Dicenzo, RIDEC, Inc., 396 Old Pittsburgh Road, Uniontown, PA 15401, Curt Richards, Olin Corporation, 1186 Lower River Road, Charleston, TN 37310 and Mallinckrodt, Inc., 675 McDonell Blvd, Hazlewood, MO 63042) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganics and other organics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Courier* (Connellsville, PA) on July 25, 2003.

Armstrong Lofts, City of Pittsburgh, **Allegheny County**. Scott Rasmussen, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Charles L. Hammel, III, CDC Properties, Inc., 15 27th Street, Pittsburgh, PA 15222) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, inorganics, other organics and PAHs. The applicant proposes to remediate the site to meet the special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on June 23, 2003.

Bollinger Steel Site (Former) North of 11th Street, Borough of Ambridge, **Beaver County**. David Christner, PSI, 850 Poplar Street, Pittsburgh, PA 15220 (on behalf of Economy Industrial Properties c/o Carol M. Allen, 338 14th Street, Ambridge, PA 15003, Economy Industrial Properties c/o Anne S. Greene, 251 Orchard Drive, Mt. Lebanon, PA 15228 and Robert Walker, Well Built Realty Corp., 360 14th Street, Ambridge, PA 15003) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, inorganics, lead and PAHs. The applicant proposes to remediate the site to meet the special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on July 23, 2003.

Triangle Fastener, City of Pittsburgh, **Allegheny County**. Greg Hilty, Delta Environmental Consultants, Inc., 1418 Brice Road, Suite 205, Reynoldsburg, OH 43068 (on behalf of Charles Friday, Partners Investment LP, 1925 Preble Avenue, Pittsburgh, PA 15223 and Tara Popik, Group Environmental Management Co. (a BP affiliated company), 4850 East 49th Street., MBC 1, Cuyahoga Heights, OH 44125) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with diesel fuel and leaded gasoline. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Review* on May 24, 2003.

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 the 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 a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to 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 (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

40-0005A: UGI Development Corp. (Hunlock Creek Energy Ventures, US Route 11, P. O. Box 224, Hunlock

Creek, PA 18621) for the modification of the facility's Title V Permit to include the combustion of a synthetic fuel at their facility in Hunlock Township, **Luzerne County**.

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

36-05132A: Penn-Mar Ethanol, LLC (140 Roosevelt Avenue, Suite 208, York, PA 17404) for construction of a fuel ethanol manufacturing plant in Conoy Township, **Lancaster County**. The facility is subject to 40 CFR Part 60, Subparts Db, Kb, VV, NNN and RRR.

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

18-00011F: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) for the construction of a chemical process facility identified as the "synthesis area" in Bald Eagle Township, **Clinton County**. Some of the reactors/process vessels in this process facility are subject to Subpart PPP of the National Emission Standards for Hazardous Air Pollutants.

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

42-117A: Zippo Manufacturing Corp. (33 Barbour Street, Bradford, PA 16701) for post construction of several buffing machine sources and automatic assembly machines controlled by dust collectors at their site in Bradford, **McKean County**.

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.

09-0156: Jolly Gardener Products, Inc.—Frontier Division (500 East Pumping Station Road, Quakertown, PA 18951) for installation of two diesel engines in Richland Township, **Bucks County**. This installation of the two diesel engines will result in the emissions of 14.17 tons per year of NO_x, 12.84 tons per year of CO, 1.76 tons per year of VOCs, 1.95 tons per year of SO_x and 24 tons per year of PM. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0147: Chemalloy Company, Inc. (P. O. Box 350, 996 Railroad Avenue, Bryn Mawr, PA 19010) for installation of two chromium compound grinding and milling lines 3A-1 and 3B-1 and associated control equipment at their manufacturing facility on Conshohocken Road in Plymouth Township, **Montgomery County**. The facility currently operates under a State-only Operating Permit (SOOP-46-00147). Total post control PM/PMHAP emissions from these process lines are 0.16 lb/hr and 0.72 ton/yr. The Plan Approval and Operating Permit contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

66-315-012B: Proctor & Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629) to modify a wet venturi scrubber to improve dust collection in the 4M paper machine room at their facility in Washington Township, **Wyoming County**. The facility is a Title V facility. The modification of the venturi scrubber and associated ductwork will result in an increase of 1.7 tons per year of PM. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source and control device operating within all applicable air quality requirements and will be incorporated into the Title V Operating Permit through an Administrative Amendment in accordance with 25 Pa. Code § 127.450.

45-399-015: United Huxley Envelope (P. O. Box 37, Mount Pocono, PA 18344) for construction of an envelope manufacturing operation at their facility in Coolbaugh Township, **Monroe County**. The facility's VOC emissions from the new flexographic printing presses, including clean-up solvents and adhesives, will be 7.50 TPY. The Department will place a condition for the facility to monitor the ink and solvent usage. The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

54-310-028A: Lehigh Asphalt Paving and Construction Co. (P. O. Box 549, Tamaqua, PA 18252) for the replacement of an existing crusher with a new crusher at their Andreas Quarry facility in West Penn Township, **Schuylkill County**. The crushing operation will have spray bars to control fugitive emissions. The crushing operation is also subject to NSPS Part 60, Subpart OOO. The operating permit will contain additional reporting, recordkeeping and operating restrictions designed to keep the facility within all applicable air quality requirements.

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

17-305-048: Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830) for the construction of a coal stockpiling and railcar loading operation on Hammermill Road in Lawrence Township, **Clearfield County**.

Air contaminant emission control will be provided by the use of a water truck and the implementation of various work practices (truck tarping, minimizing the front end loader bucket-to-railcar free fall height, and the like). If the water truck and work practices are used/implemented, the resultant fugitive particulate matter emissions from the stockpiling and railcar loading operation are expected to be minimal.

49-308-002: Jeff's Auto Body and Recycling Center, Inc. (R. R. 1, Box 318, Paxinos, PA 17860) on July 8, 2003, for the construction of an aluminum sweat furnace and associated air cleaning device (a thermal afterburner) in Shamokin Township, **Northumberland County**. The furnace is subject to Subpart RRR of the National Emission Standards for Hazardous Air Pollutants.

14-00014A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on July 29, 2003, for the modification of a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) by using no. 5 and no. 6 fuel oils and recycled/reprocessed oil as fuel in the plant's rotary drum burner in addition to the natural gas and no. 2 fuel oil already approved, for the construction of a 33,000 gallon oil storage tank, for the construction of a recycled asphalt pavement crusher,

screen and bins and for the construction of a cage mill stone crusher, a screen and five conveyors in Spring Township, **Centre County**. The asphalt plant is subject to Subpart I, the oil storage tank to Subpart Kb and the remainder of the equipment to Subpart OOO, all subparts of the Federal Standards of Performance for New Stationary Sources.

The Department's review of the information contained in the application indicates that the coal stockpiling and railcar loading operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue plan approval for the construction of the respective coal stockpiling and railcar loading operation.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. No more than 400,000 tons of coal shall be processed in any 12 consecutive month period.
2. An operable water truck equipped with a pressurized spray bar and hose/nozzle connection shall be kept onsite at all times and shall be used, as needed, for the control of fugitive dust from site roadways and stockpile areas.
3. All trucks entering or exiting the site via a public roadway shall be tarped unless empty. This requirement shall be posted onsite.
4. All site roadways shall have a posted speed limit of 15 miles per hour.
5. The front end loader bucket-to-railcar free fall height shall be kept to a minimum during all railcar loading.
6. Records shall be maintained of the number of tons of coal loaded into railcars during each month. All records shall be retained for at least 5 years and shall be made available to the Department upon request.

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

62-035B: IA Construction—Warren CMI Plant (240 River Road, Warren, PA 16365) in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval for modifications to change stack testing conditions for an asphalt plant burning alternative fuels in Conewango Township, **Warren County**. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date.

37-321A: New Castle Recycling, Inc. (215 Gardner Ave., New Castle, PA 16101) in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval for post construction plan approval of an existing dust collection system to capture fugitive emissions from scrap metal torch cutting operation in the City of New Castle, **Lawrence County**. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit at a later date.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. The scrap cutting operations shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

2. Particulate emissions from the sources shall not exceed 0.02 grain/dscf.

3. Scarp cutting operations shall only take place within the confines of the hood and when the control device is operating.

4. If weather conditions such as high winds are allowing fugitive emissions, scrap cutting operations shall be suspended immediately.

5. The applicant shall install a magnehelic gauge (or equivalent) at a conveniently readable location and maintain the gauge to indicate the pressure drop across the collector. Readings of the pressure drop will be recorded weekly and a record of the readings and a maintenance log, which would include when filters are changed, shall be retained onsite for a period of 5 years.

6. Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale so that the expected normal reading shall be no less than 20% of full scale.

7. The operating range for pressure drop of the dust collector shall be determined within 30 days of startup of the control device and shall be indicated to the Department in writing.

8. The facility shall maintain sufficient replacement cartridges, defined as 20% or 22 cartridges, for the dust collection system onsite or shall have immediate access to spare cartridges in the event of failure.

9. The facility shall comply with 25 Pa. Code § 127.25 as follows:

10. No person shall cause or permit the operation of the sources unless the source and air cleaning devices are operated and maintained in accordance with specifications in the Plan Approval application and Condition Nos. 1—11. A person may not cause or permit the operation of this source in a manner inconsistent with good operating practices.

11. If fugitive emissions are observed, the Department shall require additional or revised collection devices.

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

AMS 3039: Philadelphia Water Department Northeast Water Pollution Control Plant (3899 Richmond St., Philadelphia, PA 19137) for replacing the aeration grid at the **Philadelphia County** facility. New aeration equipment will be installed in seven aeration tanks, two mixed liquor channels and the primary influent channel feeding the primary clarifiers. Emissions are not expected to increase as a result of this replacement. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

PUBLIC HEARINGS

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

40-00034: Schott Glass Technologies, Inc. (400 York Avenue, Duryea, PA 18642) for control of NOx emissions from their facility in Duryea, **Luzerne County**.

The Department will hold a public hearing on October 9, 2003, at 1 p.m. at their Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA. The Department will take testimony concerning the Reasonably Available Control Technology (RACT) plans submitted.

These plans for the control of NOx emissions from the operations at this facility are to meet the requirements under 25 Pa. Code §§ 129.91—129.95. The facility operates 7 small pots, 9 continuous melting tanks, 1 NIF laser melting tank, 1 press/forming area, 7 boilers (2 for heating, 1 for make-up air, 1 for heat recirculating hot water and 3 for the fire pump house), 33 miscellaneous natural gas-fired air handlers and 6 natural gas-fired water heaters, 6 natural gas-fired air handlers in the NIF laser building, 1 test melt department melter and 3 emergency generators. The final RACT approval will be submitted to the EPA as a revision to the Commonwealth's State Implementation Plan.

Persons wishing to be present testimony during the hearing should register by October 2, 2003, by contacting Mark Carmon, Community Relations Coordinator, (570) 826-2035.

Persons unable to attend the hearing who wish to comment should provide written comments by October 9, 2003, to Thomas DiLazaro, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Copies of the RACT application are available for review from 8 a.m. to 4 p.m. in the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Persons with disabilities who wish to attend the hearing and who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Chris Domashinski, (570) 826-2101 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

OPERATING PERMITS

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

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

25-00923: Energy Systems North East, LLC (10915 Ackerman Rd., Northeast, PA 16428) for reissuance of Title V Operating Permit No. 25-00923 in Northeast Borough, **Erie County**. Emission sources at this facility include two natural gas fired turbines and two emergency backup generators. This facility is a Title V facility due to its emission of NOx and CO. Appropriate monitoring, recordkeeping and reporting requirements have been included in the permit to provide assurance of compliance with all applicable requirements. This permitting action will also include the issuance of Acid Rain Permit No. 25-00923 to the facility.

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.

23-00068: Cremation Specialists (301 Chester Pike, Norwood, PA 19074) for the human crematory in Media Borough, **Delaware County**. The permit amendment is the installation of a new human crematory and the removal of a previously permitted human crematory at a non-Title V (State-only) facility. 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.

22-03040: Advanced Communications (3000 Canby Street, Harrisburg, PA 17103) for operation of a printing facility in the Borough of Penbrook, **Dauphin County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-05131: Keystone Quality Products, LLC (82 South Groffdale Road, Leola, PA 17540) for the operation of a surface coating facility for the painting of wood cabinets and furniture in Upper Leacock Township, **Lancaster County**. This surface coating, woodworking operation is a non-Title V facility. The operation will result in less than 25 tons of VOCs, less than 10 tons of a single HAP and less than 25 tons of combined HAPs per year. Standard monitoring, recordkeeping and work practice standards are included to keep the facility operating within all applicable requirements.

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

41-00039: Williamsport Municipal Water Authority (253 West Fourth Street, Williamsport, PA 17701) for their air stripping towers in Williamsport, **Lycoming County**. The facility's main sources include an air stripping system consists of three towers. The facility has the potential to emit SOx, CO, NOx and PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

17-00037: King Coal Sales, Inc. (P.O. Box 712, Philipsburg, PA 16866) for their coal preparation facility in Morris Township, **Clearfield County**. The facility's main sources include a Kolberg rotary coal breaker unit and a diesel fired generator. The facility has the potential to emit SOx, NOx, CO, PM-PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

17-00033: Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849) for their coal processing facility in Boggs Township, **Clearfield County**. The facility's main sources include a coal processing operation and unpaved site haul roads. The proposed operating permit contains all applicable requirements including Federal and State

regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

41-00026: Alcan Cable Co. (409 Reighard Avenue, Williamsport, PA 17701) for their nonferrous wire drawing and insulating plant in Williamsport, **Lycoming County**. The facility's main sources include polyethylene conveying, blending and extruding operations, 45 combustion units, 2 grinding operations and 4 process heaters. The facility has the potential to emit SO_x, NO_x, CO, PM-PM₁₀, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

53-00014: Emporium Specialties Co., Inc. (P. O. Box 65, Austin, PA 16720) for their metal parts and tools manufacturing facility in Austin Borough, **Potter County**. The facility's main sources include two vapor degreasers, a decorative chromium electroplating operation, three electric sintering furnaces, an oil impregnation operation and a sizing operation. The facility has the potential to emit the HAP trichloroethylene in excess of 10 tons per year. The facility has the potential to emit VOCs, PM-PM₁₀, NO_x, CO and SO_x below the major emission thresholds. The proposed operating permit contains a requirement limiting emissions of trichloroethylene to below 10 tons in any 12 consecutive month period. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

14-00010: Premier Refractories, Inc. (895 Clarence Street, P. O. Box 276, Snow Shoe, PA 16874), for their Snow Shoe plant in Snow Shoe Township, **Centre County**. The facility's main sources include 2 grinding systems, 5 tempering pans, 18 brick kilns, 19 combustion units and 3 brick dryers. The facility has the potential to emit major quantities of PM-PM₁₀, hydrogen chloride and hydrogen fluoride. Hydrogen chloride and hydrogen fluoride are HAPs. The facility has taken permit restrictions to limit its production throughputs to keep its PM₁₀, hydrogen chloride and hydrogen fluoride emissions below the Title V thresholds. The facility has the potential to emit NO_x, CO, SO_x and VOCs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

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

56-00284: Quecreek Mining Inc. (1576 Stoystown Road, Friedens, PA 15541) for operation of a coal screening plant in Lincoln Township, **Somerset 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.

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

54980103R. Gale Coal Company, Inc. (1441 Oak Road, Pottsville, PA 17901), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Frailey Township, **Schuylkill County** affecting 431.5 acres, receiving stream: none. Application received August 1, 2003.

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

17823701. NPDES Permit PA0617083, Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824), to renew the permit for refuse disposal area no. 1 in Bradford Township, **Clearfield County** and related NPDES permit, no additional discharges. Application received June 23, 2003.

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

1465-24880103-E-2. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to construct a small pond in the headwater area of unnamed tributary no. 19 to Vineyard Run in Horton Township, **Elk County**. Receiving streams: unnamed tributary to Mead Run, unnamed tributary to Vineyard Run, two unnamed tributaries to Laurel Run, two unnamed tributaries to West Branch Walburn Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received July 7, 2003.

33030108 and NPDES Permit No. PA0242420. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous surface strip and auger operation in Beaver Township, **Jefferson County** affecting 92.3 acres. Receiving streams: unnamed tributaries to Little Sandy Creek (CWF). There are two downstream potable water supply intakes from the point of discharge: Hawthorn

Area Water Authority and Redbank Valley Municipal Authority. Application received July 31, 2003.

5616-33030108-E-1. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Application for a stream encroachment to relocate unnamed tributary to Little Sandy Creek in Beaver Township, **Jefferson County**. Receiving streams: unnamed tributaries to Little Sandy Creek (CWF). There are two downstream potable water supply intakes from the point of discharge: Hawthorn Area Water authority and Redbank Valley Municipal Authority. Application received July 31, 2003.

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

32030109 and NPDES Permit No. PA0249505. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, commencement, operation and restoration of a bituminous surface and auger mine in White Township, **Indiana County**, affecting 83.9 acres. Receiving streams: two Lick Creek to Blacklick Creek to the Conemaugh River (TSF). There are no potable water supply intakes within 10 miles downstream. Application received July 30, 2003.

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

14030102 and NPDES Permit No. PA0243531. Lee Coal Contracting, Inc., 147 Loop Road, West Decatur, PA 16878. Commencement, operation and restoration of a bituminous surface mine permit in Snow Shoe Township, **Centre County** affecting 37 acres. Receiving streams: unnamed tributaries to Black Moshannon Creek (HQ-CWF). There are no downstream potable water supply intake from the point of discharge. Application received August 4, 2003.

17030110 and NPDES Permit No. PA0243540. Swisher Contracting, Inc., P. O. Box 1223, Clearfield, PA 16830. Commencement, operation and restoration of a bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 116.8 acres. Receiving streams: unnamed tributaries to Montgomery Creek and to the West Branch of the Susquehanna River (CWF). Application received August 7, 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 of 0.5 ml/l applied to surface runoff resulting from a precipitation 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.

64030301 and NPDES Permit PA0224332. Middle Creek Quarry, Inc. (R. R. 2 Box 361, Hawley, PA 18428), commencement, operation and restoration of a quarry operation and NPDES discharge of treated mine drainage in Palmyra Township, **Wayne County** affecting 88.3 acres, receiving stream: Middle Creek (CWF, MF). The first downstream potable water supply intake from the point of discharge is Hawley Water Co., Inc. Application received August 4, 2003.

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

08010815. Woodrow W. Brown, R. R. 1, Box 44-1A, Sugar Run, PA 18846. Transfer of an existing small industrial minerals (flagstone) permit from Robin Long. The permit is in Wilmot Township, **Clearfield County** affecting 5 acres. Receiving streams: Sugar Run Creek, tributary to Susquehanna River. Application received June 26, 2003.

53032802. R. Hess Equipment, Inc., 950 Johnson Road, Ulysses, PA 16948. Upgrade of an existing small industrial minerals (shale) permit (No. 53010802) from a 2,000-ton to a 10,000-ton permit in Harrison Township, **Potter County** affecting 3 acres. Receiving streams: Cowanesque River, tributary to Tioga River. Application received July 9, 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, 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 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 a 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 FWPCA (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.

E46-945. Department of Transportation, 7000 Geerdes Blvd., King of Prussia Valley, PA, 19406-1525. Lower Salford Township, **Montgomery County**, Philadelphia ACOE District.

To perform the following activities associated with the Quarry Road (SR 1015) Bridge Replacement Project

1. To remove a three-span reinforced concrete bridge and appurtenant structures and replace it with a single span bridge consisting of an approximately 70.25-foot clear span, 3.97-foot underclearance and a 34-foot width over the West Branch of Skippack Creek. (TSF).

2. To place approximately 840 square feet of riprap within the floodway at the bridge abutments for scour protection.

3. To perform grading activities consisting of approximately 147 cubic yards of fill material within the floodway to facilitate the construction of the roadway approach ramp of the bridge and road widening.

4. To excavate approximately 70 cubic yards of fill to accommodate construction of bridge footings.

5. To place and maintain a temporary cofferdam extending 50 feet into the stream and impacting 125 linear feet of stream channel to facilitate the construction of the abutment foundation. The project proposes to temporarily affect 125 and directly affect a total of 70 linear feet of stream banks.

6. To relocate 200 linear feet of unnamed tributary which parallels Quarry Road to accommodate the widening of the bridge approach.

The project site is approximately 140 feet west of the intersection of Quarry Road and Upper Mainland Road in Lower Salford Township (Collegeville, PA Quadrangle N: 21.66 inches; W: 0.96 inch).

E09-861. Township of Falls, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030, Falls Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with a proposed township trail in Falls Township, Bucks County:

1. To construct and maintain an 8-foot wide single span pedestrian bridge across Martin's Creek (WWF). The proposed bridge will have a clear span of approximately 55.0 feet and an underclearance of approximately 6.0 feet. This work also includes construction of a temporary cofferdam. The site is approximately 400 feet east of the intersection of Penn Valley Road and Pine Grove Road (SR 0013) (Trenton West, NJ-PA, USGS Quadrangle N: 8.4 inches; W: 8.6 inches).

2. To construct and maintain a 4-foot wide trail over Delaware Canal utilizing the existing culvert along Wheat Sheaf Lane. The site is approximately 500 feet northwest of the intersection of Wheat Sheaf Road and Bristol Pike (SR 0013) (Trenton West, NJ-PA USGS Quadrangle N: 7.1 inches; W: 7.1 inches).

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

E08-405. Department of Transportation, District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 220 Embankment Stabilization Project in Albany Township, **Bradford County**, ACOE Baltimore District, State Water Plan Subbasin 4C (Dushore, PA Quadrangle N: 20.2 inches; W: 9.8 inches).

The applicant proposes to stabilize a roadside embankment to prevent future deterioration of the SR 220, Section 85M roadway. The work will involve permanent placement of fill into 0.09 acre of PEM wetlands. The applicant proposes to meet the wetland replacement requirement by contributing \$500 to the Pennsylvania Wetland Replacement Project Fund.

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

E02-1367 A1. City of Pittsburgh, Department of Planning, 200 Ross Street, 4th Floor, Pittsburgh, PA 15219. Nine Mile Run Aquatic Ecosystem Restoration System Phase 2 in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle N: 8.2 inches; W: 4.9 inches). The applicant proposes to amend Permit E02-1367, which authorized the construction and maintenance of an aquatic restoration of Nine Mile Run (TSF) and two of its tributaries. For Nine Mile Run, approximately 3,699 feet of channel will be restored and within its tributaries, Fern Hollow will have approximately 1,648 feet restored and Falls Ravine will have approximately 508 feet restored. The permit also authorized the removal of existing structures and the construction and maintenance of a 36-inch diameter RCP culvert (depressed 1 foot) for a distance of approximately 12 feet within the tributary within Falls Ravine and the operation and maintenance of a conspan culvert having a span of 12 feet and under clearance of 3 feet and 40 feet long within the tributary in Fern Hollow. The permit also authorized the filling of .28 acre of wetlands, the construction and maintenance of .28 acre of replacement wetlands and the creation of an additional 4 acres of wetlands. The work is part of the proposed Nine Mile Run Aquatic Restoration Project Phase 1B. The project limits along Nine Mile Run begin at the Braddock Avenue culvert and extend to Commercial Street. The project limits for Fern Hollow begin approximately 300 feet upstream of its confluence with Falls Ravine including approximately 508 feet of Falls Ravine and extending to its confluence to Nine Mile Run.

This amendment will authorize the construction and maintenance of an extension to the aquatic restoration of Nine Mile Run and one of its tributaries. For Nine Mile Run an approximate additional 5,640 feet of stream channel will be restored and approximately 55 feet of a tributary to Nine Mile Run will be restored. The amendment will authorize the removal of additional structures and the stabilization and maintenance of various outfall structures. The amendment will also authorize the construction of three seepage collection walls, an inverted siphon and the discharge conveyance line. This work is part of Phase 2 of the Nine Mile Run Aquatic Restoration

Project. This phase of the project starts at Commercial Street and extends to Nine Mile Run confluence with the Monongahela River. The total project impacts including Phases 1B and 2 are: 9,339 feet to Nine Mile Run and 2,211 feet to its tributaries and .28 acre of wetland impacts.

E32-452. Canoe Township, P. O. Box 355, Rossiter, PA 15772. Dunmire Road Bridge Replacement in Canoe Township, **Indiana County**, Pittsburgh ACOE District (Punxsutawney, PA Quadrangle N: 3.0 inches; W: 13.7 inches). The applicant proposes to remove the existing structure and to construct and maintain a 40-foot long culvert having two 5-foot diameter pipes with 1 foot depressed invert in an unnamed tributary to Canoe Creek (CWF). The structure is on Dunmire Road at a point approximately 0.5 mile west of SR 236.

E65-828. Derry Township Supervisors, 650 Derry Road, Derry, PA 15627. T-847 Culvert in Derry Township, **Westmoreland County**, Pittsburgh ACOE District (Derry, PA Quadrangle N: 17.2 inches; W: 5.00 inches) (Latitude: 40°, 20', 41" and Longitude: 79°, 17', 9"). The applicant proposes to remove the existing structure and to construct and maintain a box culvert having a single waterway opening of 10 feet wide by 6 feet high (1 foot depressed invert) and 50 feet long including the wing walls in an unnamed tributary to McGee Run (CWF). The project includes placement of R-6 riprap for scour protection approximately 30 linear feet downstream and 10 linear feet upstream of the culvert. The proposed culvert is on T-847 (Mill Street) approximately 250 feet east of T-851 (Lester Road).

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

E20-531. Crawford County Commissioners, 903 Diamond Park, Meadville, PA 16335. T-869 Blakeslee Road across East Branch Oil Creek in Sparta Township, **Crawford County**, ACOE Pittsburgh District (Spartansburg, PA Quadrangle N: 10.8 inches; W: 8.9 inches).

To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 45 feet and an underclearance of 7 feet on a 77 degree skew across East Branch Oil Creek (CWF) and impacting a de minimis area of adjoining wetland (0.037 acre) on T-869 Blakeslee Road approximately 0.6 mile east of the intersection of SR 77 and SR 89 south of Spartansburg.

EA1409-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Acid Mine Drainage Abatement Project in Burnside Township, **Centre County**, Baltimore ACOE District (Karthaus Quadrangle N: 13.25 inches; W: 4.75 inches). The applicant proposes to construct passive treatment facilities to treat AMD contaminating Boake Run, a tributary of Sterling Run. The project will include the relocation of: (1) 900 linear feet of perennial stream; and (2) 650 linear feet of intermittent stream with most of the flow diverting through a series of treatment ponds. During high flows, a portion of the water will bypass the treatment system and flow down the relocated stream channel. The project will also fill 0.76 acre of PEM wetland developed along the stream corridor. The project will directly impact 0.76 acre of AMD impacted wetland. Impacts to streams and wetlands will be mitigated by water quality improvements to 2 miles of Boake Run, 5 miles of Sterling Run and a 12-acre wetland immediately downstream of the project.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D15-391. Joyce Realty Corporation, P. O. Box 3739, Greenville, DE 19807-0739. To modify, operate and maintain the Kirkwood Fitness Center dam across a tributary to Hunters Run (HQ-TSF), impacting 0.01 acre of wetlands (PEM). This existing dam will be repaired and restored to the original design height (West Chester, PA Quadrangle N: 16.1 inches; W: 1.5 inches) in Westtown Township, **Chester County**.

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 for coverage under General Permits. 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 wastes; discharges to 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

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 Notices of Intent (NOI) 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

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

<i>NPDES 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>
PA0055816	Walter W. Holmes 138 Kirk Road Boothwyn, PA 19061	Delaware County Concord Township	Unnamed tributary to Green Creek 3G Ridley Creek	Y

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

<i>NPDES 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>
PA0085146	Penn Township Supervisors R. R. 1 Box 22B Hesston, PA 16647-9324	Huntingdon County Penn Township	UNT Crooked Creek 12-D	Y
PA0085146	Penn Township Supervisors R. R. 1 Box 22B Hesston, PA 16647-9324	Huntingdon County Penn Township	UNT Crooked Creek 12-D	Y
PA0030678	Northern Bedford County School District 152 NBC Drive Loysburg, PA 16659-9549	Bedford County South Woodbury Township	Yellow Creek 11-D	Y

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

<i>NPDES 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>
PA0114073 (4952)	Dominion Transmission, Inc. R. R. 3, Box 24-T Westfield, PA 16950	Tioga County Farmington Township	UNT to Elkhorn Creek 4A	Y
PA0060208 (4952)	Nelson Township Authority P. O. Box 100 Nelson, PA 16940	Tioga County Nelson Township	Cowanesque Lake 4A	Y
PA0209678	Cooper Township Municipal Authority P. O. Box 446 Winburne, PA 16879	Clearfield County Cooper Township	UNT of Moshannon Creek 8D	Y
PA0209660	Cooper Township Municipal Authority P. O. Box 446 Winburne, PA 16879	Clearfield County Cooper Township	Moshannon Creek 8D	Y

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

<i>NPDES 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>
PA0220787	Patrick G. and V. Kaye Williams 390 Osborn Road Greenville, PA 16125	Salem Township Mercer County	Unnamed tributary to Sandy Creek	Y
PA0221058	Kirk D. Hummer R. R. 1, Box 21 Grand Valley, PA 16420	Eldred Township Warren County	Unnamed tributary to Caldwell Creek	Y

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

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

NPDES Permit No. PA0058734, Sewage, **Tom Kemmerer**, 1277 Route 212, Quakertown, PA 18951. This proposed facility is in Haycock Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for a new discharge into an unnamed tributary to Haycock Creek-2D-Three Mile Run.

NPDES Permit No. PA0026964 Amendment No. 2, Sewage, **Lower Perkiomen Valley Regional Sewer Authority**, P. O. Box 297, Oakes, PA 19456. This proposed facility is in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the transfer from Montgomery County Sewer Authority and to include revised limits for ammonia-nitrogen and CBOD₅ during the summer season.

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

PA0009971, Industrial Waste, SIC 3229, **Techneglas, Inc.**, 140 Industrial Drive, Pittston, PA 18640.

Description of Proposed Activity: The proposed action is for renewal of an NPDES permit to discharge treated process wastewater, cooling water and stormwater into Gardner Creek/Lamp Black Creek in Jenkins Township, **Luzerne County** and is classified for CWF, aquatic life, water supply and recreation.

The existing downstream potable water supply considered during the evaluation is the Pennsylvania Power and Light Steam Electric Station on the Susquehanna River.

