

PENNSYLVANIA BULLETIN

Volume 33
Saturday, September 20, 2003 • Harrisburg, Pa.
Number 38
Pages 4653—4772

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BULLETIN

(ISSN 0162-2137)

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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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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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation

September 9, 2003

Whereas, On August 6, 2003, I declared a State of Disaster Emergency in Crawford, Forest, Mercer, McKean, Potter, Tioga, Venango, and Warren Counties due to widespread and unusually heavy rains and tornado activity, which struck the counties and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of those counties; and

Whereas, additional information provided by local officials finds that additional eastern Pennsylvania counties were also adversely impacted by the same heavy rains, which caused localized flash flooding to occur in certain creeks and streams and caused extensive road closures, damage to roads, streets, private homes, businesses and continued adverse life safety impacts for the general population of Lackawanna, Wayne, and Wyoming Counties; and

Whereas, investigations by state agencies of recently developing conditions indicate that additional resources of the commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa. C.S.A. Section 7101 et seq.), I do hereby amend my Proclamation of August 6, 2003, as follows:

1. The Counties of Lackawanna, Wayne, and Wyoming are now declared to be in a state of disaster emergency and are added to the previously designated disaster emergency area.
2. This Amendment to Proclamation shall take effect immediately.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this ninth day of September in the year of our Lord two thousand and three and of the Commonwealth the two hundred and twenty-eighth.



Governor

[Pa.B. Doc. No. 03-1830. Filed for public inspection September 19, 2003, 9:00 a.m.]

THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200—500]

Order Amending Rules 202 and 421, Adopting New Rules 213 and 214 and Rescinding Rules 317 and 510 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 204 Magisterial Doc. No. 1; Book No. 2

The Minor Court Rules Committee has prepared a Final Report explaining the amendments to Rules 202 and 421, the adoption of new Rules 213 and 214, and the rescinding of Rules 317 and 510 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective January 1, 2004. These rule changes add definitions and provide for subpoenas to attend and testify in civil and landlord and tenant proceedings before district justices. The changes also provide for several technical or "housekeeping" amendments to these rules. The Final Report follows the Court's Order.

Order

Per Curiam:

And Now, this 3rd day of September, 2003, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 31 Pa.B. 7028 (December 29, 2001), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa. R.C.P.D.J. Nos. 202 and 421 are amended and new Pa. R.C.P.D.J. Nos. 213 and 214 are adopted in the following form, and Pa. R.C.P.D.J. Nos. 317 and 510 are rescinded.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2004.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 202. Definitions.

As used in these rules, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

[(1) "District justice" means the district justice before whom the action or proceeding is pending.

(2) "Sheriff" includes a deputy sheriff.

(3) "Constable" means a certified constable or a certified deputy constable.

(4) "Prothonotary" includes any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code,

and includes the analogous officer in those counties which do not have a prothonotary.]

"adult" means an individual eighteen years of age or older;

"competent adult" means an individual eighteen years of age or older who is (1) not an incapacitated person, (2) not a party to the action, and (3) not an employee or a relative of a party;

"constable" means a certified constable or a certified deputy constable;

"district justice" means the district justice before whom the action or proceeding is pending;

"incapacitated person" means an incapacitated person as that term is defined under 20 Pa.C.S. § 5501 (relating to meaning of incapacitated person);

"prothonotary" includes any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code, and includes the analogous officer in those counties which do not have a prothonotary;

"sheriff" includes a deputy sheriff;

"subpoena" means an order of the district justice commanding a person to attend and testify at a particular time and place; it may also require the person to produce documents or things which are under the possession, custody, or control of that person;

"verified," when used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Official Note:

* * * * *

Amended April 25, 1979, effective in 30 days, June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended July 16, 2001, effective August 1, 2001; amended September 3, 2003, effective January 1, 2004.

Rule 213. Subpoena to Attend and Testify.

A. A subpoena may be used to command a person to attend and to produce documents or things only at a trial or hearing in an action or proceeding pending before the district justice.

B. A subpoena may not be used to compel a person to appear or to produce documents or things ex parte before an attorney, a party, or a representative of the party.

Official Note: See Rule 202 for definition of "subpoena." Compare Pa.R.C.P. No. 234.1. The district justice has discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the district justice. As to Subdivision B, see Rule 210.

Adopted September 3, 2003, effective January 1, 2004.

Rule 214. Subpoena; Issuance; Service.

A. District justices may issue subpoenas throughout the Commonwealth.

B. Upon the request of a party, the district justice may issue a subpoena signed and under the seal of the district justice. The district justice shall specify in the subpoena the name and address for service of the person subpoenaed; the date, time, and place at which the person is to appear; and a description of the documents or things that the person is to produce, if any.

C. A subpoena may be served upon any person within the Commonwealth by a competent adult

- (1) by handing a copy to the person; or
- (2) by handing a copy

(a) at the residence of the person to an adult member of the family with whom the person resides; but if no adult member of the family is found, then to an adult in charge of such residence; or

(b) at the residence of the person to the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging at which the person resides; or

(c) at any office or usual place of business of the person to the person's agent or other person for the time being in charge thereof.

Official Note: See Rule 202 for definition of "subpoena." Compare Pa.R.C.P. Nos. 234.2 and 402(a).

The district justice has discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the district justice.

District justices may not issue subpoenas in blank.

Adopted September 3, 2003, effective January 1, 2004.

CHAPTER 300. CIVIL ACTION

Rule 317. [Subpoena of Witnesses] (Rescinded).

[A district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses in any cause of action triable before the district justice. The subpoena may also require the person to produce at the time of hearing documents or things that are under the possession, custody or control of that person.]

Official Note: See Rule 213 governing subpoenas.

[Amended] Former Rule 317 amended June 30, 1982, effective 30 days after July 17, 1982; May 3, 1999, imd. effective; rescinded September 3, 2003, effective January 1, 2004.

[Explanatory Comment—1999]

[DELETE ENTIRELY]

CHAPTER 400. EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 421. Time for Hearing and Determination; [Subpoenas;] Effective Date of Orders and Determination.

A. The district justice shall hold hearings on matters to be determined [by him] under Rule 420 not later than five [(5)] days after they are filed [in his office], and [he] shall notify all parties in interest of the date and time of the hearing by telephone or other timely means of communication. [He] The district justice shall [make his] enter a determination not later than three [(3)] days after the hearing.

B. [At the time of the entry of the determination, the] The district justice shall promptly give or mail to the parties written notice of the determination. If a party has an attorney of record the written notice shall be given or mailed to the attorney of record instead of to the party. Notice of the determination shall contain advice as to the right of the parties to file a Statement of Objection, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

C. [The district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses.] Rescinded.

D. Any stay of the whole or part of the execution proceedings ordered by the district justice shall be effective immediately. All other orders and determinations with respect to the whole or part of the execution proceedings shall not take effect until after the expiration of ten [(10)] days from [their] the date of entry of the order or determination.

Official Note:

* * * * *

Subdivision [C] D provides that, except for stays, determinations and orders of the district justice concerning the execution proceedings shall not take effect until after the expiration of ten days from [their] the date of entry of the determination or order. This will give any aggrieved party in interest a chance to obtain a stay by filing a statement of objection in the court of common pleas during that period of time. See Rule [1016B] 1016.

* * * * *

Amended June 1, 1971; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; [The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line"] amended September 3, 2003, effective January 1, 2004.

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 510. [Subpoena of Witnesses] (Rescinded).

[A district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses in any cause of action triable before the district justice. The subpoena may also require the person to produce at the time of hearing documents or things that are under the possession, custody or control of that person.]

Official Note: [This rule is the same as Rule 317 governing subpoenas in civil actions.] See Rule 213 governing subpoenas.

[Amended] Former Rule 510 amended June 30, 1982, effective 30 days after July 17, 1982; amended December 15, 2000, effective January 1, 2001; rescinded September 3, 2003, effective January 1, 2004.

FINAL REPORT¹

Amendments to Pa. R.C.P.D.J. Nos. 202 and 421; Adoption of Entirely New Pa. R.C.P.D.J. Nos. 213 and 214; and Rescinding Pa. R.C.P.D.J. Nos. 317 and 510

DEFINITIONS; SUBPOENAS TO ATTEND AND TESTIFY IN CIVIL AND LANDLORD/TENANT MATTERS

On September 3, 2003, effective January 1, 2004, upon the recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania amended Rules 202 and 421, adopted entirely new Rules 213 and 214, and rescinded Rules 317 and 510 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.³

I. Background

The Minor Court Rules Committee initially undertook a review of Rule 421 when it came to the Committee's attention that Rule 421C, that provides for the issuance of subpoenas in determination of property claims hearings (Rule 420 hearings), was not consistent with Rule 317 (relating to subpoena of witnesses in civil actions) and Rule 510 (relating to subpoena of witnesses in landlord/tenant actions). The Supreme Court had previously approved amendments to Rules 317 and 510 to provide for the issuance of subpoenas duces tecum. In recommending these amendments the Committee apparently overlooked the subpoena provision in Rule 421. The Committee had initially proposed that Rule 421 be amended to provide for the issuance of subpoenas duces tecum in Rule 420 hearings to make it consistent with the other subpoena rules. See 31 Pa.B. 2920 (June 9, 2001).

Upon consideration of comments received in response to that initial proposal, however, the Committee revised its proposal. The Committee received comments suggesting that three separate rules governing subpoenas caused unnecessary duplication and confusion. The Committee agreed. Accordingly, the Committee recommended the addition of two new general rules governing subpoenas in the 200 Series (RULES OF CONSTRUCTION; GENERAL PROVISIONS). Further, the Committee recommended that Rules 317 and Rule 510 be rescinded, and that Rule 421 be amended to delete the references to subpoenas.

In addition, the Committee recommended amendments to Rule 202 (Definitions) to add five new definitions, as described below.

Finally, in conjunction with the amendments to Rules 202 and 421, the Committee also recognized the need for several technical or "housekeeping" amendments to these rules.

The Committee's revised proposal was published for public comment at 31 Pa.B. 7028 (December 29, 2001). The Committee received no comments regarding the revised proposal.

II. Discussion of Rule Changes

A. Rule 202

As indicated above, the Committee recommended that Rule 202 be amended to add five new definitions of words or phrases that are currently used in the rules or are used in the new subpoena rules. Relating to the subpoena

rule changes, the Committee recommended that the terms "competent adult" and "subpoena" be defined.

- The Committee recommended the same definition for "competent adult" as is used in Pa.R.C.P. No. 76 be adopted in Pa. R.C.P.D.J. No. 202. New Rule 214C provides that subpoenas be served by a competent adult.⁴

- Likewise, the Committee recommended that substantially the same definition for "subpoena" as is used in Pa.R.C.P. No. 234.1 be adopted in Pa. R.C.P.D.J. No. 202. The definition provides for subpoenas to attend and testify as well as subpoenas duces tecum.

In addition, the Committee noted that the words "adult" and "verified" are used in the rules but were not defined.

- The Committee thought it important to distinguish between "adult" and "competent adult" since the latter term is used in New Rule 214C. The Committee recommended the same definition for "adult" as is used in Pa.R.C.P. No. 76 be adopted in Pa. R.C.P.D.J. No. 202.

- Upon review of the three instances where the word "verified" currently is used in the rules, the Committee determined that it also should be defined. The Committee recommended that the same definition for "verified" as is used in Pa.R.C.P. No. 76 be adopted in Pa. R.C.P.D.J. No. 202.⁵

Finally, the Committee recommended that the term "incapacitated person" be defined because it is used in the definition of "competent adult" and elsewhere in the rules. The Committee recommended that the term be defined as it is in 20 Pa.C.S. § 5501 (relating to meaning of incapacitated person).⁶

In conjunction with the amendment to the rule to add the five definitions described above, the Committee also recognized the need for two technical amendments to this rule.

- First, the Committee recommended that the introductory language in the rule be amended to more closely mirror that in Pa.R.C.P. No. 76 so as to more clearly state how terms in the rules are to be defined and construed.

- In addition, the Committee recommended that the rule be restructured to remove the numbered list of definitions and to list the definitions in alphabetical order. The Committee believes that this technical change will present the list of defined terms in a more logical order and will better facilitate future additions to or deletions from the list.

B. New Rule 213

As noted above, the Committee recommended an entirely new rule, Pa. R.C.P.D.J. No. 213, to generally provide for subpoenas in civil and landlord and tenant matters.

The new rule imposes limitations on the use of subpoenas. Subdivision A makes clear that subpoenas may be used to command a person to attend and to produce documents or things only at a trial or hearing in an action or proceeding pending before the district justice.

⁴See discussion *infra* Part II.C.

⁵A proposal to add the word "verified" to the Rule 202 definitions, and to make other format changes to Rule 202, was previously published at 31 Pa.B. 5938 (October 27, 2001). The Committee did not make any changes to that proposal, however it was incorporated into this recommendation as both proposals affected Rule 202.

⁶20 Pa.C.S. § 5501 defines "incapacitated person" as "an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he is partially or totally unable to manage his financial resources or to meet essential requirements for his physical health and safety."

¹The Committee's Final report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

²Recommendation No. 4 Minor Court Rules 2003.

³Supreme Court of Pennsylvania Order No. 204, Magisterial Docket No. 1, Book No. 2 (September 3, 2003).

Subdivision B makes clear that subpoenas may not be used to compel a person to appear or produce documents or things ex parte.

The Official Note to the new rule cross references Pa.R.C.P. No. 234.1 and Pa. R.C.P.D.J. Nos. 202 and 210. It also makes clear that the district justice has discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the district justice. A similar provision had been included in the Note to Rule 317, which has been rescinded.

C. New Rule 214

The Committee also recommended an entirely new Pa. R.C.P.D.J. No. 214 to further provide for the issuance and service of subpoenas.

Subdivision A of the new rule makes clear that district justices may issue subpoenas throughout the Commonwealth.

Subdivision B provides that upon request of a party, the district justice may issue a subpoena. This subdivision also specifies what information must be contained in the subpoena, including the name and service address of the person being subpoenaed; the date, time, and place at which the person is to appear; and a description of any documents or things the person is to produce. These procedures differ from practice in the courts of common pleas in two significant ways. First, the rule and Note make clear that a district justice may issue a subpoena and that the district justice has discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action. This differs from Pa.R.C.P. No. 234.2(a), which provides that the prothonotary shall issue a subpoena at the request of a party. The Committee was concerned that pro se parties may attempt to subpoena irrelevant persons or things; and recognized that there is no procedural mechanism for quashing a subpoena at the district justice level. Secondly, these procedures differ from common pleas practice in that certain information must be contained in the subpoena at the time of issuance. The Committee thought it unadvisable that district justices issue subpoenas in blank.

Subdivision C provides for service of subpoenas. Under the new rule, subpoenas may be served by a "competent adult" making personal service on the person being subpoenaed or another adult. The Committee specified that service be made by a "competent adult" (an adult who is not an incapacitated person, not a party, and not a relative or employee of a party) because of the close relationships between parties that are often seen in district justice cases. In addition, given the expedited nature of civil and landlord and tenant proceedings at the district justice level, the Committee did not believe that any form of service by mail is advisable.

The Official Note to the new rule cross-references Pa.R.C.P. Nos. 234.2 and 402(a), and Pa. R.C.P.D.J. No. 202. The Note also contains the same provision as in the Note to Rule 213 regarding the district justice's discretion to limit the scope of subpoenas.

D. Rules 317 and 510

In light of new Rules 213 and 214, the Committee further recommended that Rule 317 (relating to subpoena of witnesses in civil actions) and Rule 510 (relating to subpoena of witnesses in landlord and tenant actions) be rescinded.

E. Rule 421

The Committee recommended a number of amendments to Rule 421. First, regarding subpoenas, the Committee recommended that subdivision C, relating to subpoenas in determination of property claim hearings, be rescinded.