Outfall 001: The proposed effluent limits based on a design flow of .3463 MGD are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15		30
pH	6 to 9 at all times		
Lead	.004	.008	.010
Cyanide (Free)	.0065	.013	.016
Temperature			
(1-1 to 1-31)		39.7°F	
(2-1 to 2-29)		39.4°F	
(3-1 to 3-31)		44.9°F	
(4-1 to 4-15)		50.5°F	
(4-16 to 4-30)		53.3°F	
(5-1 to 5-15)		54.7°F	
(5-16 to 5-30)		58.7°F	
(6-1 to 6-15)		60.4°F	
(6-16 to 6-30)		64.4°F	
(7-1 to 7-31)		66.2°F	
(8-1 to 8-15)		66.2°F	
(8-16 to 8-31)		66.2°F	
(9-1 to 9-15)		64.1°F	
(9-16 to 9-30)		60.1°F	
(10-1 to 10-15)		54.2°F	
(10-16 to 10-30)		50.2°F	
(11-1 to 11-15)		46.2°F	
(11-16 to 11-30)		42.4°F	
(12-1 to 12-31)		41.6°F	

Monitoring Point 101: The proposed effluent limits based on a design flow of .246 MGD are:

<i>Parameter</i>	<i>Monthly Average (lbs/day)</i>	<i>Daily Maximum (lbs/day)</i>
Total Suspended Solids	274	548
pH	6 to 9 at all times	
Fluoride	110	256

Monitoring Point 201: The proposed effluent limits based on a design flow of .0003 MGD are:

<i>Parameter</i>	<i>Monthly Average (lbs/day)</i>	<i>Daily Maximum (lbs/day)</i>
Total Chromium	1.71	2.77
Nickel	2.38	3.98
Silver	.24	.43
Copper	2.07	3.38
Zinc	1.48	2.61
Total Cyanide	.65	1.20
Total Suspended Solids	31	60
Total Toxic Organics		2.13
pH	6 to 9 standard units at all times	
Cadmium	.26	.69

Outfalls 002 and 003 uncontaminated stormwater with no effluent limits or monitoring required.

The EPA waiver is in effect.

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

NPDES Permit No. PA0022187, Sewage, SIC 4952, **Beavertown Municipal Authority**, 111 West Walnut Street, Beavertown, PA 17813. The proposed discharge is in Beavertown Borough, **Snyder County**.

Description of Proposed Activity: Applicant has requested an amendment to the NPDES permit for Outfall 001 for Beavertown Municipal Authority Wastewater Treatment Plant. The Authority is proposing to replace the existing extended aeration facilities with an upgraded sequencing batch reactor.

The receiving stream, Luphers Run, is in the State Water Plan watershed 6A and is classified for CWF. The nearest downstream public water supply intake for United Water Pennsylvania is on the Susquehanna River, about 65 miles below the point of discharge.

The following current effluent limits for Outfall 001, based on a design flow of 0.144 MGD, will be enforceable when the existing extended aeration sewage treatment plant is in operation:

NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
NH ₃ -N (6-1 to 10-31)	7	10	14
Total Cl ₂ Residual Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	Report		Report
pH	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean 6.0 to 9.0 at all times		

The following proposed effluent limits for Outfall 001, based on a design flow of 0.16 MGD, will be enforceable when the upgraded sequencing batch reactor sewage treatment plant is in operation:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
NH ₃ -N (6-1 to 10-31) (11-1 to 5-31)	3.5 10.5	5.25 15.75	7.0 21.0
Total Cl ₂ Residual Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	0.33		0.77
pH	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean 6.0 to 9.0, at all times		

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

NPDES Permit No. PA0219444, Sewage, **Markleysburg Borough**, P. O. Box 25, Markleysburg, PA 15456-0025. This proposed facility is in Henry Clay Township, **Fayette County**.

Description of Proposed Action/Activity: Discharge of treated sewage from Markleysburg Area STP.

NPDES Permit No. PA0252476, Sewage, **Alex Shuppe**, 380 Budapest Road, Dilliner, PA 15327. This proposed facility is in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Discharge of treated sewage from Shuppe Rentals Trailer Park STP.

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

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

WQM Permit No. 0903409, Sewerage, **William and Marilyn Wagner**, 1483 Meetinghouse Road, Warminster, PA 18974. This proposed facility is in Warminster Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a Cromaglass SFTP, free access sand filter and a chlorine contact tank.

WQM Permit No. 4603402, Sewerage, **Lower Moreland Township Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006. This proposed facility is in Lower Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: The construction and operation of a 7,800 linear feet of 9-inch PVC gravity sewage collection system, approximately 3,100 linear feet of 3-inch PVC force main and sewage pump station with a peak factor of 4.0.

WQM Permit No. 4601416, Sewerage, **Upper Hanover Authority**, P. O. Box 205, East Greenville, PA 18041. This proposed facility is in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Expansion of the existing Macoby Creek Sewage Treatment Plant in Upper Hanover.

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 Boulevard, Mount Pocono, PA 18344. This proposed facility is in Mount Pocono Borough, **Monroe County**.

Description of Proposed Activity: Construction of a grit removal system.

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

WQM Permit No. 3603402, Sewerage, **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17608. This proposed facility is in Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Relocation of an existing interceptor with a 24-inch interceptor for the Lancaster General Hospital expansion.

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

WQM Permit No. 4903201, Industrial Waste SIC 2833, **Merck & Company Inc.**, P. O. Box 600, Danville, PA 17821-0600. This existing facility is in Riverside Borough, **Northumberland County**.

Description of Proposed Action/Activity: Provide pretreatment of wastewater before discharging into the industrial wastewater treatment plant.

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

WQM Permit No. 8903-S-A3, Sewerage, **Borough of Sewickley**, P. O. Box 428, 601 Thorn Street, Sewickley, PA 15143. This proposed facility is in Sewickley Borough, **Allegheny County**.

Description of Proposed Action/Activity: Chadwick Avenue Sanitary Sewer and pump station demolition.

WQM Permit No. 0403402, Sewerage, **Chippewa Township**, 2811 Darlington Road, Beaver Falls, PA 15010. This proposed facility is in Chippewa Township, **Beaver County**.

Description of Proposed Action/Activity: Construction of individual grinder pumps and pressure sewer system to serve Deer Valley Estates pressure sewer system.

WQM Permit No. 3202403, Sewage, **Glen Campbell Borough**, P. O. Box 43, Glen Campbell, PA 15706. This proposed facility is in Glen Campbell Borough, **Indiana County**.

Description of Proposed Action/Activity: Sewage treatment plant, pump stations and sanitary sewers.

WQM Permit No. 6503405, Sewerage, **Edwin O'Barto**, R. D. 2 Box 68C2, Latrobe, PA 15650. This proposed facility is in Unity Township, **Westmoreland County**.

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

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

WQM Permit No. 2003405, Sewerage, **David A. and Linda S. Wetsell**, 16781 Huson Road, Saegertown, PA 16433. This proposed facility is in Woodcock Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 1003409, Sewerage, **Jeffery J. Gavin**, 208 West Ingomar Road, Pittsburgh, PA 15237. This proposed facility is in Penn Township, **Butler County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 1003405, Sewerage, **Kathleen L. Puskar**, 161 Glade Run Road, Renfrew, PA 16053. This proposed facility is in Forward Township, **Butler County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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>
PAI033603004	Emanuel K. Beiler 113-A Green Tree Road Quarryville, PA 17566	Lancaster	Bart Township	West Branch Octoraro Creek HQ-CWF, MF
PAS-10-4513	Trinity Packaging 13 Industrial Park Road Lewistown, PA 17044	Mifflin	Granville Township	UNT to Juniata River HQ-CWF

Berks County Conservation District: 1238 County Welfare Rd., P. O. Box 520, Leesport, PA 19533, (610) 372-4657, Ext. 201.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2000603016	John E. Noone Higher Education Solutions, LLC 705 Ridge Road Orwigsburg, PA 17921-2221	Berks	Borough of Kutztown	Sacony Creek TSF

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2000603028	Brad Nowotarski Specialty Rigging, Inc. 1057 Rick Road Reading, PA 19605	Berks	Muhlenberg Township	Laurel Run Creek WWF

Lancaster County Conservation District: 1383 Arcadia Rd., Rm. 6, Lancaster, PA 17601-3149.

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2003603024	FLM Developers Co. Inc. 805 Estelle Dr. Lancaster, PA	Lancaster	East Hempfield Township	UNT Swarr Run CWF
PAG2003603071	Carl J. Sangrey 2424 Shiprock Rd. Willow Street, PA 17584	Lancaster	West Lampeter Township	Big Spring Run WWF
PAG2003603095	Glenn Wissler 355 Clearview Rd. Ephrata, PA 17522	Lancaster	Clay Township	Middle Creek WWF
PAG2003603103	Linville Hill Mennonite School 295 S. Kinzer Rd. Paradise, PA 17562	Lancaster	Paradise Township	Buck Run TSF
PAG2003603106	Sindall Leasing 461 Diller Ave. New Holland, PA 17557	Lancaster	New Holland Borough	Mill Creek WWF

York County Conservation District, 118 Pleasant Acres Road, York, PA 17402, (717) 840-7430.

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2006703017	Lutheran Social Services Michael Stone 1050 Pennsylvania Ave. York, PA 17404	York	West Manheim Township	Indian Run WWF
PAG2006703066	Bryan Rash 1127 Felton Road Red Lion, PA 17356	York	Windsor Township	Pine Creek CWF
PAG2006703096	Jim Piet Woodhaven Bldg. Development 4219 Hanover Pike Manchester, MD 21102	York	Manchester Township	Little Conewago Creek TSF

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

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403006	Richard Kalin 100 N. Patterson St. State College, PA 16801	Centre	College Township	Spring Creek HQ-CWF
PAI041403004	John E. Glantz 101 Norma Mae Circle Port Matilda, PA 16870-7018	Centre	Patton Township	Waddle Run, a tributary of Buffalo Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plant

PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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>
Lackawanna County City of Scranton	PAG2003503005	Kevin D. Fitz Estes Express Lines P. O. Box 25612 Richmond, VA 23260	Lucky Run Creek CWF	Lackawanna County Conservation District (570) 281-9495
Susquehanna County Herrick Township	PAG2005803005	Gregg Confer Elk Mtn. Ski Resort R. R. 2, Box 3328 Uniondale, PA 18470	East Branch Tunkhannock CWF	Susquehanna County Conservation District (570) 278-4600
Centre County Spring Township	PAG2001403009	Rosewood Dove c/o Banyon Homes 200 Haymaker Circle State College, PA 16801	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817
Centre County Rush Township	PAG2001403025	Moshannon Valley Jt. Sewer Authority 829 Ninth St. Philipsburg, PA 16866	Oshannon Creek CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817
Centre County Boggs Township	PAG2001403032	Valley Self Storage Land Development Old Curtain Rd. Milesburg, PA 16853	UNT Bald Eagle Creek CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817
Centre County Ferguson Township	PAG2001403022	Omega Bank Bristol Lot No. 1 Bristol Ave. State College, PA 16801	Big Hollow Drainage way CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817
Centre County Spring Township	PAG2001403011	White Rock Quarry Track Rt. 6 Pleasant Gap, PA 16823	UNT Logan Branch CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817
Clearfield County Glen Hope Borough	PAG2001703010	Muddy Run Regional Authority P. O. Box 474 Medera, PA 16661	Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830
Northumberland County Coal Township	PAR104925R	Den Mar Limited Liability Partnership Maysville Park Plaza Project 333 South Pine St. Mount Carmel, PA 17851	Quaker Run CWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Northumberland County Point Township	PAG2004903015	Eldorado Properties Corp. Northumberland West Side 900 Eisenhower Blvd. Middletown, PA 17057	Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Tioga County Middlebury Township	PAG2005903015	Rusty and Cheryl Walker 1779 Perkiomenville Rd. Harlesville, PA 19438	Losey Creek WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Beaver County Hopewell Township	PAG2000403013	Thomas J. McKnight Moderne Glass Co. 1000 Industrial Blvd. Aliquippa, PA 15001	Trappmill Run WWF	Beaver County Conservation District (724) 774-7090
Indiana County Cherryhill Montgomery and Washington Townships	PAG2003203007	Michael Duffalo ICMA 827 Water Street Indiana, PA 15701	Penn Run, UNT to Penn Run, UNT to Crooked Creek, McKee Run, UNT McKee Run, Cush Creek UNT to Cush Creek	Indiana County Conservation District (724) 463-8547
Washington County Nottingham Township	PAG2006303028	Ronald Sopko 1396 Venetia Road Eighty-Four, PA 15330	Unnamed tributary to Peters Creek WWF	Washington County Conservation District (724) 228-6774
Crawford County West Mead Township	PAG2002003006	Richard Schnarrs 11734 N. Wayland Meadville, PA 16335	Van Horne Creek WWF	Crawford County Conservation District (814) 724-1793
Crawford County Vernon Township	PAG2002003008	Roger Gildea P. O. Box 1376 Meadville, PA 16335	Tamarack Lake CWF	Crawford County Conservation District (814) 724-1793
Erie County City of Erie	PAG2002503035	Erie County Convention Center Authority 809 French St. Erie, PA 16501	Presque Isle Bay/Lake Erie WWF	Erie County Conservation District (814) 825-6403
Erie County Washington Township	PAG2002503038	James Gillette 3861 Woodbriar Way Edinboro, PA 16412	Tributary to Edinboro Lake WWF	Erie County Conservation District (814) 825-6403
Erie County City of Erie	PAG2002503040	Erie City Parking Authority	Separate Municipal Storm Sewer	Erie County Conservation District (814) 825-6403
Erie County City of Erie	PAG2002503042	Meadow Brook Dairy 2365 Buffalo Rd. Erie, PA 16510	Private Storm Sewer	Erie County Conservation District (814) 825-6403
Erie County Borough of Edinboro	PAG2002503043	Edinboro University of Pennsylvania Construction Office Edinboro, PA 16444	Darrow Brook (WWF)	Erie County Conservation District (814) 825-6403
Mercer County Jamestown Borough	PAG2004303007	Jamestown Area School District P. O. Box 217 204 Shenango Street Jamestown, PA 16314	Gamble Run tributary to the Shenango River	Mercer County Conservation District (724) 66-2242

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>
Cumberland County Upper Allen Township	PAR123557	Keebler Company 5045 Ritter Road Mechanicsburg, PA 17055	Cedar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<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>
Adams County Straban Township	PAR803657	United Parcel Service, Inc.—Gettysburg 1821 S. 19th Street Harrisburg, PA 17104	Ephemeral channel to Rock Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Shinglehouse Borough Potter County	PAR224848	Donovan and Schoonover Lumber Company 640 East Academy Street Shinglehouse, PA 16748	Honeoye Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Wysox Township Bradford County	PAR804866	Welles Mill Company, Inc. R. R. 6, Box 6024 Towanda, PA 18848	UNT Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Watsontown Borough Northumberland County	PAR204816	Watsontown Foundry Fifth and Ash Streets Watsontown, PA 17777	UNT to Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Speers Borough Washington County	PAR116125	Alstom Trans & Distr. One Alstom Way Charleroi, PA 15022	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Adams County Liberty Township	PAG043708	Andrew and Dawn Snyder 710A Crum Road Fairfield, PA 17320	Flat Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAG043571	Shawn Campbell 15 Old Mill Inn Rd. York, PA 17404	Little Conewago Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Hamilton Township	PAG043618	Kenneth and Mary Heckman 5361 Bricker Road Chambersburg, PA 17201	Dennis Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Unity Township Westmoreland County	PAG046275	Edwin O'Barto R. D. 2 Box 68 C2 Latrobe, PA 15650	Unnamed tributary to Loyalhanna Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
LeBoeuf Township Erie County	PAG048540	Timothy D. Klein 1201 Sirak Drive Fairview, PA 16415-1407	Unnamed tributary to LeBoeuf Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Penn Township Butler County	PAG048907	Jeffery J. Gavin 208 West Ingomar Road Pittsburgh, PA 15237	Thorn Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Forward Township Butler County	PAG048897	Kathleen L. Puskar 161 Glade Run Road Renfrew, PA 16053	Unnamed tributary to Glade Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>Permit Type—PAG-5</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 Manheim Township	PAG053574	Mobil Pipeline Company P. O. Box 728 Linden, NJ 07036	UNT Little Conestoga Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Food Shop 3 (Hull's Landing) Muncy Creek Township Lycoming County	PAG054830	Glen Leighow Leighow Oil Company, Inc. 118 Eyer Road Danville, PA 17821	Muncy Creek	Northcentral Region 208 West Third Street Suite 101 Williamsport, PA 17701-6448
Smith Township Washington County	PAG056188	Jake Schneider Box 7, Route 18 Atlasburg, PA 15004	Burgetts Fork	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-8</i>				
<i>Facility Location and County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>	
Springvalley WWTP Wharton Township Fayette County	PAG086103	New Meadow Run Bruderhof P. O. Box 260 Farmington, PA 15437	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000	
Williamstown WWTP East Bethlehem Township Washington County	PAG086112	Lower Ten Mile Joint Sewer Authority 144 Chartiers Road Jefferson, PA 15344	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000	

General Permit Type—PAG-8 (SSN)

Facility Location and County/Municipality

Karp Farm Biosolids Site
Conemaugh Township
Indiana County

Applicant Name and Address

City of Johnstown WWTP
241 Asphalt Road
Johnstown, PA 15906

Contact Office and Telephone No.

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

Wayne Woods Biosolids Site
Armstrong Township
Indiana County
Plumcreek Township
Armstrong County

City of Johnstown WWTP
241 Asphalt Road
Johnstown, PA 15906

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

PUBLIC WATER SUPPLY (PWS) 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 **Whispering Hollow North Mobile Home Park**, 139 Country Club Road, Northampton, PA 18067, PWS ID 3480058, Moore Township, **Northampton County** on July 30, 2003, for the operation of facilities approved under Construction Permit No. 4899504.

Operations Permit issued to **Sand Springs Company**, 4511 Falmer Drive, Bethlehem, PA 18020, PWS ID 2401019, Butler Township, **Luzerne County** on August 1, 2003, for the operation of facilities approved under Construction Permit No. 4094503T1 and Minor Amendment to 4094503T1.

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

Permit No. 0103507, Public Water Supply.

Applicant	CDC Corporation—Skills of Central PA Inc.
Municipality	Berwick Township
County	Adams
Type of Facility	Installation of chemical addition equipment for soda ash and zinc orthophosphate for LCR treatment.
Consulting Engineer	Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
Permit to Construct Issued:	July 28, 2003

SEWAGE FACILITIES ACT PLAN APPROVAL

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

Southcentral Region: Water Supply 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>
Silver Spring Township	6475 Carlisle Pike Mechanicsburg, PA 17050	Cumberland

Plan Description: The order granting the private request provides for the use of a sewage treatment plant to serve the sewage disposal needs of the Hodges Mobile Home Park. The Department's review of the private request to revise the official plan of the township has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality, authority or mobile home park owner as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Beavertown	102 West Market Street Beavertown, PA 17813	Snyder

Plan Description: The approved plan provides for construction of a new 0.160 MGD sequencing batch reactor process wastewater treatment facility to replace the borough's old STP and to abate raw sewage discharges caused by the hydraulic overload of the existing system. The project will also involve the rehabilitation of 26,000 feet of leaky collection lines and 113 manholes and the replacement of service laterals throughout the system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with Air Products and Chemicals, Inc., Amana Company, LP, B. P. America, Inc., F. L. Smidth Inc. (formerly named Fuller Company), General Electric Company, Ingersoll-Rand Company, Agere Systems, Inc. (f/k/a Lucent Technologies), Mack Trucks, Inc., PPL Electric Utilities Corporation (f/k/a Pennsylvania Power & Light), S. B. C. Holdings, Inc. (f/k/a The Stroh Brewery Co.) and Tarkett Inc. (Settling Parties) concerning the cleanup of the Novak Sanitary Landfill (Site).

Under the authority granted under CERCLA and the HSCA, the Department has conducted response activities in coordination with the EPA towards a final remediation action at the Site. The Department has filed in the United States District Court for the Eastern District of Pennsylvania a Complaint seeking reimbursement from the Settling Parties of the response costs it incurred at the Site and a Praecipe to Lodge a Consent Decree. The Department, as set forth in the Consent Decree lodged with the Court, has reached a proposed settlement with the settling parties for reimbursement of the response costs it has incurred at the Site. Under the terms of the Consent Decree, the Settling Parties shall pay to the Department the total sum of \$90,275.20 in settlement of their combined shares of the cleanup costs at the Site.

The specific terms of the proposed settlement are in the Consent Decree lodged by the Department in the United States District Court for the Eastern District of Pennsylvania. The Department will receive and consider comments relating to the Consent Decree for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Consent Decree if the

comments concerning the Consent Decree disclose facts or considerations that indicate the Consent Decree is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with the Settling Parties shall be effective upon the date that the Department notifies the Settling Parties, in writing, that this Consent Decree is final and effective in its present form and that the Department has filed a response to significant written comments to the Consent Decree or that no comments were received.

Copies of the Consent Decree are available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Woodrow Cole, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18711-0790. Further information may be obtained by contacting Woodrow Cole, (570) 826-2511 or Anderson Hartzell, Esq., (610) 832-6309. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

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 a 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. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Alterman Property, Solebury Township, Bucks County. Babu Sanji, ANCO Environmental Services, Inc., 35 Russo Place, P. O. Box 188, Berkeley Heights, NJ 07922, on behalf of James Alterman, 5978 Atkinson Rd., New Hope, PA 18938, has submitted a Final Report concerning remediation of site soil contaminated with no.

2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Krupp Foundry, Quakertown Borough, **Bucks County**. Blake Moyer, URS Corp., 2325 Maryland Rd., Willow Grove, PA 19090, on behalf of Borough of Quakertown, Dave Woglom, 35 N. Third St., Quakertown, PA 18951, has submitted a Final Report concerning remediation of site soil contaminated with fuel oils no. 2, 4 and 6. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Hogg Property, Haverford Township, **Delaware County**. J. Jeffrey Grant, GAC Associates, Inc., P. O. Box 625, Ardmore, PA 19003, on behalf of Herbert Victor, HMS/Bryn Mawr Assoc., 349 W. Lancaster Ave., Haverford, PA 19004, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PHC. The report is intended to document remediation of the site to meet the Statewide Health Standard.

CVS Pharmacy 0987 (Former Carr's Towing and Repair), Montgomery Township, **Montgomery County**. Robert Botterman, TolTest Inc., 339 Haymaker Rd., Suite 1101, Monroeville, PA 15146, on behalf of Greg L. England, SCP 2002E-56 LLC, 15601 Dallas Parkway, Addison, TX 75244, has submitted a Final Report concerning remediation of site soil contaminated with lead and used motor oil and site groundwater contaminated with MTBE. The report is intended to document remediation of the site to meet Background and Statewide Health Standards.

Nursing Care Center at the 58th Street Presbyterian Home, City of Philadelphia, **Philadelphia County**. Nancy R. Repetto, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, on behalf of Presby Homes & Services, Inc., Margaret Bucci, 2000 Joshua Rd., Lafayette Hills, PA 19444-2430, has submitted a Final Report concerning remediation of site soil contaminated with fuel oil no. 2. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Eastern Electric Property, City of Philadelphia, **Philadelphia County**. Bruce Middleman, Jacques Whitford Co., 450 S. Gravers Rd., Plymouth Meeting, PA 19462, on behalf of University of Pennsylvania, Attn: Kyle Rosato, 3160 Chestnut St., Philadelphia, PA 19104-6287, has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with lead and PAH; and site groundwater contaminated with lead and PCB. The combined report is intended to document remediation of the site to meet Site-specific Standards.

Former Goldman Paper/Wilde Dyehouse Site, City of Philadelphia, **Philadelphia County**. Jeffrey E. Goudsward, Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Steve Wolfson, 2201 E. Allegheny Ave., LP, 1250 Germantown Pike, Plymouth Meeting, PA 19462, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, fuel oils no. 2, 4 and 6, leaded gasoline and unleaded gasoline.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

MetalTech, City of Pittsburgh, **Allegheny County**. Mary A. King, Civil & Environmental Consultants Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of The Techs, 20 Stanwix Street, Suite 620, Pittsburgh, PA 15222) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX, PAH and VOCs. The report is intended to document remediation of the site to meet the Site Specific Standard.

Metal Service Company Property (Former) Parcel A, Apollo Borough, **Armstrong County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Armstrong County Industrial Development Council, 402 Market Street, Kittanning, PA 16201) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead and solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

Federal Laboratories Eastern Areas, Conemaugh Township, **Indiana County**. Kelly R. McIntosh, Geomatrix Consultants, 338 Harris Hill Road, Williamsville, NY 14221 (on behalf of Gerald Harvey, TransTechnology Corp, 700 Liberty Ave., Union, NJ 07083-8198) has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The reports are intended to document remediation of the site to meet the Site Specific Standard.

Liberty Powder Site (Former), Dunbar Township, **Fayette County**. John M. Scrabis, MACTEC Engineering & Consulting Inc., 700 North Bell Avenue, Suite 200, Carnegie, PA 15106 (on behalf of Richard DiCenzo, RIDEC, Inc., 396 Old Pittsburgh Road, Uniontown, PA 15401, Curt Richards, Olin Corporation, 1186 Lower River Road, Charleston, TN 37310 and Mallinckrodt, Inc., 675 McDonnell Boulevard, Hazelwood, MO 63042) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics and other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Economy Borough Site, Economy Borough, **Beaver County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Robertson Ceco Corporation, 5000 Executive Parkway, Suite 425, San Ramon, CA 94583 and Guy Caferalli, 925 8th Street, Ambridge, PA 15003) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8 and the administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Envi-

ronmental 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. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Our Lady of Mount Carmel Church, Doylestown Borough, **Bucks County**. Ethan Prout, P. G., American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, on behalf of Archdiocese of Philadelphia, Jim Bollenbach, Our Lady of Mount Carmel Church, 235 E. State St., Doylestown, PA 18901, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with fuel oil no. 2. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 6, 2003.

Diamond Delchester Oil/Petner Residence, Upper Darby Township, **Delaware County**. Matthew B. Noblet, The Shaw Group, Inc., 200 Horizon Center Blvd., Tren-

ton, NJ 08691, on behalf of the Petners, 336 Wiltshire Rd., Upper Darby, PA, has submitted a Final Report concerning remediation of site soil contaminated with fuel oil no. 2. The Final report which was submitted within 90 days of the release, demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 5, 2003.

Former C. W. Kline Granite Works Facility, Douglass Township, **Montgomery County**. Terence A. O'Reilly, P. G., TriState Environmental, Inc., 362 Dunks Ferry Rd., Bensalem, PA 19020, on behalf of Bruce Sanft, Williams Pontiac, Routes 100 and 73, P. O. Box 5445, Boyertown, PA 19512, has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline, lead, MTBE, other organics, unleaded gasoline and used motor oil; and site groundwater contaminated with leaded gasoline, other organics and unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 10, 2003.

26th and Penrose Ave. Property, City of Philadelphia, **Philadelphia County**. Eric Fretz, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of American Premier Underwriters, Inc., One E. Fourth St., Cincinnati, OH 45202, has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with inorganics and lead. The report was approved by the Department on August 6, 2003.

Former Capehart Housing Area, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Robert M. Rosenthal, Westrum Development Co., 370 Commerce Dr., Suite 100, Fort Washington, PA 19034, has submitted a Final Report concerning remediation of site soil contaminated with lead, inorganics, other organics and PAH. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 5, 2003.

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

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 final report demonstrated attainment of the Statewide Health standard and was approved by the Department on August 5, 2003.

Former Raymark Industries Upper Mill, Manheim Borough, **Lancaster County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Phoenix Group II, LLC, 2600 Virginia Avenue NW, The Watergate, Suite 606, Washington, DC 20037, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, inorganics, lead, MTBE and other organics. The final report demonstrated attainment of a combination of the Statewide Health and Site-Specific Standards and the combined report was approved by the Department on August 7, 2003

Ross Technology Corporation, Upper Leacock Township, **Lancaster County**. GemChem, Inc., 53 North

Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Ross Technology Corporation, 104 North Maple Avenue, Leola, PA 17540, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents. The report was approved by the Department on August 11, 2003.

Former Sterling Packaging Corporation, North Lebanon Township, **Lebanon County**. American Geosciences, Inc., 3925 Reed Boulevard, Murrysville, PA, on behalf of S & T Bank, 800 Philadelphia Street, Box 190, Indiana, PA 15701, submitted a Remedial Investigation and Risk Assessment concerning remediation of site groundwater and soils contaminated with chlorinated solvents. The Remedial Investigation and Risk Assessment reports were approved by the Department on August 11, 2003.

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

Costy's Used Truck & Auto Parts, Inc., Richmond Township, **Tioga County**. Mountain Research, Inc., on behalf of David and Daniel Kurzejewski, 2395 S. Main Street, Mansfield, PA 16933, has submitted a Final Report concerning groundwater contaminated with BTEX, naphthalene, cumene and MTBE. This Final report demonstrated attainment of a combination Site-Specific and Statewide Health Standards and was approved by the Department on July 25, 2003.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

MetalTech, City of Pittsburgh, **Allegheny County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of The Techs, 20 Stanwix Street, Suite 620, Pittsburgh, PA 15222) has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with BTEX, PAH and VOCs. The Cleanup Plan was approved by the Department on April 18, 2003.

Sunrise Medical HHG, Inc., Respiratory Products Division, Borough of Somerset, **Somerset County**. John Pile, Earthtech, Inc., 336 Bloomfield Street, Suite 201, Johnstown, PA 15904 (on behalf of Bob Wolk, Sunrise Medical HHG, Inc., 100 DeVilbiss Drive, Somerset, PA 15501) has submitted a Final Report concerning the remediation of site soil contaminated with fuel oil no 2. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 11, 2003.

American Refining Group—Indianola Plant, Indiana Township, **Allegheny County**. Don Blackert, Key Environmental Inc., 1200 Arch Street, Suite 200, Carnegie, PA 15106 (on behalf of Kinder Morgan Inc., 2010 William Pitt Way, Pittsburgh, PA 15238 and American Refining Group Inc., 3240 William Pitt Way, Pittsburgh, PA 15238) has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with BTEX, PAHs and MTBE. The Risk Assessment Report was disapproved by the Department on July 31, 2003.

Sterling Packaging Corporation, City of Jeannette, **Westmoreland County**. David R. Perry, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400 Murrysville, PA 15668-1848 (on behalf of Todd D. Brice, S & T Bank, 800 Philadelphia Street, Indiana, PA 15701 and

Kenneth B. Schulman, Jeannette Packaging, LLC, 108 Main Street, Norwalk, CT 06851) has submitted a Remedial Investigation Report and a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with inorganics and chlorinated solvents. The Reports were approved by the Department on July 28, 2003.

Carbon Resources, Inc./Gateway Forest Products Site, Morgan Township, **Greene County**. Steven P. Stout, Carbon Resources, Inc., P. O. Box 1512, McMurray, PA 15317 (on behalf of Carbon Resources, Inc., P. O. Box 1512, McMurray, PA 15317) has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with heavy metals, PAHs and benzene. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department on June 24, 2003.