Secondly, in subdivision B, the Committee recommended minor changes to make the notice of determination requirement consistent with the notice requirement in Rule 324 relating to notice of judgment in civil actions.

Third, in subdivision D, the Committee recommended that the time period for filing a Statement of Objection run from "the date of entry of the order or determination" to make this time period consistent with the general appeal periods in civil and landlord/tenant actions that run from the date of entry of the judgment.

Finally, the Committee recommended minor changes to the rule to address gender neutrality issues, to correct cross-references in the Note, and to conform to modern drafting style.

[Pa.B. Doc. No. 03-1831. Filed for public inspection September 19, 2003, 9:00 a.m.]

Title 25—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 438 MD 2003

Order

And Now, this 4th day of September, 2003, Dauphin County Local Rule of Criminal Rule 609 is promulgated as follows:

Rule 609. Custody and Storage of Oversize Exhibits; Videotapes; Tangible, non-documentary exhibits

(a) Documentary Exhibits, Charts, Photographs

At the time a party offers as evidence a documentary exhibit (letter, report, drawing, map, photograph etc) which is larger in size than 8-1/2 × 11 inches, the court reporter shall be provided with a copy of same sized 8-1/2 × 11 (or smaller), which will be entered into the permanent record. Items larger than 8-1/2 × 11 may be used for illustration during the proceeding but such shall remain in the custody and control of the offering party.

(b) Videotapes

Videotape depositions presented at trial shall remain the custody of the offering party. The offering party shall simultaneously submit a stenographic transcript of the deposition, which will be entered into the permanent record. filed of record.

(c) Tangible, non-documentary evidence

Except in cases of criminal homicide or crimes of sexual assault, tangible trial exhibits shall be retained by the court reporter through that period allotted for filing a petition under the Post Conviction Relief Act¹.

After such period the offering party shall reclaim the exhibit. Any party reclaiming an exhibit may provide photograph(s) of same to be preserved in the record.

(d) Any exhibit not reclaimed by the offering party as provided above will be destroyed without further order of court.

(e) Written notice of the provisions of this rule shall be provided to counsel¹ at the outset of the trial.

(f) In a special case, any party may petition the court for an order extending the time for destruction of evidence.

By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 03-1832. Filed for public inspection September 19, 2003, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 CV 1989

Order

And Now, this 4th day of September, 2003, Dauphin County Local Rule of Civil Rule 223.2 is promulgated as follows:

Rule 223.2. Custody and Storage of Exhibits

(a) Documentary Exhibits, Charts, Photographs

At the time a party offers as evidence a documentary exhibit (letter, report, drawing, map, photograph etc) which is larger in size than 8-1/2 × 11 inches, the court reporter shall be provided with a copy of same sized 8-1/2 × 11 (or smaller), which will be entered into the permanent record. Items larger than 8-1/2 × 11 may be used for illustration during the proceeding but such shall remain in the custody and control of the offering party.

(b) Videotapes

Videotape depositions presented at trial shall remain the custody of the offering party. The offering party shall simultaneously submit a stenographic transcript of the deposition, which will be entered into the permanent record.

(c) Tangible, non-documentary evidence

Tangible trial exhibits shall be retained by the court reporter only through the time allotted for perfecting an appeal. If no appeal is taken, the offering party shall reclaim the exhibit.

Where an appeal is taken, the exhibit(s) will be retained by the court reporter until the final disposition of all appeals, after which the offering party shall reclaim the exhibit. Any party reclaiming an exhibit may provide photograph(s) of same to be preserved in the record.

(d) Any exhibit not reclaimed by the offering party as provided above will be destroyed without further order of court.

¹See: 42 Pa.C.S.A. § 9545(b) provides that any petition under the PCRA shall be filed within one year of the date the judgment becomes final (with certain exceptions noted). Thus, the time limits under this provision will vary greatly depending upon the status of any appeal.

(e) Written notice of the provisions of this rule shall be provided to counsel at the outset of the trial.

By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 03-1833. Filed for public inspection September 19, 2003, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 4th day of September, 2003, Dauphin County Local Rule of Judicial Administration 1901 is amended as follows:

Rule 1901—Termination of Inactive Civil Matters

Rescinded.

NOTE: This rule is no longer necessary due to the amendment of Pa.R.J.A. 1901 and the promulgation of Pa.R.C.P. 230.2.

This rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 03-1834. Filed for public inspection September 19, 2003, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated August 4, 2003, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective September 3, 2003 for Compliance Group 3 due December 31, 2002.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Paul H. Aloe
New York, NY

John Bond Atkinson
Miami, FL

James Ackron Baldwin
Alexandria, VA

Courtney Mitchell Billups
Washington, DC

Suzette D. Bonfiglio
Moorestown, NJ

David W. Boyer
Hamilton, NJ

Michael David Bradley
Bronx, NY

Christopher Francis Brooks
Cleveland, OH

Leila Carter Brown
Fairfax, VA

Ramon Camacho
Alexandria, VA

Albert Cernadas, Jr.
Elizabeth, NJ

Richard Mark Chimento
Haddonfield, NJ

Mary Elizabeth Clarke
Alexandria, VA

Stephen H. Cohen
Syracuse, NY

Mary Katherine Connolly
Norwell, MA

Jeffrey Michael Daitz
River Edge, NJ

Nathaniel M. Davis
North Plainfield, NJ

Colette J. Ditoro-Werner
Maple Shade, NJ

Sean O. Dougherty
Jersey City, NJ

Camille B. Evans
Mitchellville, MD

Donald Elihu Evans
Wilmington, DE

Nathan B. Feinstein
Baltimore, MD

Suzanne Robin Flaxman
Palm Beach Gardens, FL

Brian Michael Foley
Newark, NJ

Agnes Johnakin Ford
Oviedo, FL

Susan Elise Goldsman
East Brunswick, NJ

Edward R. Gore III
Mercerville, NJ

Elizabeth Jane Hampton
Red Bank, NJ

Eugene F. Jensen, Jr.
Linwood, NJ

Pamela D. Joseph
Athens, GA

Thomas F. Karpousis
Cherry Hill, NJ

Arthur C. Kellum
St. Louis, MO

Kyong Mok Kim
Seoul Korea

Michael William Kwasnik
Cherry Hill, NJ

Reuben E. Lawson
Baltimore, MD

William D. Levinson
Edison, NJ

Mikolean Morgan Longacre
Arlington, VA

Ann K. Mandt
Detroit, MI

Jennifer Weisberg Millner
Lawrenceville, NJ

Ben Anthony Montenegro
Bricktown, NJ

Nancy Axilrod Natello
Trenton, NJ

Christie-Lynn Nicholson
Westampton, NJ

Robert James O'Donnell
Millville, NJ

Joseph Peter Paranac, Jr.
Newark, NJ

Susan M. Ponce
Houston, TX

Michael E. Pressman
New York, NY

Paul Joseph Russoniello
Cherry Hill, NJ

Charles J. Schlotter
Los Angeles, CA

Barbara Ann Sellinger
Piscataway, NJ

David Michael Snyder
Phillipsburg, NJ

Roy S. Turner, Jr.
Washington, DC

James Robert Urquhart
Somerset, NJ

Kathleen H. Veith
Wilmington, DE

Timothy L. Webster
Amarillo, TX

James Steven Weiss
Cherry Hill, NJ

Marilyn Williams-Thornton
Baton Rouge, LA

Michele Wiewall
Washington, DC

Maria Anne Yelland
Mercerville, NJ

Matthew A. Zabel
Cherry Hill, NJ

James Henry Zurita
Burke, VA

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

[Pa.B. Doc. No. 03-1835. Filed for public inspection September 19, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 17—CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 51]

Snowmobile and All-Terrain Vehicle Registration and Operation

The Department of Conservation and Natural Resources (Department), Bureau of Forestry (Bureau) and Bureau of Administrative Services, adopts amendments to Chapter 51 (relating to snowmobile and all-terrain vehicle registration and operation).

A. *Effective Date*

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

B. *Contact Person*

For further information, contact William Slippey, Chief, Recreation Section, Operations and Recreation Division, Bureau of Forestry, DCNR, P. O. Box 8552, Harrisburg, PA 17105-8552, fax (717) 783-5109, forestrecreation@state.pa.us. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department's website (www.dcnr.state.pa.us).

C. *Statutory Authority*

This final-form rulemaking is made under the authority in 75 Pa.C.S. § 7704 (relating to rules and regulations).

D. *Background and Purpose*

This final-form rulemaking implements recent amendments to 75 Pa.C.S. Chapter 77 (relating to snowmobile and all-terrain vehicles) and updates several provisions concerning the registration of snowmobiles and all-terrain vehicles (ATVs) to bring these provisions into conformity with current Department practice. In addition, provisions are deleted that merely repeat provisions of the act and are not needed as regulations.

E. *Summary of Comments and Responses and Changes Made in the Final-Form Rulemaking*

This final-form rulemaking was published as proposed at 32 Pa.B. 4364 (September 7, 2002), with a 60-day public comment period. As a result of the comments received from the public and from the Independent Regulatory Review Commission (IRRC), the Department made several changes to the proposed rulemaking. The comments and changes are discussed in this preamble.

Comment

Sections 51.12 and 51.15 (relating to applications for title and registration; and replacement of registration certificates, limited registration certificates, registration decals, registration plates and expiration stickers) use the phrase "form furnished by the Department." The form names or numbers should be included in the final-form rulemaking.

Response

The final-form rulemaking addresses the concern raised in this comment. The form referred in § 51.12 is entitled

"Application Form." The final-form rulemaking makes reference to an "application form" furnished by the Department. The form referred in § 51.15 is entitled "Request for Changes/Replacements Application Form." The final-form rulemaking makes reference to a "request for changes/replacements application form" furnished by the Department.

Comment

Section 51.12(a) lists the information that must be included on an application for a certificate of title and registration. Paragraph (9) states that a temporary registration number must be included on the form submitted to the Department. For clarity, the phrase "A temporary registration number" should be replaced with "The temporary registration number issued by the dealer."

Response

The final-form rulemaking adopts this suggestion. In addition, it has been corrected—by the deletion of the word "temporary"—to reflect that dealers now issue permanent registration numbers rather than temporary registration numbers. A similar correction has also been made in § 51.13(a) (relating to display of registration decals, registration plates and expiration stickers).

Comment

Section 51.12(b) lists items that must be included with the application. Paragraph (1) requires an applicant to provide proof of ownership. The final-form rulemaking should include examples of documentation that qualifies as acceptable proof of ownership.

Response

The final-form rulemaking corrects this provision to require proof acceptable to the Department of the vehicle identification number and to specify acceptable forms of proof.

Comment

Section 51.35(b) (relating to sanctions for violations by dealers) addresses second and subsequent "violations." IRRC noted that subsection (a) addresses first and subsequent "offenses." IRRC requested the Department explain the difference between a "violation" and an "offense." The heading of § 51.35 refers to "violations." If there is no difference between "offense" and "violation," the term "violation" should be used consistently throughout § 51.35.

Response

The final-form rulemaking uses the term "violation" consistently throughout § 51.35.

Comment

Under § 51.35(c), the Department may determine that suspensions imposed for multiple violations be served concurrently or consecutively. The final-form rulemaking should include the criteria the Department will use to determine whether suspensions will be served concurrently or consecutively.

Response

In exercising its administrative discretion to determine whether a suspension will be concurrent or consecutive, the Department will consider the circumstances of the particular case. Specifying in these regulations the circumstances under which it will impose concurrent sus-

pensions and those under which it will impose consecutive suspensions will unduly restrict the Department's ability to tailor the penalty to the violation. Therefore, the final-form rulemaking has not been changed in response to the comment.

Comment

Section 51.35(f)(1) provides a 3-day time frame after the effective date of a suspension or revocation for a dealer to return the registration certificate, registration plates and registration cards. Is this sufficient time to return the required material?

Response

The Department believes that sufficient time to return the material is provided under this provision. The dealer will be given written notice of the effective date of a suspension or revocation prior to the effective date of the action. Therefore, the dealer will have advance notice of the requirement to return the materials. The 3-day period does not begin to run until after the effective date of the action.

Comment

Section 51.35(f)(2) allows for "an acceleration of the application of sanctions" if a dealer fails to return the items listed in subsection (f)(1). The phrase "acceleration of the application of sanctions" is vague. IRRC requested the Department clarify the meaning of this phrase.

Response

This provision is clarified in the final-form rulemaking by specifying that a dealer who fails to return the items listed in subsection (f)(1) is subject to an addition of 3 months to the suspension imposed under subsection (a) or the revocation imposed under subsection (d).

Comment

Section 51.45 (relating to fees for additional dealer plates) increases the fees for additional snowmobile and ATV dealer plates. IRRC requested the Department explain the basis for these fee increases.

Response

Until this final-form rulemaking, there has been no increase in the fees for additional dealer plates since the establishment of the original fees. The fees were originally established in 1973 for snowmobile plates and in 1986 for ATV plates. The substantial increase in the cost of labor, materials and mailing in the 30 and 17 years, respectively, since the establishment of these fees justifies the increases now being made.

Comment

Section 51.51(1) (relating to safety training) requires snowmobile and ATV safety training to be conducted by instructors or organizations approved by the Department. The final-form rulemaking should clarify how a person would know if an instructor or organization was approved by the Department. Does the Department publish a list of approved instructors and organizations? What is the process for an instructor or organization to become approved by the Department?

Response

The final-form rulemaking states that an application for approval as a safety training instructor and a list of approved instructors and organizations may be obtained from the Bureau. The Department does not publish this list. Persons or organizations that wish to be approved by the Department to conduct training submit a completed

application form to the Bureau. The Bureau determines what additional training, if any, the applicant needs for approval as a safety trainer. Organizations that are approved to provide training will be required to enter into an agreement with the Department. The agreement will address course content requirements, instructor responsibilities and recordkeeping and reporting requirements.

Comment

Section 51.54(c) (relating to safety certificates) states that safety certificates from other states or provinces of Canada will be accepted if the Department deems the safety training programs of the other jurisdictions to be comparable to the Department's safety training program. How will the Department determine if an outside safety training program is comparable to its own safety training program? How would a person know if a safety certificate from another state or province of Canada is acceptable to the Department?

Response

For snowmobiles, the Department honors safety certificates issued by states that have received approval of their training programs by the International Association of Snowmobile Administrators (IASA). For ATVs, the Department honors safety certificates issued by the ATV Safety Institute (ASI) or by training programs that use the curriculum published by Outdoor Empire Publishing, Inc. If the training was neither an ASI nor an Outdoor Empire training, the Department will review the course materials to determine if the training was comparable to the Department's training program. The final-form rulemaking does not refer to these specific organizations (IASA, ASI and Outdoor Empire) by name because the Department does not wish the effectiveness or validity of the regulation to be dependent on the permanence of these organizations. A person would know if a safety certificate from another state or province is acceptable to the Department by contacting the Bureau.

Comment

Section 51.72 prohibited carrying a passenger on an ATV that was not originally designed to carry a passenger. Similar language was deleted from HB 154, which became Act 68 amending the act. Because this language was deleted from the legislation, the Department does not have the authority to add this language to this final-form rulemaking.

Carrying a passenger on an ATV that is designed for only one person is not necessarily a dangerous practice, but in those situations where an ATV is being operated dangerously, enforcement of section 7726 of the act (relating to operation in safe manner) will sufficiently address the matter.

Response

The Department has deleted § 51.72 in the final-form rulemaking. Because of its concern with visitor safety on its lands, the Department is considering other approaches to discourage unsafe riding practices, particularly double riding on ATVs. Posting on ATV trails may be one approach. Another may be to enforce section 7726 of the act, which prohibits operating a snowmobile or ATV in "any careless way so as to endanger the person or property of another." Whatever approach the Department ultimately adopts, it intends to take into account factors such as vehicle speed, terrain, surface conditions and emergency situations (for example, rescues).