Johnstown High School, City of Johnstown, **Cambria County**. Von E. Fisher, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of Donald Irwin, Greater Johnstown School District, 1091 Broad Street, Johnstown, PA 15906 and Deborah Walters, Johnstown Redevelopment Authority, Fourth Floor, 401 Washington Street, Johnstown, PA 15901) has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, leaded gasoline, PAHs, unleaded gas, used motor oil, diesel fuel and other organics. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department on August 1, 2003.

Chapel Harbor Site, O'Hara Township, **Allegheny County**. David R. Perry, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668 (on behalf of Chapel Harbors at the Water, LLC, c/o Zambrano Corporation, 1650 Main Street, Pittsburgh, PA 15215) has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on July 31, 2003.

Retail Parcel—Former Auld Lumber, Hampton Township, **Allegheny County**. Robert J. Valli, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Northwest Savings Bank, 225 Second Avenue, P. O. Box 128, Warren, PA 16365) has submitted a Final Report concerning the remediation of site soil contaminated with Benzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 17, 2003.

MUNICIPAL WASTE GENERAL PERMITS

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.

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

General Permit Application No. WMGM019. Valley Forge, Inc., 462 Glennie Circle, King of Prussia, PA 19406. Beneficial use and processing of municipal waste including: concrete processing, mulch and wood processing, asphalt processing, soil processing and leaf composting. The general permit was issued by Central Office on August 11, 2003.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual 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.

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

General Permit No. WMGR090R003. E. J. Brene-man L. P., 1117 Snyder Road, West Lawn, PA 19609. Authorization of the processing and beneficial use of reclaimed asphalt pavement (RAP) materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on August 8, 2003.

General Permit No. WMGR090R004. Quaker Sales Corporation, P. O. Box 880, Johnstown, PA 15907-0880. Authorization of the processing and beneficial use of RAP materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on August 8, 2003.

General Permit No. WMGR090R005. EJB Paving and Materials Co., 1119 Snyder Road, West Lawn, PA 19609. Authorization of the processing and beneficial use of RAP materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on August 8, 2003.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and/or the beneficial use of municipal waste.

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

General Permit Application No. WMGM017D002. W. D. Zwicky & Son, Inc., 220 Buena Vista Road, Fleetwood, PA 19522. Beneficial use of processed manure, yard waste, and the like, for use as a soil additive generated at its facility Maiden Creek Township, Berks County. The general permit was issued by Central Office on August 8, 2003.

DETERMINATION OF APPLICABILITY FOR INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

Determination of Applicability for General Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and infectious and chemotherapeutic waste regulations for a general permit to operate infectious and chemotherapeutic waste processing facilities.

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

General Permit No. WMGI005D002. Centocor Inc., 200 Great Valley Pkwy., Malvern, PA 19355-1307. Authorization of processing of infectious waste generated in the production and research and development of pharmaceuticals, using chemical and/or thermal inactivation. The Department issued the determination of applicability on August 11, 2003.

Persons interested in reviewing the general permit may Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

D & D Homeworks, 411 Stoke Mill Road, Stroudsburg, PA 18360. Authorization No. WH0291. Effective August 5, 2003.

Tri Axle Inc., P. O. Box 1650, Tullytown, PA 19007. Authorization No. WH3247. Effective August 5, 2003.

JWJ Inc., 436 County Route 51, Mexico, NY 13114. Authorization No. WH3940. Effective August 5, 2003.

William M. Martinko, 404 Clayton Ave., Wilmington, DE 19809. Authorization No. WH4262. Effective August 5, 2003.

Century III Moving Systems Inc., 316 Finley Road, Belle Vernon, PA 15012. Authorization No. WH4539. Effective August 5, 2003.

Northeast Environmental Transportation Services Inc., 2 East Broad St., Hazleton, PA 18201. Authorization No. WH4965. Effective August 5, 2003.

Alfredo Zeas, 195 Bloomfield Ave., Newark, NJ 07104. Authorization No. WH4977. Effective August 5, 2003.

Blackhorse Transport Inc., 287 West Hight St., Bound Brook, NJ 08805. Authorization No. WH5080. Effective August 5, 2003.

Geobah Delivery Service Inc., P. O. Box 1145, 950 Calcom Hook Road, Sharon Hill, PA 19079. Authorization No. WH5085. Effective August 5, 2003.

Mateo Enterprises Inc., 116 Carlisle Ave., Paterson, NJ 07501. Authorization No. WH5093. Effective August 5, 2003.

Tim O'Connell & Sons Inc., Boxwood Industrial Park, 2 Meco Circle, Wilmington, DE 19804. Authorization No. WH5094. Effective August 5, 2003.

Bracy Contracting, 4240 Tilghman St., Allentown, PA 18103. Authorization No. WH5060. Effective August 6, 2003.

Roberto Negrón General Contractor, 523 Columbus Ave., Trenton, NJ 08629. Authorization No. WH5063. Effective August 6, 2003.

Total Site Development Inc., 206B South Whitford Road, Exton, PA 19341-2632. Authorization No. WH5064. Effective August 6, 2003.

N & L Trucking LLC, 49 Eddy St., New Haven, CT 06511. Authorization No. WH5065. Effective August 6, 2003.

Hari Singh Sandhu, 6203 Downing St., Parlin, NJ 08859. Authorization No. WH5068. Effective August 6, 2003.

Penn Perry Inc., 75 Shenot Road, Wexford, PA 15090-7459. Authorization No. WH5069. Effective August 6, 2003.

O. C. Cluss Lumber Company, 138 South Pennsylvania Ave., P. O. Box 696, Uniontown, PA 15401. Authorization No. WH5070. Effective August 6, 2003.

Becker Construction Co., 540 Delwar Road, Pittsburgh, PA 15236-1309. Authorization No. WH5071. Effective August 6, 2003.

Jerry W. Seese, R. R. 1 Box 53B, Greentown, PA 18426. Authorization No. WH5072. Effective August 6, 2003.

Mease's Auto Salvage, 406 Newville Road, Elizabethtown, PA 17022-1113. Authorization No. WH5073. Effective August 6, 2003.

Imperial Excavating, 1234 S. 5th St., Allentown, PA 18103. Authorization No. WH5074. Effective August 6, 2003.

JKT Contractors & Developers Corp., 242 S. 51 St., Philadelphia, PA 19139. Authorization No. WH5075. Effective August 6, 2003.

South Coventry Township, 1002 Ridge Road, Pottstown, PA 19465. Authorization No. WH5076. Effective August 6, 2003.

Pelt's d/b/a Edward R. Stumm, 917 Rhoads Ave., Secane, PA 19018-2731. Authorization No. WH5079. Effective August 6, 2003.

Sandra D. Ifill, 2444 Devoe Terrace 3, Bronx, NY 10468. Authorization No. WH5081. Effective August 6, 2003.

Tom Manning Trucking Inc., 167 Canterbury Court, East Windsor, NJ 08520. Authorization No. WH5082. Effective August 6, 2003.

Abel & Sons Corp., 8509 Durham Ave., North Bergen, NJ 07047-0909. Authorization No. WH5086. Effective August 6, 2003.

Christopher Trucking d/b/a Christopher R. Burns, 708 Third St., Port Carbon, PA 17965-1421. Authorization No. WH5087. Effective August 6, 2003.

Paul C. Porter, 1037 Temple Road, Pottstown, PA 19465-7358. Authorization No. WH5088. Effective August 6, 2003.

Bill Boyd Auto & Truck, 1517 Diamond St., Sellersville, PA 18960. Authorization No. WH5089. Effective August 6, 2003.

Scullin Oil Co., 900 Spruce St., Sunbury, PA 17801-0350. Authorization No. WH5091. Effective August 6, 2003.

Key Energy Services Inc. Eastern Div., 2021 S. 6th St., Indiana, PA 15701. Authorization No. WH5092. Effective August 6, 2003.

Joseph C. Dannels, P. O. Box 221, Effort, PA 18380. Authorization No. WH5095. Effective August 6, 2003.

Slusarczyk Excavating, 1 Sam Road, West Brownsville, PA 15417. Authorization No. WH4441. Effective August 7, 2003.

S J T Inc., 214 South Main Street, Doylestown, PA 18901. Authorization No. WH5026. Effective August 4, 2003.

Hayden Trucking, 40 Bushy Run Road, Jeannette, PA 15644. Authorization No. WH3066. Effective August 4, 2003.

James W. Steich, Jr., 2245 Keiper Road, Quakertown, PA 18951-2070. Authorization No. WH5033. Effective August 7, 2003.

Klassic Konstruction, 4136 Nazareth Pike, Bethlehem, PA 18020. Authorization No. WH5038. Effective August 7, 2003.

Brian K. Jackson, 1785 Alpine Road, Dover, PA 17315. Authorization No. WH5097. Effective August 7, 2003.

Maryland Environmental Service, 2011 Commerce Park Drive, Annapolis, MD 21401. Authorization No. WH5102. Effective August 7, 2003.

S L C L Anderson, 10883 Oak Ridge Avenue, Red Lion, PA 17356. Authorization No. WH5103. Effective August 7, 2003.

Frontier Contracting, 423 Telegraph Road, Brownsville, PA 15417. Authorization No. WH5105. Effective August 7, 2003.

Calvin C. Cole Inc., 809 North Elmira Street, Sayre, PA 18840-1003. Authorization No. WH5107. Effective August 7, 2003.

A & J Marks Trucking, 35 Dairy Lane, Barto, PA 19504. Authorization No. WH5110. Effective August 7, 2003.

Marks Electric & General Contracting, 6475 York Road, Spring Grove, PA 17362. Authorization No. WH4858. Effective August 8, 2003.

Leticia Inc., 640 Irvington Ave., Hillside, NJ 07205. Authorization No. WH5011. Effective August 8, 2003.

Stucco Systems Inc., 1698 5th St., Ewing, NJ 08638. Authorization No. WH5083. Effective August 8, 2003.

Norval L. Weddeburn, 396 Ellison St., Paterson, NJ 07501. Authorization No. WH5100. Effective August 8, 2003.

Srecko Dacevski, 150 Getty Ave., Paterson, NJ 07503. Authorization No. WH5112. Effective August 8, 2003.

Robert W. Hunsicker, 36 Little Mountain Road, Myerstown, PA 17067. Authorization No. WH5113. Effective August 8, 2003.

F M Trucking Co., P. O. Box 422, 486-4 Royal Manor Road, Easton, PA 18044. Authorization No. WH5116. Effective August 8, 2003.

Mountain View Trucking, 5940 S. Rockwell, Oklahoma City, OK 73179. Authorization No. WH5117. Effective August 8, 2003.

Roy Summers, 105 Duncan Drive, Oliver Springs, TN 37840. Authorization No. WH5118. Effective August 8, 2003.

J & S Leasing Inc., P. O. Box 53493, Knoxville, TN 37950. Authorization No. WH5119. Effective August 8, 2003.

Edward M. Hans, 968 Kearny Ave., Forked River, NJ 08731. Authorization No. WH5134. Effective August 8, 2003.

Herculean Trucking Company Inc., 39 Joseph St., Clark, NJ 07066. Authorization No. WH5137. Effective August 8, 2003.

Ramon A. Jimenez, 412 Bruck Avenue, Perth Amboy, NJ 08861. Authorization No. WH4956. Effective August 6, 2003.

Scalo, Inc., 22 Rutgers Road, Pittsburgh, PA 15205-2550. Authorization No. WH4981. Effective August 6, 2003.

Burns & Scalo Roofing, Inc., Suite 200, 22 Rutgers Road, Pittsburgh, PA 15205-2550. Authorization No. WH4982. Effective August 6, 2003.

Altier Trucking & Recovery, Rt. 6, Box 710, Mayfield, PA 18433. Authorization No. WH5043. Effective August 6, 2003.

Canton Borough, 4 North Center Street, P. O. Box 174, Canton, PA 17724-0174. Authorization No. WH5044. Effective August 6, 2003.

American Timneh Industries, Inc., 19 Woodvale Street, Dunbar, PA 15431-1515. Authorization No. WH5045. Effective August 6, 2003.

Edward J. Magee, P. O. Box 353, Alloway, NJ 08001. Authorization No. WH5046. Effective August 6, 2003.

Henry Industries, R. R. 2, Box 107, Du Bois, PA 15801-9802. Authorization No. WH5047. Effective August 7, 2003.

Gary L. Clanton, 350 Lake Road, Avondale, PA 19311-9335. Authorization No. WH5048. Effective August 6, 2003.

Shred-It USA, Inc., 460 Old Frankstown Road, Monroeville, PA 15146. Authorization No. WH5049. Effective August 6, 2003.

Petroleum Recovery, Inc. d/b/a Liquix Oil Co., 301 Priestley Avenue, Carnegie, PA 15106. Authorization No. WH5050. Effective August 6, 2003.

William J. Adams Construction Company, Inc., 945 Almhouse Road, Ivyland, PA 18974-1201. Authorization No. WH5051. Effective August 6, 2003.

Mark G. Eggert d/b/a M. G. E. Construction, 1352 Hampton Road, Allentown, PA 18104. Authorization No. WH5052. Effective August 6, 2003.

F. D. L. Container Services, Inc., 2918 Brighton Street, Philadelphia, PA 19149. Authorization No. WH5053. Effective August 7, 2003.

Carachilo, Inc., 211 Ridge Avenue, P. O. Box 289, Hawley, PA 18428. Authorization No. WH5054. Effective August 6, 2003.

Clecio C. Depaiva, 47 James Street, Englewood, NJ 07631. Authorization No. WH5055. Effective August 6, 2003.

Bennett Construction Company, Inc., 512 South Camden Avenue, Fruitland, MD 21826. Authorization No. WH5056. Effective August 6, 2003.

Deb Ross Trucking, 9068 Townline Road, Conneaut Lake, PA 16316-1944. Authorization No. WH5058. Effective August 6, 2003.

C. R. G. Trucking, Inc., 1706 Springfield Avenue, New Providence, NJ 07974. Authorization No. WH5059. Effective August 6, 2003.

Agave Enterprises, Inc., 104 East Mill Road, Flourtown, PA 19031. Authorization No. WH5111. Effective August 7, 2003.

N Transportation Company, 3200 Rochambeau Avenue, No. 4H, Bronx, NY 10467. Authorization No. WH5114. Effective August 7, 2003.

Dynamic Sanitation Services, Inc., 540 Bordentown Avenue, South Amboy, NJ 08879. Authorization No. WH5115. Effective August 7, 2003.

Larry W. Barnes, Jr., 1813 Schellsburg Road, Claysburg, PA 16625. Authorization No. WH5120. Effective August 6, 2003.

S & P Conveyors, Inc., P. O. Box 368, Nottingham, PA 19362-0368. Authorization No. WH5121. Effective August 7, 2003.

Delran Builders Company, Inc., 7909 Flourtown Avenue, Wyndmoor, PA 19038. Authorization No. WH5122. Effective August 7, 2003.

Sadler Construction, 111 Wahl Road, Harmony, PA 16037. Authorization No. WH5123. Effective August 7, 2003.

Morgan Transportation Service, Inc., Route 31, P. O. Box 292, Acme, PA 15610. Authorization No. WH5125. Effective August 6, 2003.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP1-36-03060: Lancaster Leaf Tobacco Co. of PA, Inc. (P. O. Box 897, Lancaster, PA 17601-5626) on August 11, 2003, was authorized to operate a small gas and no. 2 oil fired combustion unit under GP1 in the City of Lancaster, **Lancaster County**.

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

GP3-59-02: Fred J. Robbins (R. R. 2, Box 25A, Tioga, PA 16946) on July 23, 2003, to authorize the construction and operation of various pieces of sand and gravel processing equipment under the General Plan Approval and General Operating Permit for Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) in Lawrence Township, **Tioga County**.

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

16-138: Timberline Packaging, Inc. (531 East State Street, Knox, PA 16232) on August 6, 2003, to operate a natural gas fired combustion unit in Knox Borough, **Clarion 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.

46-0010D: Montenay Montgomery LP (1155 Conshohocken Rd., Conshohocken, PA 19428) on August 6, 2003, to operate two municipal waste combustors in Plymouth 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.

35-302-110A: PEI Power Corp. (170 Power Boulevard, P. O. Box 157, Archbald, PA 18403) on August 4, 2003, to modify the auxiliary boiler original plan approval conditions at their facility in Archbald Borough, **Lackawanna County**.

35-306-004A: PEI Power Corp. (170 Power Boulevard, P. O. Box 157, Archbald, PA 18403) on August 4, 2003, to modify of the main boiler original plan approval conditions at their facility in Archbald Borough, **Lackawanna County**.

39-313-045: Carpenter Co. (57 Olin Way, Fogelsville, PA 18051) on August 6, 2003, to modify an expanded polystyrene process at their facility in Upper Macungie Township, **Lehigh County**.

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

06-03551: MPG, LLC (796 Fritztown Road, Sinking Spring, PA 19608) on August 11, 2003, to construct a graphite milling facility at their Sinking Spring Plant in Spring Township, **Berks County**.

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

49-308-002: Jeff's Auto Body and Recycling Center, Inc. (R. R. 1, Box 318, Paxinos, PA 17860) on July 8, 2003, to construct an aluminum sweat furnace and associated air cleaning device (a thermal afterburner) in Shamokin Township, **Northumberland County**. The furnace is subject to Subpart RRR of the National Emission Standards for Hazardous Air Pollutants.

14-00014A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on July 29, 2003, to modify a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) by using no. 5 and no. 6 fuel oils and recycled/reprocessed oil as fuel in the plant's rotary drum burner in addition to the natural gas and no. 2 fuel oil already approved, for the construction of a 33,000 gallon oil storage tank for the construction of a recycled asphalt pavement crusher, screen and bins and for the construction of a cage mill stone crusher, a screen and five conveyors in Spring Township, **Centre County**. The asphalt plant is subject to Subpart I, the oil storage tank to Subpart Kb and the remainder of the equipment to Subpart OOO, all subparts of the Federal Standards of Performance for New Stationary Sources.

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.

46-322-007: Waste Management Disposal Services of PA (1425 Sell Road, Pottstown, PA 19464) on August 8, 2003, to operate a municipal solid waste landfill in West Pottsgrove 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.

40-399-036A: Johns Manville International (600 Jaycee Drive, Valmont Industrial Park, Hazleton, PA 18201) to install an air cleaning device to control emissions from insulation manufacturing at their facility in Hazle Township, **Luzerne County**. The plan approval has been extended.

35-303-011D: Dunmore Materials (Division of Haines & Kibblehouse, P. O. Box 196, 2052 Lucon Road, Skip-pack, PA 19474) to modify a batch asphalt plant at their facility at Dunham Drive, Dunmore Borough, **Lackawanna 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.

60-310-006A: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on July 31, 2003, to extend the plan approval and to extend the authorization to operate a stone crushing operation and associated air cleaning devices (two water spray dust suppression systems) on a temporary basis, until November 27, 2003, in Buffalo Township, **Union County**.

49-00007A: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on August 7, 2003, to extend the authorization to operate wastewater treatment equipment and associated covers identified in the respective plan

approval on a temporary basis until December 5, 2003, at their Cherokee Plant in Riverside Borough, **Northumberland County**.

49-331-001: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on August 7, 2003, to authorize the operation of an Airpol, Inc. no. 7489W wet, single stage electrostatic precipitator to be used for the control of air contaminant emissions from a hazardous waste incinerator at a minimum specific power (secondary power divided by stack gas flow rate) of 5.5 watts per standard cubic feet per second (1 hour rolling average) instead of 22.2 watts per standard cubic feet per second (1 hour rolling average) in Riverside Borough, **Northumberland County**.

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

43-310F: Dufenco Farrel Corp. (15 Roemer Boulevard, Farrell, PA 16121) on August 31, 2003, to reactivate no. 3 reheat furnace in Farrell, **Mercer County**.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

59-00002A: Dominion Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) on July 23, 2003, to modify two 4,200 horsepower natural gas-fired reciprocating internal combustion compressor engines by increasing the allowable CO and VOC emission rates due to the applicant's failure to provide information requested by the Department which was necessary to perform a through evaluation of the air contamination aspects of the engines as well as failure to demonstrate that the CO and VOC emissions from the modified engines would be controlled to the maximum extent consistent with the best available technology at the Tioga Compressor Station in Farmington Township, **Tioga County**.

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

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

36-05025: Texas Eastern Transmission LP (P. O. Box 1642, Houston, TX 77251-1642) on August 11, 2003, to operate a natural gas compressor station at their Marietta Compressor Station in East Donegal Township, **Lancaster County**. This is a renewal of the operating permit.

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.

09-00025: Delbar Products, Inc. (601 W. Spruce Street, Perkasio, PA 18944) on August 12, 2003, to

operate a synthetic minor operating permit in Perkasio Borough, **Bucks County**.

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

47-00011: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044) on July 24, 2003, issued a State-only Operating Permit for their crushed and broken limestone facility in Limestone Township, **Northumberland County**. The facility's main sources include a primary crusher, secondary crusher, tertiary crusher and associated various material sizing and conveying equipment. The State-only Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

55-00018: Cherry Hill Hardwoods (R. R. 1 Box 900, Richfield, PA 17086) on July 24, 2003, issued a State-only Operating Permit for their lumber mill facility in West Perry Township, **Snyder County**. The facility's main source includes a stoker wood-fired boiler for producing steam for lumber-drying kilns. The State-only Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

49-00053: Shumaker Industries, Inc. (924 Water Street, Northumberland, PA 17857) on July 2, 2003, issued a State-only Operating Permit for their cement drum refurbishing facility in Northumberland Borough, **Northumberland County**. The facility's main sources include shot blasting and surface coating operations. The State-only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00050: Mertz Greenhouses (R. R. 2 Box 492A, Northumberland, PA 17857) on June 30, 2003, issued a State-only Operating Permit for their greenhouses facility in Point Township, **Northumberland County**. The facility's main sources include two anthracite coal fired boilers. The State-only Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

47-00005: Geisinger Medical Center (100 North Academy Avenue, Danville, PA 17822) on February 26, 2003, to operate a medical facility, which includes three natural gas/no. 2 fuel oil fired boilers, two natural gas fired boilers, one natural gas fired water heater, one waste oil burner, two sterilizers, eight no. 2 fuel oil fired emergency generators and three natural gas fired emergency generators in Danville, **Montour County**. This State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00048: Philipsburg Osceola Area School District (200 Short Street, Philipsburg, PA 16866) on June 17, 2003, to issue a State-only Operating Permit for their Osceola Mills elementary school in Osceola Mills Borough, **Clearfield County**. The facility's main sources include one tri-fuel (coal-no. 2 fuel oil) fired boiler, one no. 2 fuel oil fired boiler, one no. 2 fuel oil fired water heater and one no. 2 fuel oil fired emergency generator. The State-only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00056: Wenger's Feed Mill, Inc. (101, West Harrisburg Avenue, Rheems, PA 17570) on June 23, 2003, to issue a State-only Operating Permit for their animal feed

mill in Clinton Township, **Lycoming County**. The facility's main sources include one grain receiving station, one soft ingredient receiving station, seven mineral receiving bins, one ingredient bin vent system, two hammermills, two pellet lines and a manual bag dumping operation. The State-only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

19-00019: Dillon Floral Corporation (933 Columbia Blvd., Bloomsburg, PA 17815-8844) on June 25, 2003, to issue a State-only Operating Permit for their greenhouse facility in Bloomsburg, **Columbia County**. All applicable requirements including Federal and State regulations have been included in this operating permit. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included in this State-only Operating Permit.

60-00001: Bucknell University (Physical Plant, Lewisburg, PA 17837) on May 13, 2003, to issue a revised operating permit, Revision No. 1, for their power plant and campus in East Buffalo Township, **Union County**. The revision of this permit is to incorporate the terms and conditions of Plan Approval 60-0001B for the operation of a newly constructed 5.5 megawatt natural gas/no. 2 fuel oil-fired (dual fuel) Solar Taurus model T-7300S gas turbine equipped with "SoLoNOx" low-NOx combustors (Source ID P101). This revision also includes a minor operating permit modification to incorporate tighter Synthetic Minor restrictions into the State-only (Synthetic Minor) Operating Permit due to the operation of the new dual-fuel fired combustion turbine. This State-only (Synthetic Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

12-399-011: GKN Sinter Metals, Inc. on August 7, 2003, to authorize the use of additional materials for treating sintered metal parts to be processed through a steam treating operation and to establish a 10-gallon per 12 consecutive month usage limitation for one material at Plant 2 in Emporium Borough, **Cameron County**.

41-00010: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) on July 24, 2003, to issue a revised Title V Operating Permit to include an administrative amendment to incorporate terms and conditions from Plan Approval 41-0010B for the operation of the 650 lb/hr electric induction-smelting furnace. This facility is in the Borough of Muncy, **Lycoming County**. This revised Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428;

Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

09-00005: 3M Co. (2201 Green Lane, Bristol, PA 19007) revoked August 6, 2003, for boilers, heaters and emergency generators in Bristol Township, **Bucks 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.

33961302. NPDES Permit No. PA0214868, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Sandy Lands Mine in McCalmont Township, **Jefferson County**, from Laurel Energy, L. P., no additional discharges. Permit issued July 31, 2003.

30831303. NPDES Permit No. PA0013511, RAG Cumberland Resources, L. P. (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, to install a dewatering pipeline from no. 1 bleeder shaft to no. 1 RB borehole, Surface Acres Proposed 0.7, no additional discharges. Permit issued August 4, 2003.

30831303. NPDES Permit No. PA0013511, RAG Cumberland Resources, L. P. (R. D. 3, Box 184, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, to extend the stream enclosure at the prep plant, no additional discharges. Permit issued August 4, 2003.

32961302. NPDES Permit No. PA0214949, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Ondo Mine in Brush Valley Township, **Indiana County**, from Senate Coal Mines, Inc., no additional discharges, Permit issued August 5, 2003.

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

24020104 and NPDES Permit No. PA0242268. Hepburnia Coal Company (P. O. Box I, Grampian, PA

16838). Commencement, operation and restoration of a bituminous strip operation in Fox Township, **Elk County** affecting 260.0 acres. Receiving streams: unnamed tributary to Little Toby Creek. Application received November 14, 2002. Permit issued August 5, 2003.

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

56030103 and NPDES Permit No. PA0249441. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541 for commencement, operation and restoration of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 262.0 acres. Receiving streams: Spruce Run (CWF); unnamed tributary to Kaufman Run (CWF); Shade Creek (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received March 25, 2003. Permit issued August 4, 2003.

56920106 and NPDES Permit No. PA0599557. Cooney Bros. Coal Company, P. O. Box 246, Cresson, PA 16630, permit revision to change the land use from woodland to pastureland in Shade Township, **Somerset County**, affecting 276.0 acres. Receiving streams: unnamed tributary to Hinson Run, unnamed tributary to Shade Creek, unnamed tributary to Stony Creek (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Water Authority Stonycreek Surface Water Withdrawal. Application received May 19, 2003. Permit issued August 6, 2003.

Noncoal Permit Actions

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

64030805. John W. Packer, (HC 62, Box 160, Honesdale, PA 18431), commencement, operation and restoration of quarry operation in Lebanon Township, **Wayne County**, affecting 5.0 acres, receiving stream: Big Brook. Application received May 27, 2003. Permit issued August 5, 2003.

64030806. Bruce F. Taylor, Sr. (R. R. 2, Box 2658-A, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Lebanon Township, **Wayne County**, affecting 3.0 acres, receiving stream: Crooked Creek. Application received June 4, 2003. Permit issued August 5, 2003.

58030814. Thomas J. Shields (R. R. 1, Box 1117, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Snake Creek. Application received May 12, 2003. Permit issued August 8, 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. Permit issued August 5, 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.

15034030. AMROC (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Phoenixville Borough, **Chester County** with an expiration date of August 22, 2004. Permit issued August 5, 2003.

36034073. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of August 22, 2008. Permit issued August 5, 2003.

21034040. David H. Martin, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in South Hampton Township, **Cumberland County** with an expiration date of August 22, 2004. Permit issued August 5, 2003.

36034074. Miller Warner Construction Company, Inc. (265 Plane Tree Drive, Lancaster, PA 17603) and **M & J Explosives, Inc.** (670 Longs Gap Road, P. O. Box 608, Carlisle, PA 17013), construction blasting in Manor Township, **Lancaster County** with an expiration date of August 22, 2004. Permit issued August 5, 2003.

45034027. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Price Township, **Monroe County** with an expiration date of August 17, 2004. Permit issued August 5, 2003.

28034022. David H. Martin, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in South Hampton Township, **Franklin County** with an expiration date of August 23, 2004. Permit issued August 5, 2003.

23034012. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in Upper Providence Township, **Delaware County** with an expiration date of August 23, 2004. Permit issued August 5, 2003.

06034035. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in Spring Township, **Berks County** with an expiration date of August 23, 2004. Permit issued August 5, 2003.

01034009. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Huntingdon Township, **Adams County** with an expiration date of August 28, 2004. Permit issued August 5, 2003.

06034036. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in South Heidelberg Township, **Berks County** with an expiration date of January 28, 2004. Permit issued August 5, 2003.

36034075. MF Ronca & Sons (179 Mikron Road, Bethlehem, PA 18020) and **Bernard J. Hasara** (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in Lititz Borough, **Lancaster County** with an expiration date of September 13, 2004. Permit issued August 5, 2003.

45034028. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Jackson Township, **Monroe County** with an expiration date of July 20, 2004. Permit issued August 5, 2003.

45034029. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Tobyhanna Township, **Monroe County** with an expiration date of July 19, 2004. Permit issued August 5, 2003.

40034021. Mericle Construction, Inc. (100 Baltimore Drive, Wilkes-Barre, PA 18702), construction blasting in Hazle and East Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of August 1, 2004. Permit issued August 5, 2003.

40034022. Mericle Construction, Inc. (100 Baltimore Drive, Wilkes-Barre, PA 18702), construction blasting in Hanover Township, **Luzerne County** with an expiration date of August 1, 2004. Permit issued August 5, 2003.

36034076. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Manheim Township, **Lancaster County** with an expiration date of August 28, 2004. Permit issued August 7, 2003.

21034041. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Silver Spring Township, **Cumberland County** with an expiration date of August 28, 2004. Permit issued August 7, 2003.

67034049. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of November 28, 2003. Permit issued August 7, 2003.

38034019. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Jonestown Borough, **Lebanon County** with an expiration date of August 23, 2008. Permit issued August 7, 2003.

48034025. Rock Work, Inc. (1257 Dekalb Pike, Blue Bell, PA 19422), construction blasting in Allen Township, **Northampton County** with an expiration date of September 4, 2004. Permit issued August 7, 2003.

45034030. PACT Construction, Inc. (P. O. Box 74, Ringoes, NJ 08551), construction blasting in Pocono Township, **Monroe County** with an expiration date of March 9, 2004. Permit issued August 7, 2003.

06034037. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Caernarvon Township, **Berks County** with an expiration date of August 29, 2004. Permit issued August 7, 2003.