Comment

Under § 51.91(c) (relating to snowmobile sound level requirements), the phrase "alternate proof, acceptable to

the Department” is vague. The final-form rulemaking should specify the forms of “alternate proof” which are acceptable.

Response

The final-form rulemaking addresses this concern by specifying that acceptable proof includes certification by the Snowmobile Safety Certification Committee or by a competent independent testing laboratory.

Comment

The Commissioners of Mifflin County supported language in the proposed rulemaking that would prohibit ATVs and snowmobiles from being operated on railroad property, unless otherwise designated approved.

Response

The regulation does not address this matter. However, it is addressed in section 7724(a) of the act (relating to operation on private or State property), which prohibits operating snowmobiles and ATVs on private property without the consent of the owner.

In addition to the changes made in this final-form rulemaking in response to comments it received on the proposed rulemaking, the Department also made a change as a result of its own review of the proposed rulemaking. Section 51.63 (relating to accident reports) lists information to be included in accident reports that are required by section 7728 of the act (relating to accidents and accident reports) to be filed with the Department. The proposed rulemaking did not make any changes to this list. The final-form rulemaking reorganizes the list and makes minor changes so that it reflects the accident report form actually being used by the Department. The following items are added to the list: make, model and year of the vehicles involved; identification of witnesses; and the ages of persons injured or killed in the accident. Information about pedestrians is eliminated because it is covered by other items in the list.

F. Benefits, Costs and Compliance

Benefits

The benefits of this final-form rulemaking are that this chapter is simplified by eliminating unnecessary provisions, clarified by revising some of the language and updated to reflect current Department practice and to implement recent amendments to Chapter 77 of the act.

Compliance Costs and Paperwork Requirements

The only costs to the general public resulting from this final-form rulemaking will be the minimal cost, if any, to ATV registrants of attaching a registration plate to their machine. The costs to the private sector will be the costs dealers would incur from a suspension or revocation of dealer registration due to failure to submit forms and fees to the Department as required by the act. The costs to the Commonwealth will be negligible. There will be no costs to local governments.

This final-form rulemaking does not impose additional paperwork requirements.

G. Sunset Review

Chapter 51 will be monitored by the Department to determine whether the regulations effectively accomplish their intended goals.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2002, the Department submitted a copy of proposed rulemaking, published at 32

Pa.B. 4364, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees 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 the comments received from IRRC, the Committees and the public.

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

Order

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

(a) The regulations of the Department, 17 Pa. Code Chapter 51, are amended by amending §§ 51.1, 51.2, 51.12, 51.13, 51.15, 51.19, 51.32, 51.45, 51.51, 51.54, 51.63, 51.82, 51.83, 51.91; deleting §§ 51.11, 51.14, 51.16, 51.17, 51.21, 51.22, 51.31, 51.33, 51.34, 51.41—51.44, 51.46, 51.52, 51.53, 51.61, 51.62, 51.71—51.76, 51.81 and 51.94—51.96; and adding § 51.35 to read as set forth in Annex A.

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

(c) The Department shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

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

MICHAEL F. DIBERARDINIS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 4372 (August 30, 2003).)

Fiscal Note: Fiscal Note 7B-5 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart E. OUTDOOR RECREATION

CHAPTER 51. SNOWMOBILE AND ALL-TERRAIN VEHICLE REGISTRATION AND OPERATION

GENERAL PROVISIONS

§ 51.1. Definitions.

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

ATV—An all-terrain vehicle as defined in section 7702 of the Vehicle Code (relating to definitions).

Dealer—A dealer as defined in section 7702 of the Vehicle Code.

Person—A natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative and a department, agency or instrumentality of the Commonwealth, or a governmental subdivision of the Commonwealth.

Snowmobile—A snowmobile as defined in section 7702 of the Vehicle Code.

Vehicle Code—Title 75 of the *Pennsylvania Consolidated Statutes* (relating to vehicles).

§ 51.2. Authority.

This chapter is adopted by the Department under section 7704 of the Vehicle Code (relating to rules and regulations) and applies to persons subject to Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles).

REGISTRATION AND TITLING

§ 51.11. (Reserved).

§ 51.12. Applications for title and registration.

(a) *Contents of application.* An application for a certificate of title and registration shall include the following on an application form furnished by the Department:

- (1) The name, address and county of the residence of owner.
- (2) The make, model, year, serial number of the vehicle.
- (3) The date of purchase and the purchase price.
- (4) A security interest, if applicable.
- (5) A designation of whether the vehicle is a snowmobile, Class I ATV or Class II ATV under section 7702 of the Vehicle Code (relating to definitions).
- (6) A designation of type of registration under section 7711.1 or section 7711.2 of the Vehicle Code (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).
- (7) The amount of Sales Tax due, if any.
- (8) The amount of applicable fees under section 7715.2 of the Vehicle Code (relating to fees).
- (9) The registration number issued by the dealer, the date issued and the dealer registration number.

(b) *Proof of vehicle identification number (VIN); fees.* The following shall be included with the completed application submitted to the Department:

- (1) Proof acceptable to the Department of the VIN. Acceptable proof includes any of the following:
 - (i) Manufacturer's statement of origin.
 - (ii) Sales receipt.
 - (iii) A tracing, rubbing or mechanic's certification of the VIN.
- (2) Payment of applicable Sales Tax.
- (3) Payment of applicable fees under section 7715.2 of the Vehicle Code.

§ 51.13. Display of registration decals, registration plates and expiration stickers.

- (a) *Snowmobiles.*

- (1) *Registration decals.* Two valid registration decals shall be affixed to the snowmobile forward of the handle bars, one on each side of the cowling, or one on the outside of each trailing edge of the windshield.

- (2) *Expiration stickers.* Two valid expiration stickers shall be affixed to the snowmobile, each sticker to the immediate right of a registration decal. This requirement does not apply to snowmobiles with limited registration.

- (b) *ATVs.*

- (1) *Registration plate.* A valid registration plate shall be displayed on the upper half of the rear of the ATV in the following manner:

- (i) Securely attached. It is not a violation of this section to attach the plate in such a manner that it can swing.
- (ii) So that no part of the plate is in line with a tire.
- (iii) So that the information on the plate, including any required stickers, is clearly visible from behind the ATV.

- (2) *Temporary registration sticker.* For ATVs with temporary registration, a valid temporary registration sticker shall be affixed to a lower corner of the registration plate.

- (3) *Expiration sticker.* A valid expiration sticker shall be affixed to a lower corner of the registration plate. This requirement does not apply to ATVs with a valid temporary registration sticker or with limited registration.

§ 51.14. (Reserved).

§ 51.15. Replacement of registration certificates, limited registration certificates, registration decals, registration plates and expiration stickers.

A replacement of a registration certificate, limited registration certificate, registration decal, registration plate or expiration sticker will be issued upon application by the owner on a request for changes/replacements application form furnished by the Department and payment of the fee required under section 7715.2 of the Vehicle Code (relating to fees).

§ 51.16. (Reserved).

§ 51.17. (Reserved).

§ 51.19. Snowmobile or ATV owned by United States, another state or political subdivision.

If a snowmobile or ATV is exempt from registration under section 7711.1(f)(2) of the Vehicle Code (relating to registration of snowmobile or ATV) because it is owned and used by the United States or another state or political subdivision, the name of the owner shall be displayed on the cowling or windshield of the snowmobile and in a conspicuous location on the ATV.

§ 51.21. (Reserved).

§ 51.22. (Reserved).

DEALERS

§ 51.31. (Reserved).

§ 51.32. Display of registration plates.

Dealer registration plates required under section 7711 of the Vehicle Code (relating to registration of dealers) shall be displayed as follows:

- (1) *Snowmobile.* Two plates shall be displayed on the snowmobile, one on the inside of each trailing edge of the windshield.
- (2) *ATV.* The plate shall be displayed on the upper half of the rear of the ATV in the following manner:

(i) The plate shall be securely attached. It is not a violation of this section to attach the plate so that it can swing.

(ii) So that no part of the plate is in line with a tire.

(iii) So that the information on the plate is clearly visible from behind the ATV.

§ 51.33. (Reserved).