45034031. Falcon Crest Homes (Regency Plaza, Rte. 209, Broadheadsville, PA 18322) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Polk Township, **Monroe County** with an expiration date of October 21, 2003. Permit issued August 7, 2003.

46034029. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Skippack Township, **Montgomery County** with an expiration date of August 29, 2004. Permit issued August 7, 2003.

21034043. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting in Middlesex Township, **Cumberland County** with an expiration date of July 31, 2004. Permit issued August 7, 2003.

21034042. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting in South Hampton Township, **Cumberland County** with an expiration date of July 31, 2004. Permit issued August 7, 2003.

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

56034005. Waste Management, 843 Miller Picking Road, Davidsville, PA 15928. Blasting activity permit issued for Southern Alleghenies Landfill in Conemaugh Township, **Somerset County**. Permit issued August 7, 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 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E413-001NE. United States Army Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390 in Kidder Township, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To modify an existing road which traverses the top of the Francis E. Walter Dam. The project will impact a de minimis area (PFO and PSS) of wetlands equal to 0.01 acre and 200 feet of tributaries to Cider Run (one perennial, one intermittent) (HQ-CWF) (Hickory Run, PA Quadrangle N: 19.5 inches; W: 12.5 inches) (Subbasin: 02A).

E52-183. Municipal Authority of the Township of Westfall, P. O. Box 235, Matamoras, PA 18336. Westfall Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To abandon the existing outfall structure at the edge of bank and to construct and maintain a submerged effluent diffuser outfall in the Delaware River (WWF-MF, perennial), extending approximately 150 feet from the river bank. The outfall will consist of dual 12-inch DIP effluent lines, encased in concrete, with flow discharged via four diffuser openings. The project is part of a wastewater treatment plant upgrade and expansion project and is on the south side of SR 6/209, near the interchange of SR 84 and SR 6/209 (Port Jervis South, NY-NJ-PA Quadrangle N: 18.5 inches; W: 12.5 inches) (Subbasin: 1D).

E40-614. Luzerne County Commissioners, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. Butler Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing single-span steel bridge, having a span of 42.0 feet and an underclearance of 9.0 feet, across Nescopeck Creek (CWF, perennial). Work will include removal and replacement of the exist-

ing steel superstructure. The structure, known as County Bridge No. 54703, is along T-364 (Deep Hole Road), approximately 0.4 mile south of the intersection of T-364 and T-427 (St. John's Road) (Sybertsville, PA Quadrangle N: 4.1 inches; W: 4.8 inches) (Subbasin: 5D).

E58-252. Choconut Township, R. R. 1, Box 1702, Friendsville, PA 18818-9608. Choconut Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a stream restoration project in a 3130-foot reach of Choconut Creek (WWF, perennial). The purpose of the project is to create a narrower, deeper channel that will more efficiently transport sediment, alleviate flooding potential and enhance fish habitat. The project will utilize natural stream channel design techniques to reconfigure the stream channel geometry, including rock vanes and cross vanes. The project includes two sections of toe reinforcement outside of the channel along the left bank, totaling approximately 700 linear feet, utilizing stepped large rocks. The project is parallel to and west of SR 0267, extending north of T-769 (Stanley Lake Road) (Friendsville, PA-NY Quadrangle N: 16.8 inches; W: 0.5 inch) in Choconut Township, Susquehanna County (Subbasin: 4E).

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

E28-306: Chambersburg Borough, 100 South Second Street, Chambersburg, PA 17201 in Chambersburg Borough, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 100-foot span pedestrian bridge with an under clearance of 18 feet across the Conococheague Creek (CWF), a 400-foot long retaining wall at the left bank of and to relocate and maintain a 35-foot span pedestrian bridge with an under clearance of five feet cross the Falling Spring Branch of Conococheague Creek (CWF), to enhance the Village of Falling Spring just upstream of Lincoln Way bridge (Chambersburg, PA Quadrangle N: 11.5 inches; W: 5.0 inches) in Chambersburg Borough, Franklin County.

E67-731: Manchester Township, 3200 Farmtrail Road, York, PA 17402 in Manchester Township, **York County**, ACOE Baltimore District.

To remove existing twin 44-inch by 30-inch concrete pipe culverts and to construct and maintain a 4-foot by 10-foot by 87-foot long reinforced concrete box culvert in an unnamed tributary to Codorus Creek (WWF) in Manchester Township, York County (York Haven, PA Quadrangle N: 2.5 inches; W: 14.4 inches). The total impact to the stream will be 195-feet, resulting from the 87-linear foot culvert, a riprap apron and streambank grading.

E05-315: Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Broad Top Township, **Bedford County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a new bridge having a clear single span of 31.33 feet on a 50 degree skew with an underclearance of 12.38 feet over Pipers Run (WWF) on SR 1020, Section 001, Segment 50, Offset 880 and to reconstruct and maintain the two span steel truss bridge over the Raystown Branch Juniata River on the same roadway about 2.7 miles from the intersection with SR 2 (Everett East, PA Quadrangle N: 16.5 inches; W: 6.4 inches). The bridge over Pipers Run is in Hopewell Township and the bridge over

Raystown Branch Juniata River is in Hopewell and Broad Top Townships, Bedford County.

E06-581: Greth Development Group, Inc., P. O. Box 305, Temple, PA 19560 in Exeter Township, **Berks County**, ACOE Philadelphia District.

To remove two 30-inch diameter RC pipes and to install and maintain a 57-inch by 38-inch corrugated metal pipe arch, approximately 16 feet long within an UNT to Antietam Creek (CWF), at a point accessing lot 55 within the Sagebrook Subdivision (Birdsboro, PA Quadrangle N: 13.0 inches; W: 13.4 inches) in Exeter Township, Berks County.

E21-345: Westwood Hills Development Co., LLC, 4216 Little Run Road, Harrisburg, PA 17110 in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a 43-inch by 64-inch pipe, 65-foot long road crossing, an 8-inch diameter sewer line, three 18-inch outfalls with rip-rap protection and to fill and maintain a 0.14 acre of wetlands, all within or adjacent to an unnamed tributary to the Susquehanna River (WWF), within the Westwood Hills Residential Development north of Valley Street (SR 1004) (Harrisburg West, PA Quadrangle N: 10.15 inches; W: 9.40 inches) in East Pennsboro Township, Cumberland County. The permittee is responsible for providing 0.20 acre of replacement wetlands.

E36-758: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17120 in Elizabeth and Warwick Townships, **Lancaster County**, ACOE Baltimore District.

To remove the existing concrete arch bridge and then to construct and maintain a 70-foot single span prestressed concrete bridge on a 70 degree skew with a minimum underclearance of 3.91 feet across Hammer Creek (TSF) on SR 1035, Section 002, Segment 0070, Offset 1127 and

rock vanes about one mile north of Brunnerville Village (Lititz, PA Quadrangle N: 13.1 inches; W: 4.2 inches) in Elizabeth and Warwick townships, Lancaster County.

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

E14-419 John Glantz, 101 Norma Mae Circle, Port Matilda, PA 16860. Echo Hill Road Stream Crossing in Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 12.0 inches; W: 10.5 inches).

To construct and maintain: (1) a 117-inch by 79-inch by 90-foot long arch corrugated metal pipe and associated approach fill to cross Waddle Run with a new public road called Echo Hill Road; (2) a 43-inch by 27-inch corrugated metal pipe arch with associated concrete cap and gravel covered bike path approaches to create a low flow stream crossing; and (3) a 15-inch diameter 60-foot long corrugated metal pipe in the left floodway of Waddle Run to divert overbank flooding back to the arch culvert, 2,200 feet east-northeast from the intersection of Sellers Lane and Meeks Lane (Julian, PA Quadrangle N: 12.0 inches; W: 10.5 inches) in Patton Township, Centre County. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E14-438. Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. Philipsburg Transportation Improvement Project SR 0322 in Philipsburg Borough and Rush Township, **Centre County**, ACOE Baltimore District (Karthaus, PA Quadrangle N: 6.44 inches; W: 8.19 inches).

To upgrade 1.03 miles of existing SR 0322 Section C08 and Section A03, as well as the 0.81-mile construction of a new SR 0322-Section C09 which requires the following structures be removed or new structures constructed, operated and maintained:

<i>SR 322 Section</i>	<i>Proposed Activity</i>	<i>Stream</i>	<i>Stream Classification</i>	<i>Longitude</i>	<i>Latitude</i>
C08	Bridge Removal	Moshannon Creek	CWF	78°, 13', 41"	40°, 54', 07"
C08	Bridge Construction	Moshannon Creek	CWF	78°, 13', 41"	40°, 54', 08"
C08	Channel Realignment	Moshannon Creek	CWF	78°, 13', 41"	40°, 54', 08"
C09	Floodplain Fill Removal	Cold Stream	CWF	78°, 13', 12"	40°, 54', 18"
C09	Bridge Removal	Cold Stream	CWF	78°, 12', 36"	40°, 54', 01"
C09	Bridge Construction	Cold Stream	CWF	78°, 12', 36"	40°, 54', 01"
C09	Wetland and Floodplain Fills	Cold Stream Moshannon Creek	CWF	78°, 13', 51" 78°, 12', 33"	40°, 54', 11" 40°, 53', 59"
C09	Stormwater Outfall	Cold Stream	CWF	78°, 13', 03"	40°, 54', 21"
C09	Stormwater Outfall	Cold Stream	CWF	78°, 13', 02"	40°, 54', 22"
C09	Stormwater Outfall	Cold Stream	CWF	78°, 12', 55"	40°, 54', 19"
C09	Stormwater Outfall	Cold Stream	CWF	78°, 12', 49"	40°, 54', 17"
C09	Stormwater Outfall	Cold Stream	CWF	78°, 12', 45"	40°, 54', 14"

<i>SR 322 Section</i>	<i>Proposed Activity</i>	<i>Stream</i>	<i>Stream Classification</i>	<i>Longitude</i>	<i>Latitude</i>
C09	Stormwater Outfall	Cold Stream	CWF	78°, 12', 38"	40°, 54', 05"
C08	Stormwater Outfall	Moshannon Creek	CWF	78°, 13', 42"	40°, 54', 07"
C08	Stormwater Outfall	Moshannon Creek	CWF	78°, 13', 40"	40°, 54', 07"

The prestressed concrete spread box beam bridge across Cold Stream shall be constructed with a clear span length of 63.5 feet, minimum underclearance of 7.05 feet and skew of 66 degrees. The prestressed concrete I-beam bridge across Moshannon Creek shall be constructed with a clear length span of 118.42 feet, underclearance 9.2 feet and skew of 85 degrees. The western terminus of the project is on SR 0322 at the intersection of SR 0053 and SR 0322. This permit also authorizes the construction, operation, maintenance and removal of temporary construction crossings, causeways, stream diversions and cofferdams. All temporary structures shall be constructed with clean rock, free of fines and silts or other nonerodible material. Upon completion of the construction activities, all temporary structures shall be removed and the areas restored to original contours and elevations. Construction and/or relocation SR 0322-Section C09 will impact 3.88 acres of wetland, for which the permittee shall provide 3.88 acres of functional replacement wetlands. Construction of the replacement wetlands shall be started prior to commencing any activities authorized by this permit. If upon investigation the Department determines any of the activities approved by this permit are serving to degrade stream quality, geometry, meander pattern or profile, the permittee shall be required to develop and implement the measure necessary to mitigate the degradation.

E17-383. Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. Upgrade of SR 0800, Section B14 bridge across West Branch Susquehanna River and Stream Enclosure in unnamed tributary to Wolf Run in Bradford and Lawrence Townships, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle N: 6.9 inches; W: 2.1 inches).

To modify, operate and maintain an existing bridge across the West Branch, Susquehanna River and an existing stream enclosure in an unnamed tributary to Wolf Run for the upgrade of 1.7 miles of SR 0080, Section B14. Modifications to the existing dual seven span bridge across the West Branch, Susquehanna River include replacement of the superstructure, expansion of the bridge to a curb-to-curb width of 35-feet, replacement of both abutments, replacement of Pier 1 and refurbishing of Piers 2—6. Modification of the 72-inch diameter corrugated metal pipe enclosing the unnamed tributary to Wolf Run include relining the 72-inch diameter pipe with a 60-inch diameter spiral metal steel pipe. The construction activities for the upgrade of SR 0080, Section B14 will temporarily impact 0.17 acre of wetlands. Upon completion of the upgrade project, the permittee shall fully restore the wetlands. The project is at the intersection of SR 0080 and SR 0879. This permit also authorizes the construction, operation, maintenance and removal of temporary three-span causeway, stream diversions and cofferdams. All temporary structures shall be constructed with clean rock, free of fines and silts or other nonerodible material. The temporary causeway shall be maintained or

removed during construction "shut-down" periods to ensure passage of debris and ice jams during seasonal high flows. Upon completion of the construction activities, all temporary structures shall be removed and the areas restored to original contours and elevations.

E53-385. Department of Conservation and Natural Resources, Bureau of Forestry, District 15, 3150 East Second Street, P. O. Box 673, Coudersport, PA 16915-0673. Culvert construction in Abbott Township, **Potter County**, ACOE Baltimore District (Oleona, PA Quadrangle N: 17.8 inches; W: 4.0 inches).

To construct and maintain a 6-foot 1-inch by 4-foot 7-inch by approximately 30 foot long arch culvert pipe with approximately 10 linear feet of inlet and outlet riprap on both creek banks for scour control in the Indian Run Branch (EV) of Kettle Creek approximately 8,000 feet upstream from the confluence of Indian Run with Kettle Creek (Oleona, PA Quadrangle N: 17.8 inches; W: 4.0 inches) in Abbott Township, Potter County. The project will not impact wetlands while impacting approximately 50 linear feet of waterway. Approximately 0.05 acre of earth will be disturbed by the project.

E53-392. Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. SR 0049, Section A04 Culvert Replacement in Harrison Township, **Potter County**, ACOE Baltimore District (Harrison Valley, PA Quadrangle N: 10.8 inches; W: 1.5 inches).

To remove an existing culvert; realign the channel of an unnamed tributary to the Cowanesque River and construct, operate and maintain a single cell concrete box culvert to carry SR 0049, Section A04 across the same unnamed tributary to the Cowanesque River (WWF) to improve public highway safety. The stream realignment shall be limited to a maximum length of 158-feet with R-8 rip rap stream bank protection through the relocated stream reach. The prestressed concrete box culvert shall be constructed with a span of 14-feet, rise of 2.5-feet, skew of 70° and 1-foot of depression into the streambed. The box culvert installation will temporarily impact .035 acre of wetland, while permanently impacting 196-feet or waterway. The project is along SR 0049 at the intersection of Harrison Township Road No. 431 and SR 0049 intersection. This permit also authorizes the construction, operation, maintenance and removal of temporary construction causeways, stream diversions and cofferdams. All temporary structures shall be constructed with clean rock, free of fines and silts or other nonerodible material. Upon completion of the construction project, all temporary structures shall be completely removed from the channel and floodplain.

E59-442. Middlebury Township Supervisors, R. R. 2, Box 293A, Middlebury Center, PA 16935. Bridge Replacement in Middlebury Township, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 1.4 inches; W: 12.2 inches).

To remove the existing steel I-Beam structure in its entirety and to construct, operate and maintain a precast reinforced concrete box culvert and end sections with a normal clear span of 20 feet and an underclearance of 6.5 feet. The new structure will be 15 feet upstream of the existing structure and be skewed at 87 degrees. The box culvert will be depressed 12 inches under the natural streambed and have R-6 riprap placed 120 linear feet downstream of the outlet. This permit also authorizes a 36-inch diversion culvert to be installed during construction. This diversion shall be removed and all impacted areas returned to its natural contours. This work shall impact 70 linear feet of Losey Creek (WWF), 15 feet from the intersection of T-552 and SR 4017. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E02-440 A1. McKees Rocks Industrial Enterprises, Inc., 104 Broadway Avenue, Carnegie, PA 15106. Mire Dock in Stowe Township, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 19.7 inches; W: 8.3 inches) (Latitude: 40°, 29', 01" and Longitude: 80°, 03', 35"). To amend Permit No. E02-440 to operate and maintain the existing barge mooring facility and to construct and maintain a 591.0-foot long by 45.0-foot wide addition to the existing facility in the channel of and along the left bank of the Ohio River for the purpose of expanding the existing barge mooring facility. The project is near River Mile 4.0, approximately 3,500 feet downstream from the McKees Rocks Bridge. This permit also authorizes perpetual maintenance dredging to maintain the docking facility to its original permitted configuration. The project will impact approximately 786.0 linear feet of the Ohio River (WWF).

E02-1390. New Community Church, 1000 Brooktree Road, Wexford, PA 15090. New Community Church in Pine Township, **Allegheny County**, Pittsburgh ACOE District (Mars, PA Quadrangle N: 0.3 inch; W: 3.7 inches) (Latitude: 40°, 37', 36" and Longitude: 80°, 1', 36"). To construct and maintain a parking lot and its associated fill and the fill for a proposed 1,000 seat sanctuary along the right bank side of the North Fork Pine Creek (CWF); to construct and maintain two stormwater outfalls to the North Fork Pine Creek; to construct and maintain an administrative building and parking lots and their associated fill along the left bank side of a tributary to the North Fork Pine Creek; to construct and maintain a dual conspan arch bridge, one cell will have a span of 32 feet and under clearance of 3.8 feet. The other cell will have a span of 32 feet and under clearance of 7.5 feet across a tributary to the North Fork Pine Creek; to construct and maintain various utility line crossings across a tributary to the North Fork Pine Creek; to place and maintain fill in 0.22 acre of wetlands as part of the proposed construction of the New Community Church. The project is in the southwest corner of the intersection of Wexford Bayne Road (SR 910) and Pearce Mill Road (SR 4063). To meet the wetland replacement requirement, the applicant has made a payment to the wetland replacement fund.

E02-1410. Pugliano Realty, 2000 Sheena Drive, Pittsburgh, PA 15239. Pugliano Business Park in Plum Borough, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 16.5 inches; W: 2.2 inches) (Latitude: 40°, 27', 57" and Longitude: 79°, 45', 57"). To place and maintain fill in 0.17 acre of PEM/PSS wetlands associated with an unnamed tributary to Thompson Run

(WWF) for the purpose of constructing the Pugliano Business Park. The project is on the north side of Old Frankstown Road, just northeast from the intersection of Old Frankstown Road and Davidson Road. The project will impact 0.17 acre of wetlands and approximately 500 linear feet of the channel of an unnamed tributary to Thompson Run. The stream impacts are waived under Chapter 105. The applicant proposes to construct and maintain 0.26 acre of replacement wetlands to compensate for the wetland impacts.

E02-1413. Richland Industrial Properties, Inc., 5535 N. Montour Road, Gibsonia, PA 15044-9104. Richland Industrial Park in Richland Township, **Allegheny County**, Pittsburgh ACOE District (Valencia, PA Quadrangle N: 6.6 inches; W: 13.4 inches) (Longitude: 79°, 58', 20" and Latitude: 40°, 39', 40"). To place and maintain fill in 0.15 acre of wetlands within the Breakneck Creek Watershed (WWF) for a proposed roadway to be known as Foggy Hollow Road. To construct and maintain various stormwater outfalls to Breakneck Creek. The project is on the east side of Valencia Road approximately .25 mile north of its intersection with Bakerstown Warrendale Road. To meet the wetland replacement requirements the applicant has made a contribution to the Wetland Replacement Fund. This project will also culvert approximately 327 feet of Breakneck Creek, this work qualifies for authorization under the Department waiver 105.12(a)(2).

E02-1429. Michael and Elizabeth Borza, 255 Partridge Run Road, Gibsonia, PA 15044. Borza Residential Bridge in West Deer Township, **Allegheny County**, Pittsburgh ACOE District (Valencia, PA Quadrangle N: 5.9 inches; W: 4.0 inches) (Latitude: 40°, 39', 27" and Longitude: 79°, 54', 13"). To finish the construction of and to maintain an arch bridge having a span of 14.3 feet and underclearance of 6.8 feet across Deer Creek (CWF) and two utility line crossings across Deer Creek. The bridge will be used to provide access to a proposed residence. The bridge is on the west side of Glasgow Road approximately 1,200 feet north of its intersection of Culmerville Road.

E04-290. Chad Zutter, 9000 Christopher Wren Drive, Apt. 107, Wexford, PA 15090. Zutter Residential Bridge in Economy Borough, **Beaver County**, Pittsburgh ACOE District (Baden, PA Quadrangle N: 2.4 inches; W: 6.3 inches) (Latitude: 40°, 38', 18" and Longitude: 80°, 10', 13"). To construct and maintain a single span bridge having a span of 32 feet and under clearance of 7.3 feet across the North Fork of Big Sewickley Creek (TSF) and to place and maintain fill in 0.07 acre of palustrine forested wetlands to provide access to a proposed residence. The project is on the south side of Hoening Road (SR 2003) approximately 0.2 mile southwest of its intersection with Conway-Wallace Road (SR 2005). To compensate for the wetland impacts the applicant has made a payment to the wetland replacement fund. The total project impacts are 20 feet of stream and .07 acre of wetland impact.

ENVIRONMENTAL ASSESSMENTS

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

EA56-002SW. Wells Creek Watershed Association, 1019 Pompey Hill Road, Stoystown, PA 15563. Somerset Township, **Somerset County**, Pittsburgh ACOE District (Somerset, PA Quadrangle N: 2.0 inches; W: 1.65 inches) (Latitude: 40°, 0', 40" and Longitude: 79°, 0', 42"). To construct and maintain a passive, acid mine drainage

treatment system, to treat the mine drainage from Listie Coal Corporation's Louise Mine Nos. 1 and 2. The project will affect a reported 0.67 acre of wetland from the construction of a successive alkaline producing system, settling basin and a maintenance road. A collection system consisting of open pipes and subsurface French-drain type structures will also be constructed and maintained in the wetlands. Four outfall structures will be constructed and maintained along unnamed tributaries to Wells Creek (CWF). In addition to the aforementioned impacts, approximately 0.34 acre of wetlands will temporarily be impacted during construction of this project. The project area is approximately 1,000 feet east of the intersection of Township Roads T-572 and T-539 in Somerset Township, Somerset County. Approval of this Environmental Assessment includes 401 Water Quality Certification.

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

EA06-007. Heritage Building Group Inc., 3326 Old York Road, Suite A100 Furlong, PA 18924. Union Township, **Berks County**. ACOE Philadelphia District.

To construct, operate and maintain a nonjurisdictional dam across a tributary to the Schuylkill River (WWF) for stormwater management at the proposed Norris/Davidheiser tract residential subdivision directly and indirectly impacting approximately 340 linear feet of stream channel. The dam is approximately 500 feet northwest of the intersection of Unionville Road (T-368) and Yocum Road (T-359) (Pottstown, PA Quadrangle N: 20.8 inches; W: 12.6 inches).

SPECIAL NOTICES

Individual NPDES Permit

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

PA0084611, CMV Sewage Company, Inc., 300 Bailey Drive, Suite 106, Stewartstown, PA 17363. CMV Sewage Company, Inc. has submitted an application to renew and transfer an NPDES permit for an existing sewage treatment facility on Noss Road in North Codorus Township, **York County**. The facility was originally designed to treat sewage from a mobile home park but was never used; the applicant seeks to utilize the facility for the proposed Colonial Crossings residential development. The facility would discharge to an unnamed tributary of Codorus Creek.

The Department has scheduled a public hearing to receive testimony and comments on the proposed NPDES permit. The hearing will be held on September 24, 2003, at 7 p.m. at the North Codorus Township Building, 1986 Stoverstown Road, Spring Grove, York County.

Persons intending to testify at the hearing should register by September 19, 2003, by calling Karen Sitler, (717) 705-4904. If no person registers to present oral comments by this deadline, the hearing will not be held. In addition, persons wishing to submit testimony who cannot attend the hearing may do so in writing by October 1, 2003. Written comments should be sent to Sean Furjanic, Water Management Program, Permits Section, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, sefurjanic@state.pa.us. Written comments can also be hand-delivered to Karen Sitler at the public hearing.

All testimony should be to the point. Each individual will have between 5 and 10 minutes for a presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

The permit application is on file at the Southcentral Regional Office in Harrisburg. An appointment to review the files may be scheduled by calling Cynthia Wolfe at (717) 705-4732 between of 8 a.m. and 4 p.m., Monday through Friday.

All comments received will be considered in formulating the Department's decision regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

The EPA permit review waiver provision under 40 CFR 123.24(e) applies to this NPDES permit.

Public Meeting and Request For Comment for the Proposed Total Maximum Daily Loads (TMDLs) for the Delaware River Zones 2—5 (from Morrisville, PA to the PA/DE state line)

The EPA, the Delaware River Basin Commission (DRBC) and the Department of Environmental Protection (Department) will hold a public meeting to discuss proposed TMDLs for PCBs for the Delaware River along Bucks, Philadelphia and Delaware Counties (Zones 2—4). The meeting will be held on September 25, 2003, from 7 to 9 p.m. at the Department's Southeast Regional Office in Conshohocken. The informational meeting will begin with a presentation by agency representatives, followed by a question and answer session. The informational meeting will not be conducted as part of the record.

In addition to the public meeting, there will be a public hearing on October 16, 2003, from 7 to 9 p.m. at the Independence Visitor Center, Independence Ballroom, 2nd Floor, One North Independence Mall West, 6th and Market Streets, Philadelphia. Comments for the record will be accepted at the public hearing, but no agency responses will be offered at that time. Written comments will be accepted through October 21, 2003, and should be submitted to Lenka Berlin, Office of Watersheds (3WP10), USEPA, 1650 Arch Street, Philadelphia, PA 19103-2029, berlin.lenka@epamail.epa.gov. The draft report, including the basis and background document and calculations for the TMDLs, will be published on the DRBC website, <http://www.drbc.net>, by September 15, 2003.

The EPA will review all data and information submitted during the comment period, will respond to comments and will revise the TMDLs as appropriate. A written response document will be prepared prior to final EPA action.

The proposed TMDLs for the Delaware River were developed in accordance with the requirements of section 303(d) of the Clean Water Act. The Delaware River, Zones 2—4, has been identified as impaired on the 1996 Pennsylvania 303(d) list due to PCBs. (Zone 5 runs between the states of Delaware and New Jersey and is therefore not listed on Pennsylvania's 303(d) list but is included in the TMDLs.)

The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles degraded</i>
00002	Delaware River (02E)	16.5 (tidal portion only)
00002	Delaware River (02F)	1.7
00002	Delaware River (03F)	4.4
00002	Delaware River (03G)	9.4
00002	Delaware River (03J)	22.9

The draft report provides calculations of the stream's total capacity to accept PCBs and maintain levels that meet water quality standards. The applicable Pennsylvania and DRBC water quality criteria are as follows:

<i>Parameter</i>	<i>Criteria</i>
PCBs	44 pg/l

Technical development and interstate coordination necessary to support the TMDLs for PCBs in the Delaware River have been provided by the DRBC. The EPA will adopt the TMDLs for PCBs in the Delaware River in a single regulatory action. The EPA then will forward the TMDLs to the Department, the Delaware Department of Natural Resources and Environmental Control, the New Jersey Department of Environmental Protection. These agencies will incorporate the TMDLs into their current water quality management plans.

The meeting in Delaware will be held on September 22, 2003, from 7 to 9 p.m. at the Carvel State Office Building, 820 North French Street, 2nd Floor, Wilmington. The meeting in New Jersey will be held on September 24, 2003, from 7 to 9 p.m. in the Public Hearing Room, New Jersey Department of Environmental Protection, 401 East State Street, Trenton.

For more information, contact Jenifer Fields, (610) 632-6094. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users).

[Pa.B. Doc. No. 03-1635. Filed for public inspection August 22, 2003, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "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 any questions or comments about a particular

document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 258-2000-764. Title: Residual Waste and Special Handling Waste Streams. Description: This policy describes procedures for the disposal of residual waste and special handling wastes at regulated waste processing or waste disposal facilities. This policy applies to all persons and municipalities owning or operating Department regulated waste management facilities that need to file appropriate forms in order to receive Department approval to accept residual waste or special handling waste for processing or disposal. Comment Period Ends: September 22, 2003. Contact: Bill Pounds, (717) 787-7381 or wpounds@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1636. Filed for public inspection August 22, 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 August 28, 2003, at 9 a.m. in the Department of Agriculture Building, Room 202, Harrisburg. The purpose of this meeting is to review and discuss CAFO Program Delegation under the revised United States Environmental Protection Agency (EPA) rules.

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

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 783-7577 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. 03-1637. Filed for public inspection August 22, 2003, 9:00 a.m.]

Pollution Prevention and Energy Efficiency Site Assessment Grant Program

The Pollution Prevention and Energy Efficiency Site Assessment Grant Program (Program) will close September 30, 2003, due to budgetary constraints. The Program is being suspended. Applications for a Site Assessment Grant will be accepted through September 30, 2003.

Site assessment reports for grant applications approved in June 2003 and later must be submitted to the Department of Environmental Protection no later than June 1, 2004. Other program requirements and standards remain in effect. Grant recipients are still obligated to comply with the One Year Follow-up Report requirement.

Questions concerning the Program should be directed to Mike Hitcho, (717) 772-8945 or mhitcho@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1638. Filed for public inspection August 22, 2003, 9:00 a.m.]

Stream Redesignation Evaluation; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to public notice of receipt of petitions, evaluations or assessments of waters for High Quality (HQ) or Exceptional Value (EV) Waters redesignation), the Department of Environmental Protection (Department) hereby gives notice that an evaluation of the stream listed will be conducted. Persons who have technical data concerning the water quality, instream habitat or biological condition of this stream are encouraged to make it available to the Department for consideration in the assessment.

Data should be submitted to Robert F. Frey, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, rofrey@state.pa.us. Data should be submitted by September 23, 2003. Questions concerning this evaluation should be directed to Robert F. Frey at (717) 787-9637.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Spring Mill Creek (Unnamed Tributary 00926 to the Schuylkill River)	Montgomery	Schuylkill River

The study area includes the entire basin of Spring Mill Creek. The basin is currently designated Warm Water Fishes (WWF) and is being evaluated for possible redesignation to High Quality (HQ) or Exceptional Value (EV) Waters in response to a petition submitted to the Environmental Quality Board (EQB) by the Whitemarsh Township Environmental Advisory Board. This assessment may lead to a recommendation to the EQB for redesignation.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Robert F. Frey at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1639. Filed for public inspection August 22, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Suburban General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Suburban General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1, which requires compliance with minimum standards con-

tained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.B19 (relating to showers and bathtubs).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from 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, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, 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.,
Secretary

[Pa.B. Doc. No. 03-1640. Filed for public inspection August 22, 2003, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from 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, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, 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.,
Secretary

[Pa.B. Doc. No. 03-1641. Filed for public inspection August 22, 2003, 9:00 a.m.]