§ 51.34. (Reserved).

§ 51.35. Sanctions for violations by dealers.

(a) *Sanctions.* A dealer who has failed to forward documents required by section 7712.2(c) or section 7715.1(a) of the Vehicle Code (relating to transfer to or from dealer; and snowmobile or ATV purchased from dealer) to the Department within 15 days or who has submitted to the Department documents accompanied by uncollectable checks drawn on the account of the dealer, is subject to the following sanctions after receiving written notice and an opportunity for a hearing:

(1) *First violation.* Suspension of dealer registration until the documents are submitted or checks are paid.

(2) *Second violation.* Suspension of dealer registration until the documents are submitted or checks are paid, plus 3 months suspension.

(3) *Third violation.* Suspension of dealer registration until the documents are submitted or checks are paid, plus 6 months suspension.

(4) *Fourth and subsequent violation.* Revocation of dealer registration.

(b) *Second and subsequent violations.* Second violations are determined on the basis of a previous violation under this section committed within a 3-year period. Third or subsequent violations are determined on the basis of two or more previous violations committed within a 3-year period.

(c) *Multiple violations.* In the case of multiple violations considered at one time, the Department may impose separate sanctions for each violation under the schedule in subsection (a). The Department may direct that a suspension imposed be applied concurrently or consecutively.

(d) *Revocation.* Upon revocation of a dealer's registration, the dealer will be debarred from applying for a new registration for 1 year.

(e) *Effective date of suspension or revocation.* A suspension or revocation of dealer registration shall take effect on the date ordered by the Department.

(f) *Return of dealer certificate, plates and cards.*

(1) Within 3 days of the effective date of a suspension or revocation of dealer registration, a dealer shall return to the Department the registration certificate, the registration plates and the registration cards that had been issued to the dealer by the Department.

(2) A dealer who fails to comply with paragraph (1) is subject to an addition of 3 months to the suspension imposed under subsection (a) or the revocation imposed under subsection (d).

(g) *Hearings.* The provisions in 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) apply to hearings under this section.

FEES

§ 51.41. (Reserved).

§ 51.42. (Reserved).

§ 51.43. (Reserved).

§ 51.44. (Reserved).

§ 51.45. Fees for additional dealer plates.

The fee for each set of two additional snowmobile dealer plates is \$5. The fee for each additional ATV dealer plate is \$10.

§ 51.46. (Reserved).

SAFETY TRAINING

§ 51.51. Safety training.

Safety training required by section 7725 of the Vehicle Code (relating to operation by persons under age sixteen) shall meet the following requirements:

(1) Training shall be conducted by instructors or organizations that have been approved by the Department. An application for approval and a list of approved instructors and organizations may be obtained from the Department's Bureau of Forestry.

(2) Training shall be based on a curriculum and manual approved by the Department, which include the following: machine nomenclature, control familiarization, machine safety features, operating procedures, snowmobile or ATV laws and regulations, proper clothing, safety equipment, emergency situations, first aid and written tests.

§ 51.52. (Reserved).

§ 51.53. (Reserved).

§ 51.54. Safety certificates.

(a) The instructor or organization that conducted the training in accordance with § 51.51 (relating to safety training) shall submit to the Department the name, address and date of birth of each student who successfully completed the training.

(b) The Department will issue a snowmobile or ATV safety certificate to the students whose names were submitted in accordance with subsection (a). Persons under 10 years of age or over 15 years of age are not eligible for a safety certificate.

(c) The Department will honor, in lieu of a safety certificate issued under subsection (b), a safety certificate issued to a child who is a resident of another state or a province of Canada if the certificate was issued or is recognized by the state or province under a program deemed by the Department to be comparable to the Department's safety training program. The certificate will satisfy the requirements of section 7725 of the Vehicle Code (relating to operation by persons under age sixteen).

ACCIDENT REPORTS

§ 51.61. (Reserved).

§ 51.62. (Reserved).

§ 51.63. Accident reports.

A written report of an accident required by section 7728 of the Vehicle Code (relating to accidents and accident reports) shall contain the following information:

(1) The registration number, make, model and year of each vehicle involved.

(2) The date, time and location of the accident.

(3) The name, address and age of each vehicle operator, passenger and witness.

(4) The training and number of years of driving experience of the snowmobile or ATV operator.

(5) The name and address of the owner of the property where the accident occurred.

(6) A description of the accident.

(7) The weather and ground conditions at the time of the accident.

(8) The name, address and age of any person injured or killed in the accident.

(9) The nature and extent of any injuries.

(10) A description and estimate of damage to property, including vehicles.

§ 51.71. (Reserved).

§ 51.72. (Reserved).

§ 51.73. (Reserved).

§ 51.74. (Reserved).

§ 51.75. (Reserved).

§ 51.76. (Reserved).

DESIGNATING SNOWMOBILE OR ATV ROADS

§ 51.81. (Reserved).

§ 51.82. **Barricades for snowmobile or ATV roads.**

Streets and highways posted as exclusive snowmobile or ATV roads under section 7722 of the Vehicle Code (relating to designation of snowmobile and ATV roads) shall be barricaded in the following manner:

(1) At the beginning of the section of the street or highway so posted and at each intersecting street and highway.

(2) With Type III barricades which shall conform to the standards of PennDOT Publication 90, Handbook for Work Area Traffic Control, except as follows:

(i) The barricade rails shall be alternate red and white stripes.

(ii) The entire area of red and white shall be reflectorized with Class I reflective sheeting approved for use in this Commonwealth by the Department of Transportation.

(3) A Department of Transportation approved Type B flasher shall be attached to the top rail of each barricade or a "ROAD CLOSED AHEAD," sign shall be placed in advance of the barricade.

(4) Each barricade will be posted with an official "SNOWMOBILE ROAD CLOSED TO ALL OTHER VEHICLES" or "ALL-TERRAIN VEHICLE ROAD CLOSED TO ALL OTHER VEHICLES" sign.

(5) Signs shall conform to the requirements of 67 Pa. Code Chapter 211 (relating to official traffic control devices).

§ 51.83. **Posting signs for snowmobile or ATV roads.**

(a) A street or highway which has been posted as a snowmobile or ATV road allowing both snowmobiles or ATVs and other vehicular traffic under section 7722 of the Vehicle Code (relating to designation of snowmobile and ATV roads) shall be posted in the following manner:

(1) An official "SNOWMOBILE ROAD" or "ATV ROAD" sign shall be used and shall conform to 67 Pa. Code Chapter 211 (relating to official traffic control devices).

(2) The "SNOWMOBILE ROAD" or "ATV ROAD" sign shall be installed on the right side of the street or highway at the beginning of the posted snowmobile or ATV road and on the right side of the snowmobile or ATV road within 100 feet beyond each intersecting street or highway and at locations thereafter which will afford notice to all users of the road that it is a snowmobile or ATV road.

(3) The "END" plaque shall be used in conjunction with the "SNOWMOBILE ROAD" or "ATV ROAD" sign to indicate the end of a posted snowmobile or ATV road.

(b) On each street and highway intersecting the posted snowmobile or ATV road, an official "SNOWMOBILE CROSSING" or "ATV CROSSING" sign may be installed on each approach of the intersecting street or highway. Signs shall conform to the requirements of 67 Pa. Code Chapter 211.

EQUIPMENT

§ 51.91. **Snowmobile sound level requirements.**

(a) It is unlawful to operate a snowmobile that produces a sound intensity exceeding 78 decibels at 50 feet on the A scale as measured in accordance with SAE Recommended Practice J-192a.

(b) Except as provided in subsection (c), it is unlawful to operate a snowmobile unless its exhaust system displays an authentic "SSCC" (Snowmobile Safety Certification Committee) stamp.

(c) If the exhaust system of a snowmobile lacks an authentic "SSCC" stamp, the operator, upon the request of a person having authority to enforce the provisions of this chapter, shall produce alternate proof, acceptable to the Department, that the sound intensity, when measured according to the standards in subsection (a), does not exceed the level in subsection (a). Proof acceptable to the Department includes certification by the SSCC or by a competent independent testing laboratory.