Availability of Draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2004

The Department of Health (Department) is making copies available of the draft Preventive Health and Health Services Block Grant Application for FFY 2004 under 42 U.S.C.A. § 300 w-4. This application is the Commonwealth's draft request to the United States Department of Health and Human Services (DHHS) for block grant funding to address the Healthy People 2010 Health Status Objectives.

The block grant application (the Commonwealth's funding request to the DHHS) describing proposed services, program goals, objectives and activities will be available on or after August 15, 2003, and can be obtained by calling the Bureau of Chronic Diseases and Injury Prevention (Bureau) at (717) 787-6214. Persons with a disability who require an alternative format of the application (for example, large print, audio tape or Braille) should also contact the Bureau at (717) 787-6214, TDD: (717) 783-6514.

A public hearing will be conducted by the Department for the purpose of receiving testimony on the application in accordance with 42 U.S.C.A. § 300 w-4. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 10 a.m. to 12 p.m. on September 7, 2003, in Conference Room 1000, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA. Persons wishing to testify are requested to pre-register by contacting the Bureau. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Testifiers should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent by 4 p.m. on September 18, 2003, to the Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108. Persons with a disability who wish to comment in alternative format (for example, large print, audio tape or Braille) should notify the Bureau at the previous telephone or TDD number.

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

[Pa.B. Doc. No. 03-1642. Filed for public inspection August 22, 2003, 9:00 a.m.]

Emergency Medical Services Operating Fund Funding Priorities

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2003, and ending June 30, 2004.

EMSOF is to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS

councils may be required to contribute funds toward all purchases, acquisitions and projects for which the Department permits the use EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By September 30, 2003, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2004.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in compliance, or aggressively pursuing full compliance, with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2003, and ending June 30, 2004, must be expended by the regional EMS council by June 30, 2004, unless a written request for an extension of time, not to exceed 90 calendar days, is submitted by the regional EMS council and approved by the Department prior to June 30, 2004.

Funding Priorities

These priorities are not ranked. The priorities must be considered before there is regional distribution of EMSOF moneys for initiatives that are not listed. Funding must be distributed consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and additional funding is available, the request to use EMSOF money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.

- Development or improvement of an organizational risk management program (safety measures, hazard recognition/mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Funding under this priority is not intended to support the purchase of equipment. Approval by the Department is required prior to funding.

- Recruitment and retention programs, including scholarships/tuition reimbursement for EMT and paramedic training in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

- Automatic external defibrillators (AED) for Department recognized quick response services (QRS) and basic life support (BLS) ambulance services.

- Equipment required to meet BLS and advanced life support (ALS) ambulance service licensure.

- Capnography equipment (especially wave-form end-tidal CO₂ monitor).

- An ambulance for ambulance services that operate a single ambulance older than 10 years.
- Software/computer equipment to enable services to collect and transmit EMS patient care reports electronically.
- Communication equipment and capabilities for EMS response in areas with poor to no communication capability between ambulances and medical command facilities or between ambulances and receiving facilities.
- Quality assurance/improvement initiatives.
- Continuous positive airway pressure (CPAP) devices approved by the Department.
- Identification vests for mass casualty response and incident command roles.
- EMS personnel protective respiratory equipment approved by the Department to protect the EMS practitioner from communicable diseases transmitted from person to person through airborne mechanisms.

Emergency Preparedness and Response Funding Requests

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, HAZMAT and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests relating to response to terrorism and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to respond to requests for EMS services, both interstate and intrastate, as identified in the State and regional catastrophic casualty care plans.

Provider Equipment

Purchases by providers of EMS are not limited to equipment. This has been a point of misunderstanding in past years. If an EMS provider requests EMSOF moneys to purchase equipment, the eligible provider equipment list (list) identifies equipment for which EMSOF funds will be made available to purchase. This chart identifies the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. An eligible provider is responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. The last two columns of the chart identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

AED capability must be funded for a QRS or a BLS ambulance service prior to the service being approved to receive EMSOF funds towards the purchase of any other equipment.

Questions regarding the list or other matter addressed in this notice should be directed to Margaret Trimble, Director, Emergency Medical Services Office, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-8740. Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Margaret Trimble at the previous address or telephone number. Speech or hearing impaired persons may use VTT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Eligible Provider Equipment List

Equipment Description	Life Expectancy	Eligible Purchase for				Allowable Costs ¹	Nonrural (50%)	Rural (60%)
		ALS	ALS/SQ	BLS	QRS			
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	10,000	5,000	6,000
12 Lead EKG ²	5 years	Y	Y	N	N	16,000	8,000	9,600
AED	5 years	N	N	Y ³	Y ³	3,500	1,750	2,100
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose and Mask Regulator (combination or constant flow) Case	5 years	Y	Y	Y	Y	500	250	300
Capnography Equipment	3 years	Y	Y	N	N	3,000	1,500	1,800
CPAP Ventilation Portable Equipment	5 years	Y	Y	N	N	600	300	360
Pulse Oximeter	5 years	Y	Y	N	N	700	350	420
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	2,000	1,000	1,200

Equipment Description	Life Expectancy	Eligible Purchase for				Allowable Costs ¹	Nonrural (50%)	Rural (60%)
		ALS	ALS/SQ	BLS	QRS			
Intravenous Infusion Pumps	5 years	Y	Y	N	N	1,500	750	900
Adult /Pediatric Intubation Kits	5 years	Y ⁸	Y ⁸	N	N	400	200	240
Transtracheal Jet Insufflators	5 years	Y	Y	N	N	200	100	120
Splinting/Immobilization Devices (any combination) Backboard Cervical Immobilization Device Splints (rigid, traction, and the like)	3 years	Y	Y	Y	Y	500	250	300
Stairchair	5 years	Y	N	Y	N	1,650	825	990
Stretcher—Primary	5 years	Y	N	Y	N	3,000	1,500	1,800
Stretcher/Chair Combination	5 years	Y	N	Y	N	700	350	420
Suction (portable, battery operated)	3 years	Y	Y	Y	Y	500	250	300
Ventilator, Automatic (per Department guidelines)	5 years	Y ⁴	Y ⁴	Y ⁵	Y ⁵	1,400	700	840
Ambulance	—	Y	N	Y	N	—	15,000	20,000
Squad/Response Vehicle	—	N	Y	N	Y	—	7,500	9,000
Data Collection Software ⁶	—	Y	Y	Y	Y	1,700	1,700	1,700
Data Collection Hardware ⁷	3 years	Y	Y	Y	Y	1,500	750	900
Radio, Mobile (one per vehicle)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	3,000	1,500	1,800
Radio, Portable (one per vehicle)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	3,000	1,500	1,800
Triage Vest Set	5 years	Y	Y	Y	Y	150	75	90
Alerting Equipment (five per service at \$400 each)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	2,000	1,000	1,200
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	3,500	1,750	2,100

¹All figures are dollar amounts for each item of equipment.

²Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

³Must be an approved AED service or part of regional planning and AED medical director required.

⁴Completion of approved training program required.

⁵Completion of approved training program required and BLS service medical director approval required.

⁶Must be a Department-approved software program, version and vendor.

⁷Data collection hardware may include computer, modem, printer, backup device and battery system.

⁸Must be durable equipment, not disposable equipment.

⁹Must be compatible with regional and State EMS communications plan.

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

[Pa.B. Doc. No. 03-1643. Filed for public inspection August 22, 2003, 9:00 a.m.]

Hearing Aid Advisory Council Meeting

The Hearing Aid Advisory Council, established by section 201 of the Hearing Aid Sales Registration Law (35 P. S. § 6700-201), is scheduled to hold a meeting on September 24, 2003, from 9:30 a.m. to 12:15 p.m. at 132 Kline Plaza, Suite A, Harrisburg, PA 17104.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact John Hair, Director, Bureau of Community Program Licensure and Certification, (717) 783-8665. For speech and/or hearing impaired persons, call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 03-1644. Filed for public inspection August 22, 2003, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, September 17, 2003, from 9 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Thomas M. DeMelfi at (717) 783-0572 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 03-1645. Filed for public inspection August 22, 2003, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

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

Linden Hall
114 Maiden Lane
Kennett Square, PA 19348

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and window sills):

Bloomsburg Health Care Center
211 East First Street
Bloomsburg, PA 17815

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Masonic Village at Sewickley
1000 Masonic Drive
Sewickley, PA 15143

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexception@health.state.pa.us.

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

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

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously 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.,
Secretary

[Pa.B. Doc. No. 03-1646. Filed for public inspection August 22, 2003, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Income Limits and Copayments for the Subsidized Child Day Care Program

The purpose of this notice is to increase the income limits codified at 55 Pa. Code Chapter 3040, Appendix B (relating to copayment chart family copayment scale (based on the 2000 Federal Poverty Income Guidelines)) under 55 Pa. Code § 3040.62(b) (relating to availability and use of the FPIG). This increase was effective May 1, 2003.

Section 3040.62(b) of 55 Pa. Code requires the Department of Public Welfare to update the co-payment schedule in 55 Pa. Code Chapter 3040, Appendix B to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective May 1, 2003, the income guidelines for the subsidized child day care program are increased due to increases in the FPIG. The copayment schedule is adjusted to reflect the increases. Chapter 3040, Appendix B of 55 Pa. Code also establishes the

family copayment levels according to the family's computed annual income and lists the weekly family copayment based on the annual family income.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-372. No fiscal impact; (8) recommends adoption.

**APPENDIX B
COPAYMENT CHART**

FAMILY COPAYMENT SCALE

(BASED ON THE 2003 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Copay	Family Size: 1 Annual Income		Family Size: 2 Annual Income		Family Size: 3 Annual Income	
	\$5.00	Less than:	\$6,980	Less than:	\$10,120	Less than:
\$10.00	\$6,980.01	\$8,980	\$10,120.01	\$12,120	\$11,260.01	\$13,260
\$15.00	\$8,980.01	\$10,980	\$12,120.01	\$14,120	\$13,260.01	\$15,260
\$20.00	\$10,980.01	\$12,980	\$14,120.01	\$16,120	\$15,260.01	\$17,260
\$25.00	\$12,980.01	\$14,980	\$16,120.01	\$18,120	\$17,260.01	\$19,260
\$30.00	\$14,980.01	\$16,980	\$18,120.01	\$20,120	\$19,260.01	\$21,260
\$35.00	\$16,980.01	\$18,980	\$20,120.01	\$22,120	\$21,260.01	\$23,260
\$40.00	\$18,980.01	\$20,980	\$22,120.01	\$24,120	\$23,260.01	\$25,260
\$45.00	\$20,980.01	\$21,103	\$24,120.01	\$26,120	\$25,260.01	\$27,260
\$50.00			\$26,120.01	\$28,120	\$27,260.01	\$29,260
\$55.00			\$28,120.01	\$28,482	\$29,260.01	\$31,260
\$60.00					\$31,260.01	\$33,260
\$65.00					\$33,260.01	\$35,260
\$70.00					\$35,260.01	\$35,861
	200% FPIG	\$17,960	200% FPIG	\$24,240	200% FPIG	\$30,520

Weekly Copay	Family Size: 4 Annual Income		Family Size: 5 Annual Income		Family Size: 6 Annual Income	
	\$5.00	Less than:	\$12,400	Less than:	\$13,540	Less than:
\$10.00	\$12,400.01	\$14,400	\$13,540.01	\$15,540	\$14,680.01	\$16,680
\$15.00	\$14,400.01	\$16,400	\$15,540.01	\$17,540	\$16,680.01	\$18,680
\$20.00	\$16,400.01	\$18,400	\$17,540.01	\$19,540	\$18,680.01	\$20,680
\$25.00	\$18,400.01	\$20,400	\$19,540.01	\$21,540	\$20,680.01	\$22,680
\$30.00	\$20,400.01	\$22,400	\$21,540.01	\$23,540	\$22,680.01	\$24,680
\$35.00	\$22,400.01	\$24,400	\$23,540.01	\$25,540	\$24,680.01	\$26,680
\$40.00	\$24,400.01	\$26,400	\$25,540.01	\$27,540	\$26,680.01	\$28,680
\$45.00	\$26,400.01	\$28,400	\$27,540.01	\$29,540	\$28,680.01	\$30,680
\$50.00	\$28,400.01	\$30,400	\$29,540.01	\$31,540	\$30,680.01	\$32,680
\$55.00	\$30,400.01	\$32,400	\$31,540.01	\$33,540	\$32,680.01	\$34,680
\$60.00	\$32,400.01	\$34,400	\$33,540.01	\$35,540	\$34,680.01	\$36,680
\$65.00	\$34,400.01	\$36,400	\$35,540.01	\$37,540	\$36,680.01	\$38,680
\$70.00	\$36,400.01	\$38,400	\$37,540.01	\$39,540	\$38,680.01	\$40,680
\$75.00	\$38,400.01	\$40,400	\$39,540.01	\$41,540	\$40,680.01	\$42,680
\$80.00	\$40,400.01	\$42,400	\$41,540.01	\$43,540	\$42,680.01	\$44,680
\$85.00	\$42,400.01	\$43,240	\$43,540.01	\$45,540	\$44,680.01	\$46,680
\$90.00			\$45,540.01	\$47,540	\$46,680.01	\$48,680
\$95.00			\$47,540.01	\$49,540	\$48,680.01	\$50,680
\$100.00			\$49,540.01	\$50,619	\$50,680.01	\$52,680
\$105.00					\$52,680.01	\$54,680

Weekly Copay	Family Size: 4		Family Size: 5		Family Size: 6	
	Annual Income		Annual Income		Annual Income	
\$110.00					\$54,680.01	\$56,680
\$115.00					\$56,680.01	\$57,998
	200% FPIG	\$36,800	200% FPIG	\$43,080	200% FPIG	\$49,360

Weekly Copay	Family Size: 7		Family Size: 8		Family Size: 9	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$15,820	Less than:	\$16,960	Less than:	\$18,100
\$10.00	\$15,820.01	\$17,820	\$16,960.01	\$18,960	\$18,100.01	\$20,100
\$15.00	\$17,820.01	\$19,820	\$18,960.01	\$20,960	\$20,100.01	\$22,100
\$20.00	\$19,820.01	\$21,820	\$20,960.01	\$22,960	\$22,100.01	\$24,100
\$25.00	\$21,820.01	\$23,820	\$22,960.01	\$24,960	\$24,100.01	\$26,100
\$30.00	\$23,820.01	\$25,820	\$24,960.01	\$26,960	\$26,100.01	\$28,100
\$35.00	\$25,820.01	\$27,820	\$26,960.01	\$28,960	\$28,100.01	\$30,100
\$40.00	\$27,820.01	\$29,820	\$28,960.01	\$30,960	\$30,100.01	\$32,100
\$45.00	\$29,820.01	\$31,820	\$30,960.01	\$32,960	\$32,100.01	\$34,100
\$50.00	\$31,820.01	\$33,820	\$32,960.01	\$34,960	\$34,100.01	\$36,100
\$55.00	\$33,820.01	\$35,820	\$34,960.01	\$36,960	\$36,100.01	\$38,100
\$60.00	\$35,820.01	\$37,820	\$36,960.01	\$38,960	\$38,100.01	\$40,100
\$65.00	\$37,820.01	\$39,820	\$38,960.01	\$40,960	\$40,100.01	\$42,100
\$70.00	\$39,820.01	\$41,820	\$40,960.01	\$42,960	\$42,100.01	\$44,100
\$75.00	\$41,820.01	\$43,820	\$42,960.01	\$44,960	\$44,100.01	\$46,100
\$80.00	\$43,820.01	\$45,820	\$44,960.01	\$46,960	\$46,100.01	\$48,100
\$85.00	\$45,820.01	\$47,820	\$46,960.01	\$48,960	\$48,100.01	\$50,100
\$90.00	\$47,820.01	\$49,820	\$48,960.01	\$50,960	\$50,100.01	\$52,100
\$95.00	\$49,820.01	\$51,820	\$50,960.01	\$52,960	\$52,100.01	\$54,100
\$100.00	\$51,820.01	\$53,820	\$52,960.01	\$54,960	\$54,100.01	\$56,100
\$105.00	\$53,820.01	\$55,820	\$54,960.01	\$56,960	\$56,100.01	\$58,100
\$110.00	\$55,820.01	\$57,820	\$56,960.01	\$58,960	\$58,100.01	\$60,100
\$115.00	\$57,820.01	\$59,820	\$58,960.01	\$60,960	\$60,100.01	\$62,100
\$120.00	\$59,820.01	\$61,820	\$60,960.01	\$62,960	\$62,100.01	\$64,100
\$125.00	\$61,820.01	\$63,820	\$62,960.01	\$64,960	\$64,100.01	\$66,100
\$130.00	\$63,820.01	\$65,377	\$64,960.01	\$66,960	\$66,100.01	\$68,100
\$135.00			\$66,960.01	\$68,960	\$68,100.01	\$70,100
\$140.00			\$68,960.01	\$70,960	\$70,100.01	\$72,100
\$145.00			\$70,960.01	\$72,756	\$72,100.01	\$74,100
\$150.00					\$74,100.01	\$76,100
\$155.00					\$76,100.01	\$78,100
\$160.00					\$78,100.01	\$80,100
					\$80,100.01	\$80,135
	200% FPIG	\$55,640	200% FPIG	\$61,920	200% FPIG	\$68,200

Weekly Copay	Family Size: 10		Family Size: 11		Family Size: 12	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$19,240	Less than:	\$20,380	Less than:	\$21,520
\$10.00	\$19,240.01	\$21,240	\$20,380.01	\$22,380	\$21,520.01	\$23,520
\$15.00	\$21,240.01	\$23,240	\$22,380.01	\$24,380	\$23,520.01	\$25,520
\$20.00	\$23,240.01	\$25,240	\$24,380.01	\$26,380	\$25,520.01	\$27,520

Weekly Copay	Family Size: 10		Family Size: 11		Family Size: 12	
	Annual Income		Annual Income		Annual Income	
\$25.00	\$25,240.01	\$27,240	\$26,380.01	\$28,380	\$27,520.01	\$29,520
\$30.00	\$27,240.01	\$29,240	\$28,380.01	\$30,380	\$29,520.01	\$31,520
\$35.00	\$29,240.01	\$31,240	\$30,380.01	\$32,380	\$31,520.01	\$33,520
\$40.00	\$31,240.01	\$33,240	\$32,380.01	\$34,380	\$33,520.01	\$35,520
\$45.00	\$33,240.01	\$35,240	\$34,380.01	\$36,380	\$35,520.01	\$37,520
\$50.00	\$35,240.01	\$37,240	\$36,380.01	\$38,380	\$37,520.01	\$39,520
\$55.00	\$37,240.01	\$39,240	\$38,380.01	\$40,380	\$39,520.01	\$41,520
\$60.00	\$39,240.01	\$41,240	\$40,380.01	\$42,380	\$41,520.01	\$43,520
\$65.00	\$41,240.01	\$43,240	\$42,380.01	\$44,380	\$43,520.01	\$45,520
\$70.00	\$43,240.01	\$45,240	\$44,380.01	\$46,380	\$45,520.01	\$47,520
\$75.00	\$45,240.01	\$47,240	\$46,380.01	\$48,380	\$47,520.01	\$49,520
\$80.00	\$47,240.01	\$49,240	\$48,380.01	\$50,380	\$49,520.01	\$51,520
\$85.00	\$49,240.01	\$51,240	\$50,380.01	\$52,380	\$51,520.01	\$53,520
\$90.00	\$51,240.01	\$53,240	\$52,380.01	\$54,380	\$53,520.01	\$55,520
\$95.00	\$53,240.01	\$55,240	\$54,380.01	\$56,380	\$55,520.01	\$57,520
\$100.00	\$55,240.01	\$57,240	\$56,380.01	\$58,380	\$57,520.01	\$59,520
\$105.00	\$57,240.01	\$59,240	\$58,380.01	\$60,380	\$59,520.01	\$61,520
\$110.00	\$59,240.01	\$61,240	\$60,380.01	\$62,380	\$61,520.01	\$63,520
\$115.00	\$61,240.01	\$63,240	\$62,380.01	\$64,380	\$63,520.01	\$65,520
\$120.00	\$63,240.01	\$65,240	\$64,380.01	\$66,380	\$65,520.01	\$67,520
\$125.00	\$65,240.01	\$67,240	\$66,380.01	\$68,380	\$67,520.01	\$69,520
\$130.00	\$67,240.01	\$69,240	\$68,380.01	\$70,380	\$69,520.01	\$71,520
\$135.00	\$69,240.01	\$71,240	\$70,380.01	\$72,380	\$71,520.01	\$73,520
\$140.00	\$71,240.01	\$73,240	\$72,380.01	\$74,380	\$73,520.01	\$75,520
\$145.00	\$73,240.01	\$75,240	\$74,380.01	\$76,380	\$75,520.01	\$77,520
\$150.00	\$75,240.01	\$77,240	\$76,380.01	\$78,380	\$77,520.01	\$79,520
\$155.00	\$77,240.01	\$79,240	\$78,380.01	\$80,380	\$79,520.01	\$81,520
\$160.00	\$79,240.01	\$81,240	\$80,380.01	\$82,380	\$81,520.01	\$83,520
\$165.00	\$81,240.01	\$83,240	\$82,380.01	\$84,380	\$83,520.01	\$85,520
\$170.00	\$83,240.01	\$85,240	\$84,380.01	\$86,380	\$85,520.01	\$87,520
\$175.00	\$85,240.01	\$87,240	\$86,380.01	\$88,380	\$87,520.01	\$89,520
\$180.00	\$87,240.01	\$87,514	\$88,380.01	\$90,380	\$89,520.01	\$91,520
\$185.00			\$90,380.01	\$92,380	\$91,520.01	\$93,520
\$190.00			\$92,380.01	\$94,380	\$93,520.01	\$95,520
\$195.00			\$94,380.01	\$94,893	\$95,520.01	\$97,520
\$200.00					\$97,520.01	\$99,520
\$205.00					\$99,520.01	\$101,520
					\$101,520.01	\$102,272
	200% FPIG	\$74,480	200% FPIG	\$80,760	200% FPIG	\$87,040

Weekly Copay	Family Size: 13		Family Size: 14		Family Size: 15	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$22,660	Less than:	\$23,800	Less than:	\$24,940
\$10.00	\$22,660.01	\$24,660	\$23,800.01	\$25,800	\$24,940.01	\$26,940
\$15.00	\$24,660.01	\$26,660	\$25,800.01	\$27,800	\$26,940.01	\$28,940
\$20.00	\$26,660.01	\$28,660	\$27,800.01	\$29,800	\$28,940.01	\$30,940
\$25.00	\$28,660.01	\$30,660	\$29,800.01	\$31,800	\$30,940.01	\$32,940

<i>Weekly Copay</i>	<i>Family Size: 13 Annual Income</i>		<i>Family Size: 14 Annual Income</i>		<i>Family Size: 15 Annual Income</i>	
\$30.00	\$30,660.01	\$32,660	\$31,800.01	\$33,800	\$32,940.01	\$34,940
\$35.00	\$32,660.01	\$34,660	\$33,800.01	\$35,800	\$34,940.01	\$36,940
\$40.00	\$34,660.01	\$36,660	\$35,800.01	\$37,800	\$36,940.01	\$38,940
\$45.00	\$36,660.01	\$38,660	\$37,800.01	\$39,800	\$38,940.01	\$40,940
\$50.00	\$38,660.01	\$40,660	\$39,800.01	\$41,800	\$40,940.01	\$42,940
\$55.00	\$40,660.01	\$42,660	\$41,800.01	\$43,800	\$42,940.01	\$44,940
\$60.00	\$42,660.01	\$44,660	\$43,800.01	\$45,800	\$44,940.01	\$46,940
\$65.00	\$44,660.01	\$46,660	\$45,800.01	\$47,800	\$46,940.01	\$48,940
\$70.00	\$46,660.01	\$48,660	\$47,800.01	\$49,800	\$48,940.01	\$50,940
\$75.00	\$48,660.01	\$50,660	\$49,800.01	\$51,800	\$50,940.01	\$52,940
\$80.00	\$50,660.01	\$52,660	\$51,800.01	\$53,800	\$52,940.01	\$54,940
\$85.00	\$52,660.01	\$54,660	\$53,800.01	\$55,800	\$54,940.01	\$56,940
\$90.00	\$54,660.01	\$56,660	\$55,800.01	\$57,800	\$56,940.01	\$58,940
\$95.00	\$56,660.01	\$58,660	\$57,800.01	\$59,800	\$58,940.01	\$60,940
\$100.00	\$58,660.01	\$60,660	\$59,800.01	\$61,800	\$60,940.01	\$62,940
\$105.00	\$60,660.01	\$62,660	\$61,800.01	\$63,800	\$62,940.01	\$64,940
\$110.00	\$62,660.01	\$64,660	\$63,800.01	\$65,800	\$64,940.01	\$66,940
\$115.00	\$64,660.01	\$66,660	\$65,800.01	\$67,800	\$66,940.01	\$68,940
\$120.00	\$66,660.01	\$68,660	\$67,800.01	\$69,800	\$68,940.01	\$70,940
\$125.00	\$68,660.01	\$70,660	\$69,800.01	\$71,800	\$70,940.01	\$72,940
\$130.00	\$70,660.01	\$72,660	\$71,800.01	\$73,800	\$72,940.01	\$74,940
\$135.00	\$72,660.01	\$74,660	\$73,800.01	\$75,800	\$74,940.01	\$76,940
\$140.00	\$74,660.01	\$76,660	\$75,800.01	\$77,800	\$76,940.01	\$78,940
\$145.00	\$76,660.01	\$78,660	\$77,800.01	\$79,800	\$78,940.01	\$80,940
\$150.00	\$78,660.01	\$80,660	\$79,800.01	\$81,800	\$80,940.01	\$82,940
\$155.00	\$80,660.01	\$82,660	\$81,800.01	\$83,800	\$82,940.01	\$84,940
\$160.00	\$82,660.01	\$84,660	\$83,800.01	\$85,800	\$84,940.01	\$86,940
\$165.00	\$84,660.01	\$86,660	\$85,800.01	\$87,800	\$86,940.01	\$88,940
\$170.00	\$86,660.01	\$88,660	\$87,800.01	\$89,800	\$88,940.01	\$90,940
\$175.00	\$88,660.01	\$90,660	\$89,800.01	\$91,800	\$90,940.01	\$92,940
\$180.00	\$90,660.01	\$92,660	\$91,800.01	\$93,800	\$92,940.01	\$94,940
\$185.00	\$92,660.01	\$94,660	\$93,800.01	\$95,800	\$94,940.01	\$96,940
\$190.00	\$94,660.01	\$96,660	\$95,800.01	\$97,800	\$96,940.01	\$98,940
\$195.00	\$96,660.01	\$98,660	\$97,800.01	\$99,800	\$98,940.01	\$100,940
\$200.00	\$98,660.01	\$100,660	\$99,800.01	\$101,800	\$100,940.01	\$102,940
\$205.00	\$100,660.01	\$102,660	\$101,800.01	\$103,800	\$102,940.01	\$104,940
\$210.00	\$102,660.01	\$104,660	\$103,800.01	\$105,800	\$104,940.01	\$106,940
\$215.00	\$104,660.01	\$106,660	\$105,800.01	\$107,800	\$106,940.01	\$108,940
\$220.00	\$106,660.01	\$108,660	\$107,800.01	\$109,800	\$108,940.01	\$110,940
\$225.00	\$108,660.01	\$109,651	\$109,800.01	\$111,800	\$110,940.01	\$112,940
\$230.00			\$111,800.01	\$113,800	\$112,940.01	\$114,940
\$235.00			\$113,800.01	\$115,800	\$114,940.01	\$116,940
\$240.00			\$115,800.01	\$117,030	\$116,940.01	\$118,940
\$245.00					\$118,940.01	\$120,940
\$250.00					\$120,940.01	\$122,940
\$255.00					\$122,940.01	\$124,409
	200% FPIG	\$93,320	200% FPIG	\$99,600	200% FPIG	\$105,880

<i>Weekly Copay</i>	<i>Family Size: 16 Annual Income</i>		<i>Family Size: 17 Annual Income</i>		<i>Family Size: 18 Annual Income</i>	
\$5.00	Less than:	\$28,080	Less than:	\$29,220	Less than:	\$30,360
\$10.00	\$28,080.01	\$30,080	\$29,220.01	\$31,220	\$30,360.01	\$32,360
\$15.00	\$30,080.01	\$32,080	\$31,220.01	\$33,220	\$32,360.01	\$34,360
\$20.00	\$32,080.01	\$34,080	\$33,220.01	\$35,220	\$34,360.01	\$36,360
\$25.00	\$34,080.01	\$36,080	\$35,220.01	\$37,220	\$36,360.01	\$38,360
\$30.00	\$36,080.01	\$38,080	\$37,220.01	\$39,220	\$38,360.01	\$40,360
\$35.00	\$38,080.01	\$40,080	\$39,220.01	\$41,220	\$40,360.01	\$42,360
\$40.00	\$40,080.01	\$42,080	\$41,220.01	\$43,220	\$42,360.01	\$44,360
\$45.00	\$42,080.01	\$44,080	\$43,220.01	\$45,220	\$44,360.01	\$46,360
\$50.00	\$44,080.01	\$46,080	\$45,220.01	\$47,220	\$46,360.01	\$48,360
\$55.00	\$46,080.01	\$48,080	\$47,220.01	\$49,220	\$48,360.01	\$50,360
\$60.00	\$48,080.01	\$50,080	\$49,220.01	\$51,220	\$50,360.01	\$52,360
\$65.00	\$50,080.01	\$52,080	\$51,220.01	\$53,220	\$52,360.01	\$54,360
\$70.00	\$52,080.01	\$54,080	\$53,220.01	\$55,220	\$54,360.01	\$56,360
\$75.00	\$54,080.01	\$56,080	\$55,220.01	\$57,220	\$56,360.01	\$58,360
\$80.00	\$56,080.01	\$58,080	\$57,220.01	\$59,220	\$58,360.01	\$60,360
\$85.00	\$58,080.01	\$60,080	\$59,220.01	\$61,220	\$60,360.01	\$62,360
\$90.00	\$60,080.01	\$62,080	\$61,220.01	\$63,220	\$62,360.01	\$64,360
\$95.00	\$62,080.01	\$64,080	\$63,220.01	\$65,220	\$64,360.01	\$66,360
\$100.00	\$64,080.01	\$66,080	\$65,220.01	\$67,220	\$66,360.01	\$68,360
\$105.00	\$66,080.01	\$68,080	\$67,220.01	\$69,220	\$68,360.01	\$70,360
\$110.00	\$68,080.01	\$70,080	\$69,220.01	\$71,220	\$70,360.01	\$72,360
\$115.00	\$70,080.01	\$72,080	\$71,220.01	\$73,220	\$72,360.01	\$74,360
\$120.00	\$72,080.01	\$74,080	\$73,220.01	\$75,220	\$74,360.01	\$76,360
\$125.00	\$74,080.01	\$76,080	\$75,220.01	\$77,220	\$76,360.01	\$78,360
\$130.00	\$76,080.01	\$78,080	\$77,220.01	\$79,220	\$78,360.01	\$80,360
\$135.00	\$78,080.01	\$80,080	\$79,220.01	\$81,220	\$80,360.01	\$82,360
\$140.00	\$80,080.01	\$82,080	\$81,220.01	\$83,220	\$82,360.01	\$84,360
\$145.00	\$82,080.01	\$84,080	\$83,220.01	\$85,220	\$84,360.01	\$86,360
\$150.00	\$84,080.01	\$86,080	\$85,220.01	\$87,220	\$86,360.01	\$88,360
\$155.00	\$86,080.01	\$88,080	\$87,220.01	\$89,220	\$88,360.01	\$90,360
\$160.00	\$88,080.01	\$90,080	\$89,220.01	\$91,220	\$90,360.01	\$92,360
\$165.00	\$90,080.01	\$92,080	\$91,220.01	\$93,220	\$92,360.01	\$94,360
\$170.00	\$92,080.01	\$94,080	\$93,220.01	\$95,220	\$94,360.01	\$96,360
\$175.00	\$94,080.01	\$96,080	\$95,220.01	\$97,220	\$96,360.01	\$98,360
\$180.00	\$96,080.01	\$98,080	\$97,220.01	\$99,220	\$98,360.01	\$100,360
\$185.00	\$98,080.01	\$100,080	\$99,220.01	\$101,220	\$100,360.01	\$102,360
\$190.00	\$100,080.01	\$102,080	\$101,220.01	\$103,220	\$102,360.01	\$104,360
\$195.00	\$102,080.01	\$104,080	\$103,220.01	\$105,220	\$104,360.01	\$106,360
\$200.00	\$104,080.01	\$106,080	\$105,220.01	\$107,220	\$106,360.01	\$108,360
\$205.00	\$106,080.01	\$108,080	\$107,220.01	\$109,220	\$108,360.01	\$110,360
\$210.00	\$108,080.01	\$110,080	\$109,220.01	\$111,220	\$110,360.01	\$112,360
\$215.00	\$110,080.01	\$112,080	\$111,220.01	\$113,220	\$112,360.01	\$114,360
\$220.00	\$112,080.01	\$114,080	\$113,220.01	\$115,220	\$114,360.01	\$116,360
\$225.00	\$114,080.01	\$116,080	\$115,220.01	\$117,220	\$116,360.01	\$118,360
\$230.00	\$116,080.01	\$118,080	\$117,220.01	\$119,220	\$118,360.01	\$120,360
\$235.00	\$118,080.01	\$120,080	\$119,220.01	\$121,220	\$120,360.01	\$122,360