§ 51.94. (Reserved).

§ 51.95. (Reserved).

§ 51.96. (Reserved).

[Pa.B. Doc. No. 03-1836. Filed for public inspection September 19, 2003, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 101]

Appeals from Determinations of Department

The Department of Labor and Industry (Department), Unemployment Compensation Board of Review (Board), adopts amendments to Chapter 101 (relating to general requirements) to read as set forth in Annex A.

In response to comments received, the Department made changes to the proposed rulemaking published at 32 Pa.B. 4720 (September 28, 2002).

Statutory Authority

The final-form rulemaking was adopted under the authority in section 3(d) of the Unemployment Compensation Law (act) (43 P. S. § 763(d)), which provides that the

Board has the duty to adopt, amend or rescind rules of procedure. The Department has the power to make rules and regulations for carrying into effect the laws regulating the labor of persons within this Commonwealth under section 2205 of The Administrative Code of 1929 (code) (71 P. S. § 565). Additionally, section 1(a) of the act (43 P. S. § 761(a)) gives the Department authority to adopt, amend and rescind rules and regulations that it deems necessary or suitable.

Background

The Board is an administrative board that exercises its appellate duties independently of the Department. See section 3(d) of the act and sections 202 and 503 of the code (71 P. S. §§ 62 and 183). A party in an unemployment compensation proceeding may appeal a determination of the Department to a referee or a referee decision to the Board within 15 days. See sections 501(e) and 502 of the act (43 P. S. §§ 821(e) and 822). A party may file an appeal on a prescribed appeal form or through a written communication and notice advising the Department that the aggrieved party requests review of the decision. Existing § 101.82(c) (relating to time for filing appeal from determination of Department) recognizes only actual delivery to the Department, the Board or an official United States postmark as the filing date. The Department has accepted appeals or notice of appeals through various other methods, including fax transmission and common carrier. The Department frequently receives appeals bearing a private postage meter mark.

Commonwealth Court recognized that the Board may interpret its regulations to allow delivery of appeals or notices of appeal by fax transmission under § 101.82. However, the date of filing is the date that the faxed document is actually received by the Department or the Board. *George v. Unemployment Compensation Board of Review*, 767 A.2d 1124 (Pa. Cmwlth. 2001). This judicial interpretation could result in the rejection of an appeal that was faxed within the prescribed 15-day period but that was, nonetheless, received after 15 days elapsed. Commonwealth Court has urged the Board to reconsider the effect of its regulations on parties who use common carriers and parties who do not place an official United States postmark on the envelope accompanying the appeal. *Copyright, Inc. v. Unemployment Compensation Board of Review*, 739 A.2d 219 (Pa. Cmwlth. 1999); *UGI Utilities, Inc. v. Unemployment Compensation Board of Review*, 776 A.2d 344 (Pa. Cmwlth. 2001).

Stakeholders' Comments

The Board solicited input from a cross-section of stakeholder organizations during the drafting process. It contacted the following individuals and groups for their suggestions: Community Legal Services, Inc. (CLS), John Stember, Esq., Widener University School of Law, Pennsylvania Chamber of Business and Industry, Pennsylvania Bar Association, Pennsylvania AFL-CIO, Employer's Unity, Inc., The Frick Company, University of Pennsylvania and Duquesne University.

The Board received stakeholder comments to the proposed rulemaking from Employer's Unity, Inc., the CLS, Pennsylvania AFL-CIO and the Duquesne University Unemployment Compensation Clinic (UCC).

The CLS requested that the Board consider specifying that a United States Postal Service certified mail receipt could be used as another means of establishing timely mailing of an appeal. The final-form rulemaking will contain a provision that a United States Postal Service Form 3817 (Certificate of Mailing) or a United States

Postal Service certified mail receipt can be used to establish timely mailing of an appeal.

The CLS and the UCC expressed concern about the use of postage meter marks for determining timeliness, where there is no official United States Postal Service postmark. The Board considered the stakeholders' concerns regarding the potential for fraud. However, the interest in providing parties with additional methods for filing appeals outweighs the potential for fraud. Expedient resolution of unemployment compensation claims and development of an appeal system that assists claimants and businesses that often are not represented is important. Additionally, there are laws and rules of professional conduct that would deter and punish fraudulent conduct.

The UCC also stated that the regulations do not address cases where a party alleges that an appeal was filed and the Department has no record of receiving the appeal. The regulations are designed to determine the timeliness of appeals that the Department actually receives. This factual situation is more appropriately considered on a case-by-case basis through the hearing process and the appellate cases concerning *nunc pro tunc* appeals to administrative agencies.

Purpose

The final-form rulemaking pertains to the administration of unemployment compensation appeals, revises the manner in which parties may file appeals and determines the timeliness of these appeals. The final-form rulemaking reflects court decisions allowing various means of filing appeals and urges the Board to update its regulations for determining timeliness to reflect advances in technology. The final-form rulemaking codifies the Board's existing and judicially accepted practice of allowing the filing of appeals by fax. It will provide additional means for parties to file appeals, including common carrier services and electronic transmission. The final-form rulemaking will also set a uniform standard for determining the date of filing and timeliness of appeals or notices of appeal. This will result in a reduction in the number of hearings that the Board is required to conduct relating to timeliness of appeals and will assist the Board in meeting Federal guidelines for timely issuance of unemployment compensation decisions.

Affected Persons

The final-form rulemaking affects appealing parties and their representatives in unemployment compensation matters. The final-form rulemaking provides these parties with increased flexibility in filing or delivering appeals and with an easily verifiable manner of determining whether an appeal was timely filed or delivered.

Fiscal Impact

There is minimal fiscal impact associated with the final-form rulemaking. Parties will experience some potential savings, as the final-form rulemaking will clarify the manner in which timeliness will be determined and therefore reduce the need for hearings and litigation regarding the timeliness of appeals.

Responses to Comments

The following addresses the common areas of concerns found in the comments received from the public and the Independent Regulatory Review Commission (IRRC).

IRRC objected to the term "Department office responsible for unemployment compensation" as it appears in § 101.81(a) and (c) (relating to filing of appeal from determination of Department). In response, the Depart-

ment changed this term to "Department appeal office" and defined the term in § 101.2 (relating to definitions). Instructions accompanying each determination will provide the address of the Department appeal office, among other things. In response to IRRC's comment, the term "Department-provided" was also deleted from § 101.81(a).

In response to a comment from IRRC, the Department made arrangements for the appeal form to be available on the Department's website, where the form can be downloaded and printed. This is now in § 101.81(a).

The CLS urged that the regulation require that the Department mail an appeal form to any aggrieved party with the adverse determination. However, § 101.81(b) will memorialize the Department's current practice of mailing instructions to the parties with each determination. The Department's current practice is to mail appeal forms to all parties with each determination, with appropriate instructions.

IRRC asked if appeal information in § 101.81(b) is available from sources other than a Department office responsible for unemployment compensation or a Board office as stated in the proposed rulemaking. These offices represent the minimum number of locations where information can be obtained. The Department may provide this information at other locations that will be provided a Department appeal office. The Department also amended the subsection to reflect that appeal information is available on the Department's website. In addition, this subsection has been amended to provide that the Department will provide appeal instructions with each determination that is issued, including the address and fax number of the Department appeal office, Board office or workforce investment office where an appeal can be filed. This information on filing locations is more extensive than the information concerning filing contained in widely-used 1 Pa. Code §§ 31.5, 31.11 and 33.31 (relating to communications and filings generally; timely filing required; and service by the agency).

The CLS objected to the removal of the appeal "assistance" requirements from § 101.81(b) and IRRC requested an explanation for this amendment. Parties in unemployment compensation proceedings are instructed to contact Unemployment Compensation Service Centers by telephone for assistance related to their claim or assistance related to filing an appeal. IRRC also asked whether an individual may obtain information about filing an appeal from a workforce investment office. Subsection (b) reflects that workforce investment offices are responsible for job training and placement, among other programs, and not matters related to unemployment compensation. Workforce investment offices are not able to reliably provide assistance in unemployment compensation matters, because these offices do not have the expertise, funding or staff to provide assistance with unemployment compensation appeals. A workforce investment office may only accept appeal forms. A party seeking information from a workforce investment office will be referred to a Unemployment Compensation Service Center for additional information by workforce investment office staff.