<i>Weekly Copay</i>	<i>Family Size: 16</i>		<i>Family Size: 17</i>		<i>Family Size: 18</i>	
	<i>Annual Income</i>		<i>Annual Income</i>		<i>Annual Income</i>	
\$240.00	\$120,080.01	\$122,080	\$121,220.01	\$123,220	\$122,360.01	\$124,360
\$245.00	\$122,080.01	\$124,080	\$123,220.01	\$125,220	\$124,360.01	\$126,360
\$250.00	\$124,080.01	\$126,080	\$125,220.01	\$127,220	\$126,360.01	\$128,360
\$255.00	\$126,080.01	\$128,080	\$127,220.01	\$129,220	\$128,360.01	\$130,360
\$260.00	\$128,080.01	\$130,080	\$129,220.01	\$131,220	\$130,360.01	\$132,360
\$265.00	\$130,080.01	\$131,788	\$131,220.01	\$133,220	\$132,360.01	\$134,360
\$270.00			\$133,220.01	\$135,220	\$134,360.01	\$136,360
\$275.00			\$135,220.01	\$137,220	\$136,360.01	\$138,360
\$280.00			\$137,220.01	\$139,167	\$138,360.01	\$140,360
\$285.00					\$140,360.01	\$142,360
\$290.00					\$142,360.01	\$144,360
\$295.00					\$144,360.01	\$146,360
					\$146,360.01	\$146,546
	200% FPIG	\$112,160	200% FPIG	\$118,440	200% FPIG	\$124,720

<i>Weekly Copay</i>	<i>Family Size: 19</i>		<i>Family Size: 20</i>		<i>Family Size: 21</i>	
	<i>Annual Income</i>		<i>Annual Income</i>		<i>Annual Income</i>	
\$5.00	Less than:	\$31,500	Less than:	\$32,640	Less than:	\$33,780
\$10.00	\$31,500.01	\$33,500	\$32,640.01	\$34,640	\$33,780.01	\$35,780
\$15.00	\$33,500.01	\$35,500	\$34,640.01	\$36,640	\$35,780.01	\$37,780
\$20.00	\$35,500.01	\$37,500	\$36,640.01	\$38,640	\$37,780.01	\$39,780
\$25.00	\$37,500.01	\$39,500	\$38,640.01	\$40,640	\$39,780.01	\$41,780
\$30.00	\$39,500.01	\$41,500	\$40,640.01	\$42,640	\$41,780.01	\$43,780
\$35.00	\$41,500.01	\$43,500	\$42,640.01	\$44,640	\$43,780.01	\$45,780
\$40.00	\$43,500.01	\$45,500	\$44,640.01	\$46,640	\$45,780.01	\$47,780
\$45.00	\$45,500.01	\$47,500	\$46,640.01	\$48,640	\$47,780.01	\$49,780
\$50.00	\$47,500.01	\$49,500	\$48,640.01	\$50,640	\$49,780.01	\$51,780
\$55.00	\$49,500.01	\$51,500	\$50,640.01	\$52,640	\$51,780.01	\$53,780
\$60.00	\$51,500.01	\$53,500	\$52,640.01	\$54,640	\$53,780.01	\$55,780
\$65.00	\$53,500.01	\$55,500	\$54,640.01	\$56,640	\$55,780.01	\$57,780
\$70.00	\$55,500.01	\$57,500	\$56,640.01	\$58,640	\$57,780.01	\$59,780
\$75.00	\$57,500.01	\$59,500	\$58,640.01	\$60,640	\$59,780.01	\$61,780
\$80.00	\$59,500.01	\$61,500	\$60,640.01	\$62,640	\$61,780.01	\$63,780
\$85.00	\$61,500.01	\$63,500	\$62,640.01	\$64,640	\$63,780.01	\$65,780
\$90.00	\$63,500.01	\$65,500	\$64,640.01	\$66,640	\$65,780.01	\$67,780
\$95.00	\$65,500.01	\$67,500	\$66,640.01	\$68,640	\$67,780.01	\$69,780
\$100.00	\$67,500.01	\$69,500	\$68,640.01	\$70,640	\$69,780.01	\$71,780
\$105.00	\$69,500.01	\$71,500	\$70,640.01	\$72,640	\$71,780.01	\$73,780
\$110.00	\$71,500.01	\$73,500	\$72,640.01	\$74,640	\$73,780.01	\$75,780
\$115.00	\$73,500.01	\$75,500	\$74,640.01	\$76,640	\$75,780.01	\$77,780
\$120.00	\$75,500.01	\$77,500	\$76,640.01	\$78,640	\$77,780.01	\$79,780
\$125.00	\$77,500.01	\$79,500	\$78,640.01	\$80,640	\$79,780.01	\$81,780
\$130.00	\$79,500.01	\$81,500	\$80,640.01	\$82,640	\$81,780.01	\$83,780
\$135.00	\$81,500.01	\$83,500	\$82,640.01	\$84,640	\$83,780.01	\$85,780
\$140.00	\$83,500.01	\$85,500	\$84,640.01	\$86,640	\$85,780.01	\$87,780
\$145.00	\$85,500.01	\$87,500	\$86,640.01	\$88,640	\$87,780.01	\$89,780
\$150.00	\$87,500.01	\$89,500	\$88,640.01	\$90,640	\$89,780.01	\$91,780

NOTICES

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<i>Weekly Copay</i>	<i>Family Size: 19 Annual Income</i>		<i>Family Size: 20 Annual Income</i>		<i>Family Size: 21 Annual Income</i>	
\$155.00	\$89,500.01	\$91,500	\$90,640.01	\$92,640	\$91,780.01	\$93,780
\$160.00	\$91,500.01	\$93,500	\$92,640.01	\$94,640	\$93,780.01	\$95,780
\$165.00	\$93,500.01	\$95,500	\$94,640.01	\$96,640	\$95,780.01	\$97,780
\$170.00	\$95,500.01	\$97,500	\$96,640.01	\$98,640	\$97,780.01	\$99,780
\$175.00	\$97,500.01	\$99,500	\$98,640.01	\$100,640	\$99,780.01	\$101,780
\$180.00	\$99,500.01	\$101,500	\$100,640.01	\$102,640	\$101,780.01	\$103,780
\$185.00	\$101,500.01	\$103,500	\$102,640.01	\$104,640	\$103,780.01	\$105,780
\$190.00	\$103,500.01	\$105,500	\$104,640.01	\$106,640	\$105,780.01	\$107,780
\$195.00	\$105,500.01	\$107,500	\$106,640.01	\$108,640	\$107,780.01	\$109,780
\$200.00	\$107,500.01	\$109,500	\$108,640.01	\$110,640	\$109,780.01	\$111,780
\$205.00	\$109,500.01	\$111,500	\$110,640.01	\$112,640	\$111,780.01	\$113,780
\$210.00	\$111,500.01	\$113,500	\$112,640.01	\$114,640	\$113,780.01	\$115,780
\$215.00	\$113,500.01	\$115,500	\$114,640.01	\$116,640	\$115,780.01	\$117,780
\$220.00	\$115,500.01	\$117,500	\$116,640.01	\$118,640	\$117,780.01	\$119,780
\$225.00	\$117,500.01	\$119,500	\$118,640.01	\$120,640	\$119,780.01	\$121,780
\$230.00	\$119,500.01	\$121,500	\$120,640.01	\$122,640	\$121,780.01	\$123,780
\$235.00	\$121,500.01	\$123,500	\$122,640.01	\$124,640	\$123,780.01	\$125,780
\$240.00	\$123,500.01	\$125,500	\$124,640.01	\$126,640	\$125,780.01	\$127,780
\$245.00	\$125,500.01	\$127,500	\$126,640.01	\$128,640	\$127,780.01	\$129,780
\$250.00	\$127,500.01	\$129,500	\$128,640.01	\$130,640	\$129,780.01	\$131,780
\$255.00	\$129,500.01	\$131,500	\$130,640.01	\$132,640	\$131,780.01	\$133,780
\$260.00	\$131,500.01	\$133,500	\$132,640.01	\$134,640	\$133,780.01	\$135,780
\$265.00	\$133,500.01	\$135,500	\$134,640.01	\$136,640	\$135,780.01	\$137,780
\$270.00	\$135,500.01	\$137,500	\$136,640.01	\$138,640	\$137,780.01	\$139,780
\$275.00	\$137,500.01	\$139,500	\$138,640.01	\$140,640	\$139,780.01	\$141,780
\$280.00	\$139,500.01	\$141,500	\$140,640.01	\$142,640	\$141,780.01	\$143,780
\$285.00	\$141,500.01	\$143,500	\$142,640.01	\$144,640	\$143,780.01	\$145,780
\$290.00	\$143,500.01	\$145,500	\$144,640.01	\$146,640	\$145,780.01	\$147,780
\$295.00	\$145,500.01	\$147,500	\$146,640.01	\$148,640	\$147,780.01	\$149,780
\$300.00	\$147,500.01	\$149,500	\$148,640.01	\$150,640	\$149,780.01	\$151,780
\$305.00	\$149,500.01	\$151,500	\$150,640.01	\$152,640	\$151,780.01	\$153,780
\$310.00	\$151,500.01	\$153,500	\$152,640.01	\$154,640	\$153,780.01	\$155,780
\$315.00	\$153,500.01	\$153,925	\$154,640.01	\$156,640	\$155,780.01	\$157,780
\$320.00			\$156,640.01	\$158,640	\$157,780.01	\$159,780
\$325.00			\$158,640.01	\$160,640	\$159,780.01	\$161,780
\$330.00			\$160,640.01	\$161,304	\$161,780.01	\$163,780
\$335.00					\$163,780.01	\$165,780
\$340.00					\$165,780.01	\$167,780
					\$167,780.01	\$168,683
	200% FPIG	\$131,000	200% FPIG	\$137,280	200% FPIG	\$143,560

[Pa.B. Doc. No. 03-1647. Filed for public inspection August 22, 2003, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Jack O'Lantern Cash '03 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Jack O'Lantern Cash '03.

2. *Price:* The price of a Pennsylvania Jack O'Lantern Cash '03 instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Jack O'Lantern Cash '03 instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Jack O'Lantern Cash '03 instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$62\$ (SXY TWO), \$310 (THR HUNTEN) and \$31,000 (TRYONETHO).

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

(d) The play area for "Game 3" will contain a "Lucky Symbol" area and a "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and the "Your Symbols" area are: Witch Hat Symbol (HAT), Pumpkin Symbol (PUMKIN), Spider Symbol (SPIDER), Skull Symbol (SKULL), Candelabra Symbol (CANDLE), Frog Symbol (FROG), Bat Symbol (BAT) and Snake Symbol (SNAKE).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$310 (THR HUNTEN) and \$31,000 (TRYONETHO).

(b) The prize play symbols and their captions located in the 6 "Prize" areas for "Game 3" are: \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$13\$ (THRTN), \$78\$ (SVY EGT), \$310 (THR HUNTEN) and \$31,000 (TRYONETHO).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$13\$ (THRTN), \$31\$ (TRY ONE) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1" are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$62, \$310 and \$31,000. The prizes that can be won in "Game 2" are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$310 and \$31,000. The prizes that can be won in "Game 3" are \$5, \$6, \$7, \$10, \$13, \$78, \$310 and \$31,000. The prizes that can be won in the "Fast Cash Bonus" area are \$13 and \$31. The player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,040,000 tickets will be printed for the Pennsylvania Jack O'Lantern Cash '03 instant lottery game.

7. *Determination of Prize Winners:*

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

(1) Holders of tickets with three matching play symbols of \$31,000 (TRYONETHO) in the play area, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching play symbols of \$310 (THR HUNTEN) in the play area, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching play symbols of \$62\$ (SXY TWO) in the play area, on a single ticket, shall be entitled to a prize of \$62.

(4) Holders of tickets with three matching play symbols of \$39\$ (TRY NIN) in the play area, on a single ticket, shall be entitled to a prize of \$39.

(5) Holders of tickets with three matching play symbols of \$31\$ (TRY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$31.

(6) Holders of tickets with three matching play symbols of \$13\$ (THRTN) in the play area, on a single ticket, shall be entitled to a prize of \$13.

(7) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching play symbols of \$7⁰⁰ (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching play symbols of \$6⁰⁰ (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(10) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

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

(1) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$31,000 (TRYONETHO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$310 (THR HUNTEN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$39\$ (TRY NIN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$39.

(4) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$31\$ (TRY ONE) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$31.

(5) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$13\$ (THRTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$13.

(6) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$10⁰⁰ (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$7⁰⁰ (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$6⁰⁰ (SIX DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$6.

(9) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$5⁰⁰ (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

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

(1) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$31,000 (TRYONETHO) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$310 (THR HUNTEN) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$78\$ (SVY EGT) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$78.

(4) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play

symbol and a prize play symbol of \$13\$ (THRTN) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$13.

(5) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$7⁰⁰ (SVN DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(7) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$6⁰⁰ (SIX DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "Fast Cash Bonus" area are:

(1) Holders of tickets with a prize play symbol of \$31\$ (TRY ONE) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$31.

(2) Holders of tickets with a prize play symbol of \$13\$ (THRTN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$13.

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

<i>Fast \$ Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate</i>
						<i>No. of Winners Per 2,040,000 Tickets</i>
	\$5			\$5	1:30	68,000
		\$5		\$5	1:30	68,000
			\$5	\$5	1:30	68,000
	\$6			\$6	1:150	13,600
		\$6		\$6	1:150	13,600
			\$6	\$6	1:300	6,800
	\$7			\$7	1:150	13,600
		\$7		\$7	1:150	13,600
			\$7	\$7	1:300	6,800
	\$10			\$10	1:31.58	64,600
		\$10		\$10	1:300	6,800
		\$6		\$10	1:300	6,800
	\$6			\$13	1:600	3,400
		\$7		\$13	1:600	3,400
	\$6			\$13	1:600	3,400
	\$7			\$13	1:600	3,400
		\$6		\$13	1:600	3,400
	\$7			\$13	1:600	3,400
			\$6	\$13	1:600	3,400

<i>Fast \$ Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,040,000 Tickets</i>
		\$7	\$6	\$13	1:600	3,400
\$13		\$5	\$7 × 3	\$13	1:42.86	47,600
	\$5	\$5	\$5	\$31	1:150	13,600
	\$13	\$13	\$5	\$31	1:150	13,600
\$13		\$13	\$5	\$31	1:120	17,000
\$13			\$6 × 3	\$31	1:120	17,000
	\$5	\$6	\$10 × 2	\$31	1:150	13,600
	\$10		\$7 × 3	\$31	1:150	13,600
\$31				\$31	1:150	13,600
\$13			\$13 × 2	\$39	1:600	3,400
\$13	\$6	\$7	\$13	\$39	1:600	3,400
	\$5	\$6	\$7 × 4	\$39	1:600	3,400
			\$7 × 3	\$39	1:600	3,400
			+			
			\$6 × 3			
		\$39		\$39	1:600	3,400
\$31		\$31		\$62	1:10,000	204
	\$10	\$10	\$10 × 3	\$62	1:10,000	204
			+			
			\$6 × 2			
\$13	\$5	\$5	\$13 × 3	\$62	1:10,000	204
\$31	\$10	\$7	\$7 × 2	\$62	1:10,000	204
	\$62			\$62	1:10,000	204
\$31		\$7	\$10 × 4	\$78	1:60,000	34
\$31	\$31	\$10	\$6	\$78	1:60,000	34
			\$13 × 6	\$78	1:60,000	34
	\$39	\$39		\$78	1:60,000	34
	\$310		\$78	\$78	1:40,000	51
				\$310	1:120,000	17
		\$310		\$310	1:120,000	17
			\$310	\$310	1:120,000	17
	\$31,000			\$31,000	1:2,040,000	1
		\$31,000		\$31,000	1:2,040,000	1
			\$31,000	\$31,000	1:2,040,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jack O'Lantern Cash '03 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Jack O'Lantern Cash '03, prize money from winning Pennsylvania Jack O'Lantern Cash '03 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Jack O'Lantern Cash '03 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Jack O'Lantern Cash '03 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-1648. Filed for public inspection August 22, 2003, 9:00 a.m.]

Pennsylvania Lifetime Riches Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Lifetime Riches.

2. *Price:* The price of a Pennsylvania Lifetime Riches instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Lifetime Riches instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in

the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIFTE N), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIFTE N), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY) and a Moneybag Symbol (MNYBAG).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$RICHES\$ (\$100K/YR/LIFE).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$250, \$500, \$1,000, \$10,000 and \$100,000 a year for life. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,280,000 tickets will be printed for the Pennsylvania Lifetime Riches instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$RICHES\$ (\$100K/YR/LIFE) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100,000 a year for life (\$2 million lifetime minimum) which will be paid by an initial cash payment of \$100,000 plus equal annual payments of \$100,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$2 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Lifetime Riches prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10,000 (TEN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNYBAG), and a prize play symbol of \$500 (FIV HUN) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNYBAG), and a prize play symbol of \$250 (TWOHUNFTY) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$250.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$250 (TWOHUNFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNYBAG), and a prize play symbol of \$100 (ONE HUN) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$100.

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

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNYBAG), and a prize play symbol of \$50\$ (FIFTY) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNYBAG), and a prize play symbol of \$25\$ (TWY FIV) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$25.

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

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

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNYBAG), and a prize play symbol of \$15\$ (FIFTN) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$15\$

(FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNYBAG), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers"

play symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

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

When Any of Your Numbers Match Any of the Winning Numbers, Win with Prize(s) of:

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,280,000 Tickets</i>
\$10	1:50	165,600
\$10 w/MB	1:25	331,200
\$5 × 2	1:60	138,000
\$5 × 3	1:100	82,800
\$15	1:60	138,000
\$15 w/MB	1:75	110,400
\$5 × 4	1:150	55,200
\$10 × 2	1:30	276,000
\$20	1:20	414,000
\$25	1:75	110,400
\$25 w/MB	1:100	82,800
\$15 + \$10	1:300	27,600
\$5 × 3 + \$10	1:300	27,600
\$5 × 5	1:300	27,600
\$50	1:263.74	31,395
\$50 w/MB	1:1,043	7,935
\$5 × 10	1:1,091	7,590
\$10 × 5	1:545.45	15,180
\$10 × 4 + \$5 × 2	1:545.45	15,180
\$25 × 2	1:545.45	15,180
\$10 × 3 + \$20	1:545.45	15,180
\$15 × 2 + \$5 × 4	1:545.45	15,180
\$5 × 7 + \$15	1:545.45	15,180
\$100	1:150	55,200
\$100 w/MB	1:600	13,800
\$10 × 10	1:400	20,700
\$25 × 4	1:600	13,800
\$50 × 2	1:600	13,800
\$20 × 5	1:400	20,700
\$250	1:6,000	1,380
\$250 w/MB	1:12,000	690
\$15 × 10 + \$20 × 5	1:12,000	690
\$20 × 10 + \$10 × 5	1:12,000	690
\$25 × 10	1:12,000	690
\$50 × 5	1:13,333	621
\$500	1:15,000	552
\$500 w/MB	1:30,000	276
\$50 × 10	1:30,000	276
\$100 × 5	1:30,000	276
\$100 × 10	1:60,000	138
\$250 × 4	1:60,000	138
\$1,000	1:30,000	276

When Any of Your Numbers Match Any of the Winning Numbers, Win with Prize(s) of:

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,280,000 Tickets</i>
\$1,000 × 10	\$10,000	1:360,000	23
\$10,000	\$10,000	1:360,000	23
RICHES	\$100K/YR/ LIFE	1:2,760,000	3

MB = Moneybag win prize automatically

9. *Claiming of Prizes:* For purposes of claiming the \$100,000 a year for life prize under the Pennsylvania Lifetime Riches game, "lifetime" for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$100,000 for life prize. There is no cash equivalent for the \$100,000 a year for life prize.

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

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

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

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

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-1649. Filed for public inspection August 22, 2003, 9:00 a.m.]

Pennsylvania 7-11-21 '03 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania 7-11-21 '03.

2. *Price:* The price of a Pennsylvania 7-11-21 '03 instant lottery game ticket is \$1.

3. *Play Symbols:*

(a) Each Pennsylvania 7-11-21 '03 instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each "Game" is played separately.

(b) The play symbols and their captions located in the three play areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN) and 12 (TWLV).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the three play areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$7⁰⁰ (SVN DOL), \$11\$ (ELEVN), \$21\$ (TWY ONE), \$70\$ (SEVENTY), \$210 (TWOHUNTEN) and \$2,100 (TWYONEHUN).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$7, \$11, \$21, \$70, \$210 and \$2,100. A player can win up to three times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 17,760,000 tickets will be printed for the Pennsylvania 7-11-21 '03 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$2,100 (TWYONEHUN) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$2,100.

(b) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$210 (TWOHUNTEN) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$210.

(c) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$70\$ (SEVENTY) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$70.

(d) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$21\$ (TWY ONE) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$21.

(e) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$11\$ (ELEVN) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$11.

(f) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$7⁰⁰ (SVN DOL) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$7.

(g) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$4⁰⁰ (FOR DOL) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(h) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$2.

*Add All 3 Numbers
for Each Game. When
the Total is 7, 11
or 21, Win With
Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>
\$1	\$1
\$1 × 2	\$2
\$2	\$2
\$7	\$7
\$4 + \$7	\$11
\$11	\$11
\$7 × 2	\$14
\$7 × 3	\$21
\$21	\$21
\$70	\$70
\$70 × 3	\$210
\$210	\$210
\$2,100	\$2,100

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 7-11-21 '03 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 7-11-21 '03, prize money from winning Pennsylvania 7-11-21 '03 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 7-11-21 '03 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 7-11-21 '03 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-1650. Filed for public inspection August 22, 2003, 9:00 a.m.]

(i) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "Game" and a prize play symbol of \$1⁰⁰ (ONE DOL) appears in the play area for that "Game," on a single ticket, shall be entitled to a prize of \$1.

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

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 17,760,000 Tickets</i>
1:8.57	2,072,000
1:42.86	414,400
1:42.86	414,400
1:33.33	532,800
1:200	88,800
1:600	29,600
1:600	29,600
1:500	35,520
1:750	23,680
1:60,000	296
1:120,000	148
1:120,000	148
1:240,000	74

Pennsylvania 3 Times Lucky Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania 3 Times Lucky.

2. *Price:* The price of a Pennsylvania 3 Times Lucky instant lottery game ticket is \$3.

3. *Play Symbols:*

(a) Each Pennsylvania 3 Times Lucky instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each "Game" is played separately. Each "Game" will contain a "Your Numbers" area and a "Lucky Number" area.

(b) The play symbols and their captions located in the "Your Numbers" area for "Game 1" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN) and a Horse Shoe Symbol (SHOE).

(c) The play symbols and their captions located in the "Your Numbers" area for "Game 2" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN) and a Pot of Gold Symbol (PTGLD).

(d) The play symbols and their captions located in the "Your Numbers" area for "Game 3" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN) and a Clover Symbol (CLVR).

(e) The play symbols and their captions located in the "Lucky Number" area for "Game 1," "Game 2" and "Game 3" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRNTN), 14 (FORTN) and 15 (FIFTEN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the four "Prize" areas for each "Game" are: \$1⁰⁰ (ONE DOL), \$3⁰⁰ (THR DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$12\$ (TWELV), \$18\$ (EGHTN), \$30\$ (THIRTY), \$36\$ (TRY SIX), \$60\$ (SIXTY), \$300 (THR HUN), \$900 (NIN HUN), \$3,000 (THR THO) and \$33,333 (3×5).

5. *Prizes:* The prizes that can be won in this game are \$1, \$3, \$6, \$9, \$10, \$12, \$18, \$30, \$36, \$54, \$60, \$300, \$900, \$3,000 and \$33,333. A player can win up to 10 times on a ticket.

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

7. *Determination of Prize Winners:*

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

(1) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$33,333 (3×5) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$33,333.

(2) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$3,000 (THR THO) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3,000.

(3) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$900 (NIN HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$900.

(4) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horse Shoe Symbol (SHOE) and a prize play symbol of \$300 (THR HUN) appears under the Horse Shoe Symbol (SHOE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$900.

(5) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$300 (THR HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$300.

(6) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$60\$ (SIXTY) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$60.

(7) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horse Shoe Symbol (SHOE) and a prize play symbol of \$18\$ (EGHTN) appears under the Horse Shoe Symbol (SHOE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$54.

(8) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$36\$ (TRY SIX) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$36.

(9) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horse Shoe Symbol (SHOE) and a prize play symbol of \$12\$ (TWELV) appears under the Horse Shoe Symbol (SHOE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$36.

(10) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$30\$ (THIRTY) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$30.

(11) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horse Shoe Symbol (SHOE) and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the Horse Shoe Symbol (SHOE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$30.

(12) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$18.

(13) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horse Shoe Symbol (SHOE) and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the Horse Shoe Symbol (SHOE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$18.

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

(15) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$9⁰⁰ (NIN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$9.

(16) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horse Shoe Symbol (SHOE) and a prize play symbol of \$3⁰⁰ (THR DOL) appears under the Horse Shoe Symbol (SHOE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$9.

(17) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$6⁰⁰ (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$6.

(18) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$3⁰⁰ (THR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3.

(19) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horse Shoe Symbol (SHOE) and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears under the Horse Shoe Symbol (SHOE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3.

(20) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$1.

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

(1) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$33,333 (3x5) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$33,333.

(2) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$3,000 (THR THO) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3,000.

(3) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$900 (NIN HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$900.

(4) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD) and a prize play symbol of \$300 (THR HUN) appears under the Pot of Gold Symbol (PTGLD) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$900.

(5) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$300 (THR HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$300.

(6) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$60\$ (SIXTY) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$60.

(7) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD) and a prize play symbol of \$18\$ (EGHTN) appears under the Pot of Gold Symbol (PTGLD) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$54.

(8) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$36\$ (TRY SIX) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$36.

(9) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD) and a prize play symbol of \$12\$ (TWELV) appears under

the Pot of Gold Symbol (PTGLD) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$36.

(10) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$30\$ (THIRTY) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$30.

(11) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD) and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the Pot of Gold Symbol (PTGLD) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$30.

(12) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$18.

(13) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD) and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears under the Pot of Gold Symbol (PTGLD) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$18.

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

(15) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$9.⁰⁰ (NIN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$9.

(16) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD) and a prize play symbol of \$3.⁰⁰ (THR DOL) appears under the Pot of Gold Symbol (PTGLD) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$9.

(17) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$6.

(18) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$3.⁰⁰ (THR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3.

(19) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD) and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears under the Pot of Gold Symbol (PTGLD) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3.

(20) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number"

play symbol and a prize play symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$1.

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

(1) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$33,333 (3×5) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$33,333.

(2) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$3,000 (THR THO) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3,000.

(3) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$900 (NIN HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$900.

(4) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Clover Symbol (CLVR) and a prize play symbol of \$300 (THR HUN) appears under the Clover Symbol (CLVR) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$900.

(5) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$300 (THR HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$300.

(6) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$60\$ (SIXTY) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$60.

(7) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Clover Symbol (CLVR) and a prize play symbol of \$18\$ (EGHTN) appears under the Clover Symbol (CLVR) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$54.

(8) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$36\$ (TRY SIX) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$36.

(9) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Clover Symbol (CLVR) and a prize play symbol of \$12\$ (TWELV) appears under the Clover Symbol (CLVR) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$36.

(10) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$30\$ (THIRTY) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$30.

(11) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Clover Symbol (CLVR) and a prize play symbol of \$10^{.00} (TEN DOL) appears under the Clover Symbol (CLVR) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$30.

(12) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$18.

(13) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Clover Symbol (CLVR) and a prize play symbol of \$6^{.00} (SIX DOL) appears under the Clover Symbol (CLVR) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$18.

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

(15) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$9^{.00} (NIN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$9.

(16) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Clover Symbol (CLVR) and a prize play symbol of \$3^{.00} (THR DOL) appears under the Clover Symbol (CLVR) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$9.

(17) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$6^{.00} (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$6.

(18) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$3^{.00} (THR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3.

(19) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Clover Symbol (CLVR) and a prize play symbol of \$1^{.00} (ONE DOL) appears under the Clover Symbol (CLVR) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$3.

(20) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$1.

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

When Any of Your Numbers
Match the Lucky
Number; Win with
Prize(s) of:

Prize(s) of:	Win	Approximate Odds	Approximate No. of Winners Per 6,600,000 Tickets
\$1 × 3	\$3	1:66.67	99,000
\$1(T)	\$3	1:66.67	99,000
\$3	\$3	1:12.50	528,000
\$1 × 6	\$6	1:50	132,000
\$3 × 2	\$6	1:100	66,000
\$1(T) + \$3	\$6	1:100	66,000
\$6	\$6	1:50	132,000
\$1 × 9	\$9	1:100	66,000
\$3 × 3	\$9	1:100	66,000
\$3(T)	\$9	1:100	66,000
\$9	\$9	1:100	66,000
\$3 × 4	\$12	1:333.33	19,800
\$6 × 2	\$12	1:333.33	19,800
\$3(T) + \$3	\$12	1:111.11	59,400
\$12	\$12	1:200	33,000
\$3 × 6	\$18	1:500	13,200
\$6 × 3	\$18	1:500	13,200
\$9 × 2	\$18	1:500	13,200
\$6(T)	\$18	1:500	13,200
\$18	\$18	1:500	13,200
\$6 × 5	\$30	1:1,200	5,500
\$3 × 10	\$30	1:300	22,000
\$10(T)	\$30	1:300	22,000
\$30	\$30	1:400	16,500
\$6 × 6	\$36	1:3,243	2,035
\$9 × 4	\$36	1:3,243	2,035
\$12 × 3	\$36	1:3,243	2,035
\$18 × 2	\$36	1:3,243	2,035
\$3(T) + \$3 × 9	\$36	1:3,243	2,035
\$12(T)	\$36	1:3,243	2,035
\$36	\$36	1:3,243	2,035
\$6 × 10	\$60	1:15,000	440
\$12 × 5	\$60	1:15,000	440
\$30 × 2	\$60	1:15,000	440
\$18(T) + \$6	\$60	1:15,000	440
\$60	\$60	1:17,143	385
\$30 × 10	\$300	1:60,000	110
\$60 × 5	\$300	1:60,000	110
\$300	\$300	1:60,000	110
\$300 × 3	\$900	1:120,000	55
\$300(T)	\$900	1:120,000	55
\$900	\$900	1:120,000	55
\$300 × 10	\$3,000	1:120,000	55
\$3,000	\$3,000	1:120,000	55
\$33,333	\$33,333	1:1,320,000	5

(T) = Horse Shoe, Pot of Gold or a Clover

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 3 Times Lucky instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 3 Times Lucky, prize money from winning Pennsylvania 3 Times Lucky instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 3 Times Lucky instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 3 Times Lucky or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-1651. Filed for public inspection August 22, 2003, 9:00 a.m.]

DEPARTMENT OF STATE

State Athletic Commission; Meeting Change

The State Athletic Commission's public meeting scheduled for August 25, 2003, has been changed to September 24, 2003, at 9 a.m. in Room 303, North Office Building, Harrisburg, PA 17120.

Individuals having questions regarding this meeting should contact Greg Sirb, Executive Director, State Athletic Commission, (717) 787-5720 or (717) 787-6458.

GREG P. SIRB,
Executive Director

[Pa.B. Doc. No. 03-1652. Filed for public inspection August 22, 2003, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Data Submission and Collection

Under section 6(a)(2)(i) of act of July 17, 2003 (P. L. 31, No. 14) (Act 14), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under section 6(c)(21) and (d) of Act 14 shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair

30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease
34. Ventilation for Respiratory Disease
35. Tracheostomy

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 03-1653. Filed for public inspection August 22, 2003, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
17-63	Municipal Police Officers' Education and Training Commission Administration of the Training Program	8/13/03

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-1654. Filed for public inspection August 22, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Merge

National Guardian Life Insurance Company, a Wisconsin mutual life insurance company, has submitted a Plan of Merger, whereby it proposes to merge with Protected Home Mutual Life Insurance Company, a Commonwealth domiciled mutual life insurance company. The survivor of the merger would be National Guardian Life Insurance Company. The initial filing was received on July 18, 2003, and was made under the Business Corporation Law of 1988 (15 Pa.C.S. §§ 1921—1932 and 15 P. S. §§ 21205—21207) and the Insurance Holding Companies Act (40 P. S. §§ 991.1401—1413). This information is in addition to information previously published. Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include 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 Stephanie Ohnmacht, Insurance Company Licensing Specialist, Insurance Department, 1345 Straw-

berry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1655. Filed for public inspection August 22, 2003, 9:00 a.m.]

Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Non-HIPAA Program; Rate Filing No. 03-Q

Capital Advantage Insurance Company, a wholly owned subsidiary of Capital Blue Cross, has requested approval to adjust the rates for its Individual Direct Pay Comprehensive Major Medical Non-HIPAA Program. The requested rate increases are as follows:

	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percent Increase</i>
<i>Option 2—\$750 Deductible</i>			
Single	\$226.35	\$265.26	-0.41%
H and W	\$532.70	\$530.52	-0.41%
Parent and Child	\$364.90	\$450.94	23.58%
Parent and Children	\$364.90	\$596.84	63.56%
Family	\$532.70	\$716.20	34.45%
Composite	\$338.09	\$366.20	8.31%

Option 3—\$1,500 Deductible

Single	\$229.26	\$223.24	-10.10%
H and W	\$458.52	\$446.48	-10.10%
Parent and Child	\$314.09	\$379.51	11.56%
Parent and Children	\$314.09	\$502.29	47.65%
Family	\$458.52	\$602.75	21.37%
Composite	\$308.99	\$334.67	8.31%

The proposed rate adjustment would affect approximately 3,450 contracts and produce additional annual premium income of \$1.1 million. An effective date of January 1, 2004, is requested. Also, the rates reflect the introduction of a three-tier benefit design for prescription drugs and elimination of the reversal of sterilization benefit.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1656. Filed for public inspection August 22, 2003, 9:00 a.m.]

Capital Advantage Insurance Company; Individual Direct Pay Medical-Surgical/Major Medical Program Rate Increases; Rate Filing No. 03-L

Capital Advantage Insurance Company, a wholly owned subsidiary of Capital Blue Cross, submitted to the Insurance Department (Department), for its review and approval, adjusted rates for its Individual Direct Pay Medical-Surgical/Major Medical Program. The requested average rate increase is 33.68%. An effective date of January 1, 2004, has been requested. The proposed rate increase would affect approximately 914 contracts and would produce additional premium income of \$1.44 million.

The current and proposed nongroup medical surgical and major medical rates are as follows:

	<i>Single Rates</i>	<i>Proposed Rates at Proposed Tier</i>	<i>Percent Increase</i>
Single	\$326.90	\$ 401.04	22.7 %
H and W	\$653.80	\$ 862.24	31.9 %
Parent and Child	\$447.85	\$ 557.45	24.5 %
Parent and Children	\$447.85	\$ 774.01	72.8 %
Family	\$653.80	\$1,179.06	80.3 %
Composite	\$388.78	\$ 519.70	33.68%

The rates reflect the introduction of a three-tier benefit design for prescription drugs offered through the major medical program and elimination of benefits for the reversal of sterilization.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office 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. 03-1657. Filed for public inspection August 22, 2003, 9:00 a.m.]

Capital Advantage Insurance Company; Individual Direct Pay Security 65 Medical-Surgical Program; Rate Filing No. 03-T

On August 6, 2003, by filing no. 03-T, Capital Advantage Insurance Company, a wholly owned subsidiary of Capital Blue Cross, submitted to the Insurance Department (Department), for its review and approval, increased rates for its Individual Direct Pay Security 65 Medical-Surgical Program. The proposed increase percentage is 23.53% and an effective date of January 1, 2004, has been requested. Approximately 40,434 contracts will be affected and the increased rates will generate additional annual income of approximately \$6,270,324.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1658. Filed for public inspection August 22, 2003, 9:00 a.m.]

Capital Advantage Insurance Company; Individual Direct Pay Special Care Medical-Surgical Program; Rate Filing No. 03-O

On August 6, 2003, by filing no. 03-O, Capital Advantage Insurance Company, a wholly owned subsidiary of Capital Blue Cross, submitted to the Insurance Department (Department), for its review and approval, adjusted rates for its Individual Direct Pay Special Care Medical-Surgical Program. The following increases by contract type are proposed:

	<i>Proposed Rates at Current Rates</i>	<i>Proposed Rates at Current Tier</i>	<i>Proposed Tier</i>	<i>Percent Increase</i>
<i>Tier I and II</i>				
Single	\$ 52.05	\$ 63.55	\$ 62.09	21.63%
H and W	\$102.10	\$127.10	\$133.49	30.74%
Parent and Child	\$ 85.75	\$106.75	\$ 86.31	.65%
Parent and Children	\$ 85.75	\$106.75	\$119.83	39.74%
Family	\$136.80	\$170.30	\$182.54	33.44%
Composite	\$ 64.31	\$ 80.06	\$ 80.05	24.48%

An effective date of January 1, 2004, has been requested. Approximately 5,291 contracts will be affected and will generate additional annual income of \$719,688.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1659. Filed for public inspection August 22, 2003, 9:00 a.m.]

Capital Blue Cross; Individual Direct Pay Basic Blue Cross Program Rate Increase; Filing No. 03-K

Capital Blue Cross submitted to the Insurance Department (Department), for its review and approval, adjusted rates for its Individual Direct Pay Basic Blue Cross Program. The requested average rate increase is 17.05%. An effective date of January 1, 2004, has been requested. The proposed rate increase would affect approximately 914 contracts and would produce additional annual premium income of \$560,000.

The current and requested rates are as follows:

<i>Basic Blue Cross Program Health Services—Nongroup</i>	<i>Current Rates</i>	<i>Proposed Rates at Proposed Tier</i>	<i>Percent Increase</i>
Single	\$251.84	\$270.52	7.4%
H and W	\$503.78	\$581.62	15.5%
Parent and Child	\$344.42	\$376.02	9.2%
Parent and Children	\$344.42	\$522.10	51.6%
Family	\$503.78	\$795.33	57.9%
Composite	\$299.50	\$350.56	17.05%

The rates reflect the elimination of benefits for the reversal of sterilization.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office 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. 03-1660. Filed for public inspection August 22, 2003, 9:00 a.m.]

Capital Blue Cross and Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Program for HIPAA and TAA Eligible Subscribers; Rate Filing No. 03-S

Capital Blue Cross and Capital Advantage Insurance Company have requested approval to adjust the rates for the Individual Direct Pay Comprehensive Major Medical Program for HIPAA and TAA eligible subscribers. The requested rate increases are as follows:

	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percent Increase</i>
<i>Option 2—\$750 Deductible</i>			
Single	\$383.18	\$ 537.97	40.40%
H and W	\$766.37	\$1,075.94	40.39%
Parent and Child	\$524.96	\$ 914.55	74.21%
Parent and Children	\$524.96	\$1,210.43	130.58%
Family	\$766.37	\$1,452.52	89.53%
Composite	\$457.07	\$ 672.35	47.10%

Option 3—\$1,500 Deductible

Single	\$325.21	\$ 446.71	37.28%
H and W	\$650.83	\$ 893.42	37.27%
Parent and Child	\$445.81	\$ 759.41	70.34%
Parent and Children	\$445.81	\$1,005.10	125.45%
Family	\$650.83	\$1,206.12	85.32%
Composite	\$387.96	\$ 570.99	47.18%

The proposed rate adjustments would affect approximately 340 contracts and produce additional annual premium income of \$844,000. An effective date of January 1, 2004, is requested. The rates reflect the introduction of a three-tier benefit design for prescription drugs and elimination of the reversal of sterilization benefit.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1661. Filed for public inspection August 22, 2003, 9:00 a.m.]

Highmark, Inc. d/b/a Highmark Blue Shield; MedigapBlue Medical/Surgical Plans A, B, C and H (Central Region); Rate Filing No. 200320

On August 8, 2003, by filing no. 200320, Highmark Inc. d/b/a Highmark Blue Shield submitted to the Insurance Department (Department), for its review and approval, increased rates for its MedigapBlue Medical/Surgical Plans A, B, C and H for the central Pennsylvania region. The proposed increase percentage is 6.4% for Plans A, B and H and 4.9% for Plan C. An effective date of January 1, 2004, has been requested. Approximately 41,108 contracts will be affected, and the increased rates will generate additional annual income of approximately \$1.7 million.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1662. Filed for public inspection August 22, 2003, 9:00 a.m.]

Highmark Inc. d/b/a Highmark Blue Shield; Request to Increase Rates for MedigapBlue Hospital Plans A, B, C and H (Central Region); Rate Filing No. 200319

Highmark Inc. d/b/a Highmark Blue Shield requests approval to increase its premium rates for MedigapBlue Hospital Plans A, B, C and H (Central Region). The filing requests increases of 9.4%, 8.5%, 8.6% and 7.7% of current premium for Plans A, B, C, and H, respectively. The requested effective date of the change is January 1, 2004.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office 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. 03-1663. Filed for public inspection August 22, 2003, 9:00 a.m.]

Independence Blue Cross and Highmark Pennsylvania Blue Shield; Nongroup Major Medical Rate Increase; Rate Filing No. 14-P-03

Independence Blue Cross and Highmark Pennsylvania Blue Shield submitted a proposal to adjust the premium rates by 21.4% for their Nongroup Major Medical Pro-

grams. A January 1, 2004, effective date is proposed. The proposed rate adjustment would affect approximately 3,400 contracts and would produce additional premium income of \$1.6 million.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Philadelphia and 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. 03-1664. Filed for public inspection August 22, 2003, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of John R. Spangler; file no. 03-124-06109; The Motorists Insurance Group; doc. no. P03-08-010; September 16, 2003, 1:30 p.m.

Appeal of Danielle and Michael Kimmel; file no. 03-182-06638; Charter Oak Fire Insurance Company; doc. no. P03-08-009; September 23, 2003, 1:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and

stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1665. Filed for public inspection August 22, 2003, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Donegal Mutual Insurance Company; file no. 03-182-07155; Sharon Shaffner; doc. no. P03-08-007; September 11, 2003, 1:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid,

service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1666. Filed for public inspection August 22, 2003, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested hearings as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Larry Doney; file no. 03-181-06935; Pennsylvania National Insurance Company; doc. no. PI03-08-008; September 11, 2003, 1 p.m.

Appeal of Dr. Paul Donrovich; file no. 03-182-07498; Erie Insurance Exchange; doc. no. PI03-08-003; September 11, 2003, 2:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1667. Filed for public inspection August 22, 2003, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insureds' policy. The administrative hearing will be held in the Insurance Department's

regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Mutual Benefit Insurance Company; file no. 03-188-06145; Keith B. and Kimberly A. Smith; doc. no. P03-08-006; September 16, 2003, 10:30 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1668. Filed for public inspection August 22, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0260, 2015 Wharton Street, Pittsburgh, PA 15203-1915.

Lease Expiration Date: July 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 8,000 net useable square feet of new or existing retail commercial space within proximity to free parking and access to rear door loading, serving the South Side Flats section of the City of Pittsburgh.

Proposals due: September 12, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0287, 728 Broadway, McKees Rocks, PA 15136-2226.

Lease Expiration Date: August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,900 net useable square feet of new or existing retail commercial space on Broadway Avenue, McKees Rocks. The site must have access for rear door delivery.

Proposals due: September 12, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Centre County, Wine & Spirits Shoppe #1404, Hamilton Square Shopping Center, 216 W. Hamilton Avenue, State College, PA 16801-5218.

Lease Expiration Date: August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,500 net useable square feet of new or existing retail commercial space contained and bounded by the following streets: East College Avenue, Easterly Parkway, Altherton Street and University Drive, State College. The site must have good loading facilities and free off-street parking.

Proposals due: September 12, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Thomas Deal, (412) 565-5130

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 03-1669. Filed for public inspection August 22, 2003, 9:00 a.m.]

MILK MARKETING BOARD

Amendment to Notice of Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) is amending the hearing notice for the public hearing for Milk Marketing Area No. 1 on October 1, 2003, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

Cost information for containers and ingredients shall be based on data through September 1, 2003; cost information for Class II products shall be based on April 2003 data. All other provisions of the prior hearing notice, issued as Board Bulletin No. 1336, remain in effect.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 03-1670. Filed for public inspection August 22, 2003, 9:00 a.m.]

Amendment to Notice of Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) is amending the hearing notice for the public hearing for Milk Marketing Area No. 5 on October 1, 2003, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

Cost information for containers and ingredients shall be based on data through September 1, 2003; cost information for Class II products shall be based on April 2003 data. All other provisions of the prior hearing notice, issued as Board Bulletin No. 1335, remain in effect.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 03-1671. Filed for public inspection August 22, 2003, 9:00 a.m.]

Hearing Cancellation; Milk Marketing Area No. 2

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the public hearing for Milk Marketing Area No. 2 scheduled for September 3, 2003, has been cancelled.

The hearing has been rescheduled for September 15, 2003. Details concerning the rescheduled hearing are contained in a separate hearing notice issued August 13, 2003.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 03-1672. Filed for public inspection August 22, 2003, 9:00 a.m.]

Hearing Cancellation; Milk Marketing Area No. 3

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the public hearing for Milk Marketing Area No. 3 scheduled for September 3, 2003, has been cancelled.

The hearing has been rescheduled for September 15, 2003. Details concerning the rescheduled hearing are contained in a separate hearing notice issued August 13, 2003.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 03-1673. Filed for public inspection August 22, 2003, 9:00 a.m.]

Rescheduled Hearing and Presubmission Schedule for Milk Marketing Area No. 2

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on September 15, 2003, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2002 and 2003; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Milk Marketing Area No. 2. Cost information for containers and ingredients may be based on data through September 1, 2003; cost information for Class II products shall be based on April 2003 data.

The staff of the Board is deemed to be a party to this hearing and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 2 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on August 29, 2003, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on August 29, 2003, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on September 8, 2003, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 11, 2003, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 29, 2003.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 03-1674. Filed for public inspection August 22, 2003, 9:00 a.m.]

Rescheduled Hearing and Presubmission Schedule for Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on September 15, 2003, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2002 and 2003; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Milk Marketing Area No. 3. Cost information for containers and ingredients may be based on data through September 1, 2003; cost information for Class II products shall be based on April 2003 data.

The staff of the Board is deemed to be a party to this hearing and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 3 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on August 29, 2003, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on August 29, 2003, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on September 8, 2003, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 11, 2003, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 29, 2003.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 03-1675. Filed for public inspection August 22, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rescission Order

Public Meeting held
August 7, 2003

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Glen R. Thomas; Kim Pizzingrilli

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff (2002.0294) v. Promisevision Technology,
Inc.; Doc. No. C-20039883; A-310875*

Rescission Order

On April 1, 2003, Law Bureau Prosecutory Staff instituted a complaint against Promisevision Technology, Inc. (Respondent), a telecommunications interexchange reseller certificated at A-310875, for failure to pay its 5th semiannual Telephone Consumer Education Fund Contribution. Respondent failed to file an answer to the complaint. Consequently, on June 27, 2003, the Commission entered a Default Order in this complaint proceeding against Promisevision Technology, Inc. that sustained the complaint and set forth a process to cancel Respondent's certificate of public convenience. This is the first Default Order issued against the Respondent.

Subsequent to the issuance of the Default Order, the Respondent paid its 5th and 6th semiannual Telephone Consumer Education Fund Contributions, \$236 and \$226, respectively. The Respondent submitted a letter to the Law Bureau Prosecutory Staff explaining that the failure to make the payment was an oversight and requests that the Commission rescind the Default Order revoking the Company's certificate of public convenience. Law Bureau Prosecutory Staff filed the letter with the Secretary's Bureau on July 9, 2003.

The Commission is satisfied that Promisevision Technology, Inc.'s 5th and 6th semiannual Telephone Consumer Education Fund Contributions have been satisfied and that all required payments to the Telephone Consumer Education Fund have been submitted. However, if Respondent again fails to comply with any regulatory requirement, we may not be so favorably disposed and may issue a fine and/or require Respondent to file a new application along with the applicable \$350 application fee; *Therefore,*

It Is Ordered That:

1. The Default Order entered June 27, 2003 is hereby rescinded.

2. A copy of this Rescission Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1676. Filed for public inspection August 22, 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 September 15, 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-00120028. Charles J. Solt, Jr. t/d/b/a Solt Limousine (732 Hilton Drive, Lancaster, Lancaster County, PA 17603)—persons in limousine service, between points in the Counties of Berks, Lancaster, Schuylkill and York, and from points in said counties, to points in Pennsylvania, and return.

A-00120037. Johanna Oviedo (747 East Garden Drive, Harrisburg, Dauphin County, PA 17111)—persons upon call or demand in the Counties of Cumberland, Dauphin, Lancaster, Lebanon, Perry and York.

A-00120037, Folder 2. Johanna Oviedo (747 East Garden Drive, Harrisburg, Dauphin County, PA 17111)—persons in airport transfer service, from points in the Counties of Cumberland, Dauphin, Lancaster, Lebanon, Perry and York, to the Capital City Airport, located in Cumberland County, the Harrisburg International Airport, located in Dauphin County, and the Lancaster Regional Airport, located in Lancaster County.

A-00120050. Pocono Cab Company, LLC t/d/b/a Pocono Cab Company (307 Rachel Road, Stroudsburg, Monroe County, PA 18360), a limited liability company of the Commonwealth—persons, upon call or demand in the Townships of Hamilton and Stroud and the Boroughs of East Stroudsburg and Stroudsburg, Monroe County. *Attorney:* C. Daniel Higgins, 26 North Sixth Street, Stroudsburg PA 18360.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.

A-00115770, Folder 3, Am-A. Robert E. Brenner, Jr. t/d/b/a Brenner Coach and Limousine (P. O. Box 525, New Holland, Lancaster County, PA 17557)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Berks, Bucks and Montgomery, and from points in said counties, to points in Pennsylvania, and return: *So as to Permit* persons, in group and party service, in vehicles seating 11 to 15 passengers, between points in the Counties of Dauphin, Lancaster, Lebanon and York, and from points in said counties, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *contract carriers* for the transportation of *household goods* as described under the application.

A-00120024. Scott Scoleri, t/d/b/a Ramsey's Moving Company (4 Man-O-War Drive, Media, Delaware County,

PA 19063)—household goods in use, between points in the City and County of Philadelphia, and the Counties of Delaware, Montgomery and Chester, and from points in said territory, to points in Pennsylvania, and vice versa.

Application of the following for the approval of the transfer of stock as described under the application.

A-00114596, Folder 5000. Superior Transportation Services, Inc. (600 Nissley Drive, Middletown, Dauphin County, PA 17057), a corporation of the Commonwealth—for the approval of the transfer of 1,000 shares of issued and outstanding shares held by Raymond and Jan Bensch to Nathaniel and Julie Matter. *Attorney:* Louise A. Knight, 100 North Tenth Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1677. Filed for public inspection August 22, 2003, 9:00 a.m.]

Statewide Sustainable Energy Board

Public Meeting held
August 7, 2003

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Glen R. Thomas; Kim Pizzingrilli

Statewide Sustainable Energy Board; Doc. No. M-00031715

Final Order

By the Commission:

Background

By order entered on July 1, 1999, this Commission announced the creation of an autonomous Statewide board to provide oversight, guidance and technical assistance to the regional sustainable energy boards, which were established to assist in the management of the sustainable energy funds provided for in the electric restructuring proceedings.¹ As we noted, the institution of these funds marked a significant step in establishing Pennsylvania as a National leader in the development of renewable and clean energy technologies.

Through a Tentative Order adopted on April 10, 2003, we sought to further define the role of the Statewide board, what we named the Pennsylvania Sustainable Energy Board (PASEB), to help ensure that Pennsylvania continues as a leader in the development of renewable and clean energy technologies. Specifically, we sought comment on numerous aspects of PASEB, including its composition, its duties and functions with respect to oversight of the regional funds and its role in developing a “best business practices” model for the regional funds. Comments were due on or before May 27, 2003. Reply comments were due on or before June 11, 2003.

The Commission received comments from the four regional funds. Although the comments were filed individually on behalf of each fund, we note that the comments were very similar in nature. We also received comments from the Eric Joseph Epstein, Lawrence G.

Spielvogel, Inc. and Emanon Partners, LLC. Lawrence G. Spielvogel, Inc. filed reply comments as well.

Comments of the Regional Funds

One fund requests that the Office of Executive Director (OED) member on the Statewide board be a nonvoting member. That way, the appropriate balance between State agency and fund membership that exists with only eight voting members remains in place and is not weighted in favor of the State agencies. In addition, the funds request flexibility in scheduling the annual meeting. According to the funds, this would allow PASEB to change the date of the annual meeting, where appropriate, without having to amend the order.

The four funds also commented on reporting requirements. The funds recommend replacing the two semiannual reports due from each fund with: (1) a half-year report; and (2) an annual report from each fund. The half-year report would cover the period from January 1st through June 30th and would be due no later than August 15th. The annual report would cover the entire calendar year and would be due February 15th. Written copies of the reports would be filed with the Commission and PASEB members and the reports would be posted on the Commission's and each fund's websites. The funds agree that the annual report to be compiled by PASEB should serve as a summary of the activities of the regional funds. According to the funds, this can be accomplished by extracting information from the funds' annual reports and consolidating the information into a single summary.

In addition, the four funds recommend that PASEB, in conjunction with the fund administrators, develop a standard format for a project matrix. One version would be proprietary and would be shared only with PASEB members, the fund administrators and the Commission. This version would provide certain information about the status of fund projects but according to one fund, would not include reasons for approval or denial. These entities would sign a proprietary agreement prior to obtaining this information. The other version would be nonproprietary and made available to the public.

All four funds oppose a requirement that they provide reasons for project denials. They are concerned about potential liability if required to issue public reports stating that a particular applicant was denied because of a technically deficient project, a poor credit rating, outstanding litigation, regulatory troubles or any other problem that was identified in the technical and financial due diligence review of an application.

Finally, all four funds believe that PASEB is an appropriate forum to address a “best business practices” model. However, the funds note that the model should not denote uniformity in policies and procedures. In some cases, the funds add that a model should recognize any structural differences between the funds.

Comments of Eric Joseph Epstein (filed individually)

Mr. Epstein is President of the Sustainable Energy Fund of Central Eastern Pennsylvania and was a signatory to the restructuring settlement of Pennsylvania Power and Light. Mr. Epstein supports the “body and spirit” of the tentative order, although he seeks clarification and modification of several issues in the tentative order: (1) who decided the composition of the Statewide board and what criteria was used to select its members; (2) there is no discernable format, structure or provision for governance; and (3) there is no mention of a public

¹ The four regional funds are the PECO Energy Sustainable Development Fund, the Sustainable Energy Fund of Central Eastern PA, the GPU Sustainable Energy Fund (now the Met-Ed/Penelec Sustainable Energy Fund) and the West Penn Power Sustainable Energy Fund.

education campaign to apprise consumers of the importance of the Statewide board.

To remedy these perceived deficiencies, Mr. Epstein proposes that: (1) the Commission create a justification statement relating to the board's composition, which includes criteria for selection and allows for public input; (2) the Commission articulate or mandate an operating protocol that includes governance; (3) the Commission require biannual bill stuffers in English and Spanish as well as a dedicated Commission website and public outreach campaign to ensure that those being assessed a monthly tariff are dutifully apprised of their investment; (4) the Commission create a Memorandum of Understanding between the Statewide board and each fund; (5) the board develop a Statewide working definition of the terms "sustainable" and "renewable"; and (6) the Commission develop a post-settlement mailing/service list with the input from all four funds and the signatory parties.

Comments of Lawrence G. Spielvogel, Inc.

Mr. Spielvogel wants ratepayers to have access to information regarding the operations of the four funds. Specifically, Mr. Spielvogel requests that the semiannual and annual reports be posted on the Commission's website and that there be notice and public hearings where ratepayers can question or comment on the reports. Mr. Spielvogel also wants after-the-fact, independent review and accounting of past fund expenditures to determine if the monies were spent prudently, properly and wisely. In addition, Mr. Spielvogel wants as many ratepayer representatives appointed by the Governor as there are from the State agencies.

In his reply comments, Mr. Spielvogel asserts that there is no legal or business justification to keep confidential information about application denials. He claims that applicants in advance are aware that their applications are public information. Mr. Spielvogel cites to several advantages of making this information public. With access to this information, applicants can avoid applying for projects that are not likely to be approved, while access to such information will also improve the content of the applications.

Comments of Emanon Partners, LLC

Emanon wants the Statewide board to ensure that funding from the funds is allocated to all viable renewable energy projects, including biomass, not just wind and solar. Emanon allegedly was told by the four funds that they do not consider biomass to be renewable energy. Emanon wants the Statewide board to require that the regional funds report, in a consistent manner, the use of the funds they manage. The report should include: sources and uses of funds and summaries of grant and loan activity, including recipients and amounts.

Discussion

As noted in our Tentative Order, the regional funds appear to have formed a close working relationship with each other. This close relationship is evident with the day-to-day communications between the funds that routinely occur about specific projects/general issues and the quarterly and annual meetings that are held. This close working relationship has produced the desired level of coordination and communication envisioned by a Statewide board. Nevertheless, we reiterate that PASEB will only enhance this close working relationship between the regional funds.

Composition of PASEB

PASEB currently consists of nine representatives. PASEB consists of one representative from each of the following Commonwealth agencies: the Commission, the Department of Environmental Protection (DEP), the Department of Community and Economic Development (DCED) and the Office of Consumer Advocate (OCA). PASEB also consists of a representative from the Pennsylvania Environmental Council (PEC) and a representative from each regional board.² By this Order, the Commission's representative will be from the OED, assisted by Commission staff from the Law Bureau and the Bureau of Conservation, Economics and Energy Planning. However, to maintain the appropriate balance between the private and governmental interests, the Commission's representative shall be a nonvoting member except to the extent that a vote is necessary to break a tie.

By this Order, we are requiring that PASEB establish by-laws, which shall be submitted to the Commission for approval within 1 year from the date that this Order is published in the *Pennsylvania Bulletin*. The by-laws will articulate the internal rules of governance under which PASEB will operate. The by-laws will, inter alia, provide details on the types, terms, election, authority and duties of any members and the specific duties of an Administrator who will be designated by PASEB. The Administrator will provide support services and staff to enable PASEB to carry out its responsibilities. By spelling out the rights and duties of the various parties within the corporate structure of PASEB and the rules under which the board will operate, the by-laws will help ensure that the statewide board operates in an orderly and efficient manner.

Annual Meeting

We contemplate that PASEB will continue to play a key role in the Commission's oversight process of the regional boards. To that end, one of the primary responsibilities of PASEB will be to conduct an annual meeting to update the relevant Commonwealth agencies and other interested groups³ on the status of the four regional boards. The annual meeting shall tentatively take place in May of each year, unless otherwise changed by PASEB when appropriate. The annual forum will provide updates on the market status of sustainable energy technologies and projects, will update on the progress of the regional funds in achieving their missions and will provide an avenue for the regional boards to seek advice and support as well as to collaborate on larger projects that may be of interest to the collective funds.

Reporting Requirements

To begin, the individual regional funds will continue to submit half-year and annual reports with the Secretary's Bureau, consistent with their by-laws previously approved by the Commission and with their current practice. However, the reporting timeframes and the date of submission shall be universal to all four funds. The half-year report shall cover the period from January 1st through June 30th and shall be due on or before August 15th. The annual report shall cover the entire calendar year and shall be due no later than February 15th. Written copies of the reports shall be filed with the

² We note that the composition of the board arose out of the electric restructuring settlements. The entities selected to participate as members on the Statewide board were viewed as the relevant industry and regulatory players at the time. Moreover, the membership composition was thought to strike the appropriate balance between the public and private sector interests. We further note that each entity has the authority to select its own representative.

³ The relevant agencies include the Commission, DEP, DCED and OCA. Other interested groups would include PEC and other energy and environmental interests.

Commission and PASEB members, and the reports will be posted on the Commission's and each fund's websites. Thus, the reports will be available for public review, and the website postings should satisfy the commenters' request for public documentation about the funds.

In addition, PASEB will play a critical role in reporting as it will serve as an information conduit between the four regional boards and the Commission. First, PASEB, in conjunction with the regional fund administrators, shall produce an annual report to the Commission. The PASEB annual report will be due by April 30th of each year with copies available for the other relevant Commonwealth agencies and the public. The report will summarize the activities of the regional funds for the prior year. PASEB can accomplish this by providing a summary of extracted information from the semiannual and annual reports submitted by each fund. The report will be posted on the Commission's website.

In addition, PASEB, in conjunction with the fund administrators, will develop a standard format for a proprietary project matrix to be shared only with PASEB members, the fund administrators and the Commission. For approved projects, the matrix shall include the organization by name, an address, a description of the project, the status of the project, the amount requested and the amount approved. For denied projects, the matrix shall include a generic description of the request, a description of the project, the amount requested, whether the project was denied by the administrator or the board and a general reason for the denial. The general reasons for denials are, inter alia, failure to meet the mission statement, not technically feasible and/or economically viable, and other. The project matrix shall be updated every 6 months.

Given the sensitive nature of the information relating to project approvals and denials, we do not deem it necessary to require the funds to provide more specific information about project denials. Access to general information about project denials will allow us to adequately fulfill our regulatory duties⁴ without compromising the confidentiality concerns of the funds. Moreover, we do not deem it necessary to provide the general public with access to a nonproprietary version of the project matrix. We believe that the half-year and annual reports of the funds and PASEB's annual report, which will all be posted on the Commission's website, are sufficient to provide the public with adequate notice about the activities of the regional funds and PASEB.

We also note that Commission staff will continue to monitor the quarterly meetings conducted by each of the regional funds and report back to the Commission as warranted. We contemplate that this monitoring process will also help keep the Commission apprised of the various projects and proposals brought before the four regional boards.

Development of a "Best Practices" Business Model

PASEB will also promote greater uniformity of the business processes with each of the regional funds. Upon review of the responses to staff's data request issued on October 3, 2002, the Commission notes that there appears to be a discrepancy between each of the funds' business processes. In view of these discrepancies, PASEB will create a "best business practices" model to cover processes such as the application process, the reconsideration/

⁴ As the entity responsible for regulating jurisdictional utilities and, in particular, the funds, it is the Commission, on behalf of the ratepayers, that monitors the activities and expenditures of the fund.

appeal of denial process and a code of conduct, among other things. While taking into account that certain structural differences exist between the funds, we envision that this "best business practices" model will serve as a uniform guide for each of the four funds. PASEB is to develop this "best business practices" model within 1 year of the date that this Order is published in the *Pennsylvania Bulletin*.

Finally, the Commission notes that it expressly reserves the right to revisit organizational and operational issues of the Statewide board, when appropriate, particularly if a more formal centralized structure for handling common tasks becomes necessary at some point in the future; *Therefore,*

It Is Ordered That:

1. PASEB provide oversight, guidance and technical assistance to the regional sustainable energy boards in Pennsylvania, consistent with this Final Order.
2. PASEB conduct an annual meeting to update the appropriate Commonwealth agencies and other interests on the market status of sustainable energy technologies and projects, the progress of the regional funds in achieving their missions and to seek advice and support, consistent with this Final Order.
3. PASEB submit an annual report to the Commission summarizing the activities of the four regional funds, consistent with this Final Order.
4. PASEB develop a proprietary project matrix to be submitted to the regional fund administrators, PASEB members and the Commission with updates to occur on a semiannual basis, consistent with this Final Order.
5. This Order be published in the *Pennsylvania Bulletin*.
6. PASEB establish by-laws, which shall be submitted to the Commission for approval within 1 year from the date that this Final Order is published in the *Pennsylvania Bulletin*, consistent with this Final Order.
7. PASEB develop a "best practices" model to serve as a guide for the business practices of the funds and submit the proposed model for approval to the Commission within 1 year from the date that this Final Order is published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1678. Filed for public inspection August 22, 2003, 9:00 a.m.]

Telecommunications

A-311275F7008. Frontier Communications of Pennsylvania, Inc. and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless. Joint petition of Frontier Communications of Pennsylvania, Inc. and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection and traffic interchange agreement for cellular and other two-way mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, Inc. and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on August 7, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection and

traffic interchange agreement for cellular and other two-way mobile radio services 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 Frontier Communications of Pennsylvania, Inc. and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless 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. 03-1679. Filed for public inspection August 22, 2003, 9:00 a.m.]

Telecommunications

A-310933F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Metropolitan Telecommunications of Pennsylvania, Inc. d/b/a MetTel. Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Metropolitan Telecommunications of Pennsylvania, Inc. d/b/a MetTel for approval of a master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Metropolitan Telecommunications of Pennsylvania, Inc. d/b/a MetTel, by its counsel, filed on August 8, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and Metropolitan Telecommunications of Pennsylvania, Inc. d/b/a MetTel 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. 03-1680. Filed for public inspection August 22, 2003, 9:00 a.m.]

Telecommunications

A-310084F7001. Verizon North Inc. and Capital Telecommunication, Inc. d/b/a CTI. Joint petition of Verizon North Inc. and Capital Telecommunication, Inc. d/b/a CTI for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Capital Telecommunication, Inc. d/b/a CTI, by its counsel, filed on August 8, 2003, at the

Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Capital Telecommunication, Inc. d/b/a CTI 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. 03-1681. Filed for public inspection August 22, 2003, 9:00 a.m.]

Telecommunications

A-311034F7001. Verizon North Inc. and NetCarrier Telecom Inc. Joint petition of Verizon North Inc. and NetCarrier Telecom Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and NetCarrier Telecom Inc., by its counsel, filed on August 8, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and NetCarrier Telecom Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1682. Filed for public inspection August 22, 2003, 9:00 a.m.]

Telecommunications

A-310084F7000. Verizon Pennsylvania Inc. and Capital Telecommunication, Inc. d/b/a CTI. Joint petition of Verizon Pennsylvania Inc. and Capital Telecommunication, Inc. d/b/a CTI for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Capital Telecommunication, Inc. d/b/a CTI, by its counsel, filed on August 8, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Capital Telecommunications, Inc. d/b/a CTI 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. 03-1683. Filed for public inspection August 22, 2003, 9:00 a.m.]

Telecommunications

A-311034F7000. Verizon Pennsylvania Inc. and NetCarrier Telecom Inc. Joint petition of Verizon Pennsylvania Inc. and NetCarrier Telecom Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and NetCarrier Telecom Inc., by its counsel, filed on August 7, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and NetCarrier Telecom Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1684. Filed for public inspection August 22, 2003, 9:00 a.m.]

Tentative Order

Public Meeting held
August 7, 2003

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Glen R. Thomas; Kim Pizzingrilli

AllEnergy Marketing Company, LLC Request to Abandon NGS License; A-125057

Tentative Order

By the Commission:

Now before the Commission is a letter filed by AllEnergy Marketing Company, LLC (AllEnergy) on April 8, 2002. The letter states that AllEnergy is no longer engaged in the sale of utility products in this Commonwealth and does not object to the termination of its

natural gas supplier (NGS) license. The Commission's Fiscal Office states that there are no outstanding assessments or fines pending against AllEnergy.

On November 30, 1999, AllEnergy filed an application for an NGS license. By order entered January 27, 2000, the Commission granted AllEnergy a license to serve commercial and industrial customers within the service territories of Columbia Gas of Pennsylvania, Inc., The Peoples Natural Gas Company, PG Energy, Inc., Equitable Gas Company, National Fuel Gas Distribution Corporation, UGI Utilities, Inc., PECO Energy Company, PFG Gas, Inc., Carnegie Natural Gas Company, T. W. Phillips Gas & Oil Company and NUI Valley Cities Gas within this Commonwealth.

On April 8, 2002, AllEnergy submitted a letter to the Commission in response to a telephone conversation with Commission staff. In the letter, AllEnergy states that it had transferred substantially all of its assets and obligations involved in the sale of natural gas and electricity to a subsidiary, AllEnergy Gas & Electric Marketing Company, LLC. It further states that it then sold that subsidiary to another company in 2000 and that it is no longer engaged in the sale of utility products in this Commonwealth. AllEnergy further states that in the conversation Commission staff indicated that the Commission might terminate its NGS license and that AllEnergy does not object to a termination. By letter, dated May 7, 2002, Commission staff requested information from AllEnergy regarding its exit from this Commonwealth. AllEnergy failed to respond to the letter and attempts to contact AllEnergy by telephone were fruitless. For these reasons, we will issue a Tentative Order canceling the NGS license held by AllEnergy. We will publish the Tentative Order in the *Pennsylvania Bulletin*. If no objection is raised within 30 days of publication, then the Tentative Order will become final by operation of law; *Therefore,*

It Is Ordered That:

1. The NGS license held by AllEnergy Marketing Company, LLC at Docket No. A-125057 is hereby cancelled.
2. Notice of this Tentative Order shall be published in the *Pennsylvania Bulletin*. In the event no objections, exceptions or comments are filed to this Tentative Order within 30 calendar days of publication, the Tentative Order shall become a final order by operation of law without further action by this Commission.
3. Upon this Tentative Order becoming final, the Secretary shall strike the name of AllEnergy Marketing Company, LLC from all active utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.
4. A copy of this Tentative Order be served on the Office of Consumer Advocate, the Office of Small Business Advocate and all natural gas distribution companies.
5. A copy of this Tentative Order be served on the Department of Revenue, Bureau of Corporation Taxes.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1685. Filed for public inspection August 22, 2003, 9:00 a.m.]

SECURITIES COMMISSION

Right-to-Know Law Policy

I. General Policy

The Securities Commission (Commission) shall provide the public with access to public records to the fullest extent required by the Pennsylvania Right-to-Know Law and the Pennsylvania Securities Act of 1972. This policy relates to the release of information pertaining to Commission business in compliance with the Pennsylvania Right-to-Know Law, 65 P. S. §§ 66.1—66.9, and Management Directive 205.36. The Commission's Office of Chief Counsel should be consulted in cases in which this policy does not provide sufficient guidance to reach a determination.

In promulgating this policy, the Commission is cognizant of its obligations to the citizens of the Commonwealth to conduct its business in an open manner. The Commission also is aware of its obligations pursuant to Section 603 of the Pennsylvania Securities Act of 1972 (1972 Act), 70 P. S. § 1-603, and Commission regulations codified at 64 Pa. Code § 603.031 (relating to public inspection of records) and 64 Pa. Code § 603.041 (relating to charges for Commission services).

II. Definitions

Act or RTKL. The Act of June 21, 1957 (P. L. 390, No. 212), commonly referred to as the Right-to-Know Law, as amended, 65 P. S. §§ 66.1—66.9, effective December 26, 2002.

Business Day. Any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the Commission's office in Harrisburg is closed for all or part of a day due to a state holiday; pursuant to executive order; due to severe weather (such as a blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, state or federal law enforcement agencies or officials.

Business Hours. The RTKL Office's regular Business Hours are 8:30 a.m. to 5:00 p.m. Any RTKL request received after the close of regular Business Hours will be deemed to be received on the following Business Day.

Deemed Denied. A RTKL Request is Deemed Denied if one of the following conditions occurs: (i) the Commission fails to respond to a written RTKL request within the initial 10 business day period; (ii) the Commission extends the 10 business day period by up to 30 calendar days, but then fails to respond by the end of that extended period; or (iii) the Commission notifies the requester that it requires additional time to respond in excess of the permitted 30 calendar-day period.

Exceptions. A written administrative appeal filed with the RTKL Exceptions Office by a Requester challenging the RTKL Official's denial or the deemed denial of a RTKL request.

Mailing Date. (i) The date affixed to the RTKL Official's Response to a RTKL Request, which is to be the date the Response is deposited in the U. S. Mail; (ii) the date affixed to a final determination from the RTKL Exceptions Official, which is to be the date the final determination is deposited in the U. S. Mail; (iii) the postmark date stamped by the U. S. Postal Service on the envelope transmitting the RTKL Request or Exceptions filed by the Requester; or (iv) the date the Exceptions are received by

the RTKL Exceptions Official if they are hand delivered or transmitted by facsimile.

Public Record. Any account, voucher, or contract dealing with the receipt or disbursement of funds by the Commission, or its acquisition, use or disposal of services or of supplies, materials, equipment or other property, and any minute, order or decision by the Commission fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons. The term Public Record shall not mean any report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation undertaken by the Commission in the performance of its official duties or any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Commonwealth or any of its political subdivisions or commissions or State or municipal authorities of Federal funds, excepting therefrom however the record of any conviction for any criminal act. The term Public Record shall not include documents to which a privilege attaches under Sections 601(c) and 601(c.1) of the 1972 Act.

Record. Any document maintained by the Commission, in any form, whether public or not.

Records Custodian. Any person having custody, possession or control of a document. Any person who is believed to have custody, possession or control of a document is a potential records custodian.

Redaction. The removal of a portion of a document by any means while retaining the remainder.

Requester. A natural person who is a resident of the Commonwealth and submits a RTKL Request.

Response. The Commission's reply to a Requester providing physical access to a Record at the Commission's offices or written notice granting, denying or partially granting and partially denying access to a Record.

RTKL Exceptions Office. The office designated by the Commission to receive and docket Exceptions filed by Requesters and to provide administrative support for the RTKL Exceptions Official.

RTKL Exceptions Official. Any official or employee designated by the Commission to consider Exceptions, conduct hearings, if any, and issue final determinations resolving those Exceptions. The RTKL Exceptions Unit shall receive and docket Exceptions filed by Requesters and provide administrative support for the RTKL Exceptions Official.

RTKL Liaison. Any official or employee designated by the Commission to serve as a conduit between the RTKL Official and potential and actual Records Custodians.

RTKL Official. The Commission Secretary is charged with the responsibility of receiving and responding to RTKL Requests. The RTKL Office will be a function of the Office of the Secretary.

RTKL Request. A written request submitted to the RTKL Official asking for access to a Record, a copy of a Record, information purported to be in the possession of the Commission; or a written request (excluding exceptions or appeal) presented to the Commission that invokes the RTKL.

III. *Form of RTKL Request*

All RTKL Requests must:

- Be submitted in writing by a natural person resident in the Commonwealth.
- Be delivered in person, by mail, or by facsimile.
- State the name and address of the Requester.
- Identify or describe the Records sought with sufficient specificity to enable the Commission to ascertain which Records are being requested.
- Pay any applicable costs.

The Commission will not respond to an oral RTKL Request, an anonymous written RTKL Request, or a RTKL Request transmitted by e-mail.

All RTKL Requests should be addressed to:

Ms. Jeanne Parsons
Office of the Secretary
Pennsylvania Securities Commission
Eastgate Office Building, 2nd Floor
1010 N. Seventh Street
Harrisburg PA 17102-1410

If submitting an RTKL Request by facsimile, the request should be forwarded to (717) 783-5125.

Please note that time limitations for reviewing RTKL Requests do not take effect until the RTKL Request is received in the RTKL Office.

IV. *Who Has the Right to Know?*

The RTKL specifically, provides that "any citizen of the Commonwealth shall have the right" to obtain public records. The RTKL applies only to natural persons. If the requesting party is a corporation or other entity, the request may be refused on that basis, even if the corporation or other entity was created under the laws of the Commonwealth. The Commission may, at its discretion, require a requesting party to produce proper identification to establish that the party is a resident of this Commonwealth.

The 1972 Act and Commission regulations promulgated thereunder provide that certain documents maintained by the Commission shall be made available to the public, without limiting such access to natural persons who are citizens of the Commonwealth. The Commission will continue to provide access to information pursuant to the provisions of the 1972 Act and Commission regulations. The Commission will apply the procedures established under this RTKL policy to all requests for public documents regardless of the domicile of the requesting party.

V. *RTKL Request Procedure*

Upon receipt of the RTKL Request, the RTKL Official will take the following actions:

- Date-stamp the request. Responses received after Business Hours are deemed received on the next Business Day.
- Assign a tracking number to the request.
- Note the day on which the 10 Business Day period will expire and make a notation of that date on the first page of the request.
- Make an electronic or paper copy of the request, including all documents submitted with it, and the envelope in which it came.
- Create an official file for the retention of the original request.

- Record the request in the system used by the Commission for tracking RTKL Requests.

The RTKL Official is responsible for the issuance of interim and final responses to all RTKL Requests. Upon receipt of an RTKL Request, the RTKL Official shall render a final response within 10 Business Days from the date the RTKL Response is received, unless an interim response is warranted and issued within that time. For purposes of determining the end of the 10-Business-Day period, the day that a RTKL Request is received is not counted.

An interim response may be sent on or before the last day of the 10 Business Day period and must set forth one of the following reasons justifying the need for additional time:

- The RTKL Request requires redaction of a Public Record.
- The RTKL Request requires the retrieval of a Public Record stored in a remote location.
- A timely response to the request cannot be accomplished due to bona fide and specified staffing limitations.
- A legal review is necessary to determine if a Record is a Public Record subject to access under the RTKL.
- The Requester has not complied with the Commission's policies regarding access to Public Records.
- The anticipated cost of complying with the RTKL Request exceeds \$100 and the Requester has not prepaid such amount.

If an interim response is issued, the Commission has 30 calendar days from the end of the 10 Business Day period to issue a final response. If the Commission's interim or final response is not timely, the RTKL Request is Deemed Denied.

VI. *Initial Review by the RTKL Official*

The RTKL Official will review an RTKL Request promptly to determine whether the RTKL Request possesses any obvious defects that require it to be rejected without further consideration, raises questions that require consultation with counsel or can be granted without further consideration.

The RTKL permits the RTKL Official to reject an RTKL Request without further consideration where:

- The face of the request unambiguously establishes that the requester is not a resident of this Commonwealth.
- The Records sought by the Requester are not identified with sufficient particularity.
- The Records sought unquestionably fall outside the RTKL definition of Public Records.
- The Records sought unquestionably fall within one of the statutory exclusions to the RTKL definition of Public Records.
- The Records sought unquestionably fall within a common law or statutory privilege set forth in Sections 601(c) and (c.1) of the 1972 Act.
- The RTKL Official has personal knowledge that the Records sought do not exist.
- The RTKL Official has personal knowledge that the Records sought are not in the possession or control of the Commission.

If the RTKL Official does not see an obvious reason to deny the RTKL Request, the RTKL Official or RTKL

Liaison(s), if requested to do so by the RTKL Official, shall forward the RTKL Request to potential Records Custodians. Any potential Records Custodian who receives a copy of that RTKL Request shall review the RTKL Request, examine the Records under his control and promptly determine whether he possesses any Records that are subject to the request. A potential Records Custodian shall immediately report his determination to the person from whom he received the RTKL Request.

If a person receiving a RTKL Request knows or believes that one or more of the requested Records is in the possession of another Commission official, employee or agent, he shall forward the RTKL Request to that person, and shall inform the RTKL Liaison that he has done so.

If a Records Custodian is uncertain whether a Record in his possession pertains to a RTKL Request, he should raise this issue with the RTKL Liaison.

Upon receiving a RTKL Request, a potential Records Custodian must consult with the RTKL Official before undertaking to create a presently nonexistent Record.

A Records Custodian must ensure that the document is retained by the Commission until the RTKL Request is completely resolved. Once the Records Custodian receives a request, the Records Custodian is barred from destroying or otherwise disposing of the Record, regardless of any records disposition schedule.

A person with actual custody of a Record identified in a RTKL Request must inform the RTKL Liaison or RTKL Official.

If a Records Custodian has a concern about whether the Requester should receive access to a Record, the Records Custodian should promptly notify the RTKL Official and the associated RTKL Liaison. Upon receiving such notice, the RTKL Official may take appropriate steps to address the Record Custodian's concerns.

VII. Responses

The RTKL Official may respond to a RTKL Request by:

- Providing a Requester with physical access to a Record at the Commission's Harrisburg office. Only the RTKL Official possesses the authority to permit this access.
- Providing to the Requester unredacted copies of the Records identified in the RTKL Request.
- Notifying the Requester in writing by U. S. mail that access to the Records is denied. The Commission, in its discretion, may also notify the Requester by facsimile transmission, overnight or parcel delivery service, or courier delivery.

A response denying an RTKL Request, in whole or in part, must list all of the specific reasons relied upon for denying the request and must include one or more citations of supporting authority.

Inaction by the Commission is not a response, even when it results in an RTKL Request being Deemed Denied.

The Commission will not use e-mail for the purpose of responding to RTKL Requests.

VIII. Physical Access to Public Records

The Commission's Public Records are accessible for inspection by any RTKL Requester during Regular Business Hours at the Commission's Harrisburg office.

The Commission will provide Public Records to a Requester in the medium requested if the Record exists in that medium. Otherwise, the Public Record will be provided in the medium in which it exists. When a Public Record is available only in an electronic form, the Commission, upon request, will provide a paper copy at a cost of \$0.50 per page.

IX. Exceptions Procedure

All Exceptions filed with the Commission must be addressed to

Lynn D. Naefach, Deputy Chief Counsel
Office of the Chief Counsel
Pennsylvania Securities Commission
Eastgate Office Building, 2nd Floor
1010 N. Seventh Street
Harrisburg PA 17102-1410

If submitting Exceptions by facsimile, the request should be forwarded to (717) 783-5125.

All Exceptions filed with the Commission must:

- Be postmarked, if sent by mail, or received by the RTKL Exceptions Unit no later than 15 Business Days from the mailing date of the written denial or 15 calendar days from the date a RTKL Request is Deemed Denied. Exceptions will not be accepted by e-mail.
- State the reasons the Requester asserts that the Record is a Public Record.
- Address the Commission's stated reasons for denying the RTKL Request.

Exceptions that do not comply with these requirements will be deemed defective and may be dismissed. The time period in which to file Exceptions will not be extended.

Upon receipt of Exceptions, the RTKL Exceptions Unit and/or the Exceptions Official will take the following actions:

- Date-stamp the Exceptions and assign a tracking number.
- Retain the envelope and any documents that accompany the Exceptions.
- Send a copy of the Exceptions letter and accompanying documents to the RTKL Official and to the Commission's legal counsel.
- Schedule and conduct a hearing, if so ordered by the Exceptions Official.
- Obtain the services of a court reporter or other method for recording testimony, if a hearing is ordered.
- Docket the receipt of evidence and other submittals.
- Maintain a record of the Commission's final determination.
- Prepare an official record in the event of an appeal to the Commonwealth Court.

If Exceptions are to be resolved without a hearing, the General Rules of Administrative Practice and Procedure as set forth at 1 Pa. Code, Chapters 31, 33, and 35 shall not apply.

The RTKL Official shall have 15 calendar days from the mailing date of the Exceptions to file a reply with the RTKL Exceptions Official. The reply must

- Be in writing.
- Be mailed or delivered to the RTKL Exceptions Official within 15 calendar days from the date the Exceptions were mailed.

- Be mailed to the Requester.
- Fully advise the Requester and the RTKL Exceptions Official as to the reasons for the RTKL Official's decision.
- Admit and/or deny specifically and in detail each material allegation of the Exceptions.
- State clearly and concisely the facts and matters of law relied upon.

The RTKL Exceptions Official shall not accept any pleadings, responses, or briefs from the RTKL Official or the Requester other than the original Exceptions of the Requester, and the reply of the RTKL Official, unless a hearing is held. A Requester does not have a legal right to a hearing on Exceptions. Upon receipt of the reply from the RTKL Official, the RTKL Exceptions Official shall rule on any pending requests for a hearing.

The RTKL Exception Official will issue the final determination of the Commission within 30 calendar days of the mailing date of the Exceptions, unless the Requester agrees to an extension.

X. *Hearings*

Prior to the issuance of a final determination, the Requester or the RTKL Official may request a hearing. The decision to grant a request for hearing rests solely in the discretion of the RTKL Exceptions Official, and may be conditioned on a waiver of the 30 calendar day time limit. The decision of the RTKL Exceptions Official is not appealable. The RTKL Exceptions Official may order a hearing if considered desirable, notwithstanding that neither the Requester nor the RTKL Official requested a hearing.

If a hearing is held, the identified records shall not be made part of the hearing record. The RTKL Official shall provide a description of the document either in writing or by means of oral testimony. All Exceptions hearings will be held in the Commission's Harrisburg office. Hearings will be conducted under the General Rules of Administrative Practice and Procedure, set forth at 1 Pa. Code Chapters 31, 33, and 35.

XI. *Appeals to Commonwealth Court*

If the RTKL Exceptions Official affirms the action of the RTKL Official in denying the Requester access to Records, the Requester may, within 30 days of the Mailing Date of the final determination appeal the decision to the Commonwealth Court. Both the Commission

and the Requester may be subject to fines and court costs as prescribed by the RTKL.

XII. *Retention and Disposal of Public Records*

The RTKL does not modify any statute or regulation relating to the retention and disposition of Records by the Commission.

XIII. *Redaction*

The Commission may redact those portions of Record that are prohibited from disclosure and those portions that are exempt from disclosure. The portions of a Record that remain after redaction are subject to release.

XIV. *Fees and Charges*

As provided by Commission Regulation 603.040, 64 Pa. Code § 603.040, the charge for photocopies of Records provided pursuant to a RTKL request is \$0.50 per single-side of a standard 8.5" x 11" sheet and the charge for certified copies is \$5.00 per certification. There is no charge for PC Diskettes and CDs. The Commission will not charge postage for mailing Records by U. S. Mail. The charge for facsimile transmission of records is \$2.00 per page. All other postage costs, such as the cost of overnight mail, shall be paid by the Requester.

If the cost of fulfilling a RTKL Request is expected to exceed \$100, the RTKL Official may require prepayment of the costs. A Requester who is informed that his RTKL Request has been granted, but that prepayment is necessary due to the anticipated costs exceeding \$100 shall have 30 calendar days to make payment to the Commission. If the Requester does not remit payment to or contact the Commission by the end of this period, the Commission will consider the RTKL Request to have been withdrawn and will close the file. Any future attempt to procure the identified records after this time must be done by initiating a new RTKL Request.

Alternative formats of this document may be available upon request. Call (717) 787-1165 or TDD Users: via AT&T Relay Center (800) 654-5984.

M. JOANNA CUMMINGS,
Secretary

[Pa.B. Doc. No. 03-1686. Filed for public inspection August 22, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services		③ Contract Information
Location:	Harrisburg, Pa.	④	④ Department
Duration:	12/1/93-12/30/93	⑤	⑤ Location
Contact:	Procurement Division 787-0000	⑥	⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

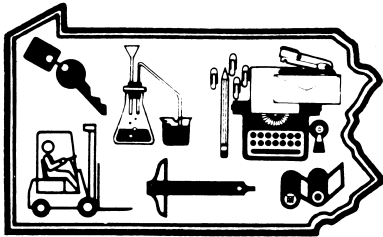
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

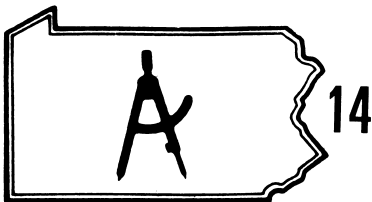
44-931594 PA Department of Transportation is requesting bids for Nine (9) Electric Tailgate Liquid Dispensing Systems (Model TG-100 EVR or equivalent) designed to fit on the tailgate of a dump truck. Each system shall be 12 Volt and have a 100 gallon capacity Polypropylene tank. Each system shall be complete with pump, pump control, nozzles, hoses, fittings, wiring and mounting hardware as required. Systems will be installed by Department force. Delivery shall be made to Dept. of Trans., District 0220, Hyde, PA, Clearfield County.

Department: Transportation
Location: District 0220, Clearfield County, PO Box 245, Corner of Washington Avenue and Hall Street, Hyde, PA 16843-0245
Duration: 10/01/03 through 09/30/04
Contact: Debbie Swank, (814) 765-0524

SU-03-04 Contractor to provide printing of Vista four (4) issues per year, Winter - 52,000, Spring - 53,000, Summer - 54,000, Fall - 55,000. The Vista is for Shippensburg University and the printing shall be in strict accordance with specifications included in the solicitation package. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350; or email a request to: mmholt@wharf.ship.edu. Bids are due 9/3/03 by 4:00 P.M. and the bid opening is scheduled for 9/4/03 at 2:00 P.M. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: December 1, 2003 through September 24, 2004.
Contact: Mona M. Holtry, (717) 477-1386

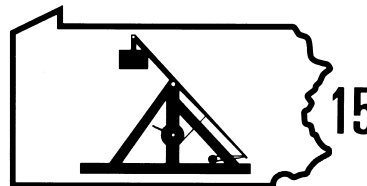
SERVICES



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

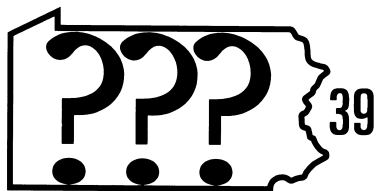
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

OSM 13(4066)102.1 Abandoned Mine Reclamation Project, Lansford North. The principal items of work and approximate quantities include 3,147,000 cubic yards of grading, 3,500 cubic yards of ditch excavation, 3,760 square yards of rock lining, and 101 acres of seeding. This project issues on August 22, 2003 and bids will be opened on September 16, 2003 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$37.8 million 2001 AML grant.

Department: Environmental Protection
Location: Lansford Borough, Carbon County, PA
Duration: 810 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

**Miscellaneous**

30877007 Sexuality therapist for individuals at the Ebensburg/Altoona Centers. Therapist to provide sexual evaluation, counseling and therapy services for individuals with developmental disabilities who reside at Ebensburg/Altoona Centers.

Department: Public Welfare

Location: Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931.

Duration: Contract is anticipated to begin September 1, 2003, and end June 30, 2006.

Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

[Pa.B. Doc. No. 03-1687. Filed for public inspection August 22, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