IRRC questioned the removal of § 101.81(b)(7), requiring a local employment office representative sign the appeal. However, "local employment offices" no longer accept and process unemployment compensation appeals. Further, this requirement does not assist with the docketing and processing of appeals and would only delay processing of unemployment compensation appeals.

The CLS commented that the requirements for an appeal in § 101.81(c) should be discretionary rather than

mandatory. However, the Department requires the inclusion of certain information in an appeal to allow proper docketing and identification of the parties and the determination being appealed. Without this minimum information, the Department may not be able to identify or properly process numerous appeals.

The CLS also requested that § 101.81(d) be amended to set forth language concerning the specifics of a docketing system. The subsection, as drafted, provides reasonable docketing requirements and procedures to adjudicate timeliness issues consistent with appellate court decisions. See *Anderson v. Unemployment Compensation Bd. of Review*, 423 A.2d 1138 (Pa. Cmwlth. 1981). The system reasonably assures that parties can appropriately appeal adverse determinations by providing instructions and a clear system for filing appeals. This subsection will provide parties the opportunity to present evidence regarding timely filing.

The CLS requested the revision of § 101.81(e) for clarity. However, the Board finds that this subsection is sufficiently clear. Under this subsection, the Board may accept appeals that are not on the Department-provided appeal form, if a party provides other written communication indicating that it disagrees with the determination.

IRRC suggested that the Department provide a definition of the term "personal delivery" as it appeared in § 101.82(b)(1), which has been moved to § 101.82(b)(5). For clarification, this definition now appears in § 101.2 and clarifies that personal delivery is any type of onsite delivery to the Department not covered by other subsections in § 101.82(b). This definition will also satisfy IRRC's recommendation that a "private courier" may deliver appeals. The date of filing of an appeal filed in this manner is the date the Department received the appeal.

The CLS requested that the final-form rulemaking enumerate the specifics of docketing appeals at workforce investment offices in § 101.82(b)(1). However, as stated, the final-form rulemaking contains reasonable requirements pertaining to the docketing of appeals and the resolution of timeliness issues consistent with appellate cases.

The CLS endorsed permitting parties to file appeals by common carrier in § 101.82(b)(3) and also suggested that the Department list acceptable common carriers. The Department declines to do this, as common carriers frequently change names or cease operations, which would quickly render the final-form rulemaking inaccurate and outdated. Creating a complete and current list will continuously cause substantial logistical difficulties.

IRRC also questioned how an appealing party would know that a common carrier is subject to the authority of the Pennsylvania Public Utility Commission (PUC). The PUC does not register or certify common carriers. However, the PUC exercises authority over common carriers under 66 Pa.C.S. § 510(a) (relating to assessment for regulatory expenses upon public utilities). Parties seeking to file appeals by use of a common carrier may need to inquire and insure that the common carrier is subject to the PUC's authority and regulation. If an appeal is filed by a carrier that is not a common carrier, the appeal will be considered as properly filed by personal delivery under § 101.82(b)(5).

IRRC also expressed concerns with this section regarding the differences in documents used by common carriers to memorialize mailing dates. However, the final-form rulemaking states that the Board will consider a docu-

ment regularly maintained in the course of business by the common carrier memorializing mailing or shipping dates. This provides parties with greater opportunity to submit reliable evidence concerning timeliness issues.

In response to another comment from IRRC, the Department amended § 101.82(b)(2) to provide that if the date of delivery to the common carrier cannot be determined by the documents in the record, the date of filing will be the date the Department received the appeal.

IRRC questioned the establishment of a filing date by the date of delivery to a third party in § 101.82(b)(3). However, the Board has long utilized this date by recognizing a United States Postal Service postmark as the date of filing. Further, the Board's approach is consistent with the Commonwealth Court's direction that the Board updates its regulations to recognize common carriers as a reliable method of filing appeals. *Copyright, Inc. v. Unemployment Compensation Board of Review*, 739 A.2d 219 (Pa. Cmwlth. 1999). This approach also presents greater ease for parties.

IRRC questioned how a discrepancy between a Department fax banner and a sender's fax banner would be resolved in § 101.82(b)(4). However, the final-form rulemaking contains clear direction that a Department fax banner controls the determination of the time of filing. The sender's fax banner will be considered only when the Department banner is illegible or unavailable. IRRC also questioned whether faxes received after the close of business would be considered timely. Accordingly, this section was amended to reflect that the Department will accept faxes received until 12 a.m. on the last day of the appeal period if the Department fax banner demonstrates that the appeal was received before the end of the day on the last day of the appeal period. If the Department's banner is unavailable, the sender's fax banner will demonstrate this information. CLS agreed that faxes should be accepted through 11:59 p.m. on the last day to appeal.

In response to another comment from IRRC, the Department added language to § 101.82(b)(4) that places the appealing party on notice that by using fax transmission as a method of filing, that party is assuming the risk that the appeal may not be properly or timely filed.

The CLS requested that the Department maintain fax activity sheets and make those sheets available to parties without issuance of a subpoena. The Department declines to adopt this approach because the amendments contain reasonable requirements for docketing appeals and resolving timeliness disputes. Parties may keep fax logs or other business records. Parties may introduce these records into evidence before a referee in a hearing concerning the timeliness of an appeal.

The Pennsylvania Chamber of Business and Industry requested that the Department consider a fax confirmation sheet as proof of timely filing, even if the Department has no record of receiving the fax. The Department declines to adopt this approach because the final-form rulemaking is designed to determine the timeliness of appeals that the Department actually receives. A fax confirmation sheet alone may not be adequate proof of timely filing. The factual situation raised by the commentator is more appropriately considered on a case-by-case basis, through the hearing process and based upon appellate cases concerning nunc pro tunc appeals to administrative agencies.

IRRC commented that the term "information processing system" in § 101.82(b)(5) of the proposed rulemaking was vague and could be construed to include voice mail. To

address this concern, the Department added the term "written" to § 101.82(b) to clarify that an appeal must be in writing. Further, § 101.82(b)(5) was amended to change the term "information processing system" to "electronic transmission system" to clarify that this subsection deals with electronic filing.

IRRC commented that the Department should also amend § 101.102 (relating to form and filing of application for further appeal from decision of referee), as it references the titles of the sections amended by the final-form rulemaking. The final-form rulemaking includes the necessary amendments to § 101.102 reflecting IRRC's comments.

The workforce investment office was deleted from § 101.82(b)(4) as a potential repository for appeals filed by electronic transmission other than fax transmission because these offices do not have this capability.

Reporting, Recordkeeping and Paperwork Requirements

The final-form rulemaking will not increase paperwork for parties in unemployment compensation matters or the Department except that it may eliminate many hearings over the issue of timeliness. The final-form rulemaking will provide recognition for the technological improvements in submission of documents and provide easier methods for transmitting appeals. The final-form rulemaking acknowledges the acceptable means for filing appeals and clarifies the date of filing for each of these methods. Parties who file an appeal without using the Department form will no longer be required to complete that form to perfect an appeal. The Department will still use its current forms, with updated instructions, and it will continue to ensure that an appeal is routed to the Board. Specifically, the Department will provide instructions on fax transmission and the appropriate format for electronic filing. The Department's website will be expanded and updated. There are no significant costs associated with the proposed rulemaking for the Commonwealth or to parties in unemployment compensation cases.

Effective Date

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

Sunset Date

There is no sunset date for the final-form rulemaking. The Department will continuously monitor the filing of appeals or notices of appeals and the amendments' effectiveness. The Department will also monitor the filing of appeals to ensure that appeals are filed timely under the amendments and that the date of filing is accurately recorded.

Contact Person

The contact person is Kelly K. Smith, Assistant Counsel, Office of Chief Counsel, Department of Labor and Industry, 10th Floor, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA, 17121, (717) 787-4186, kellsmith@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 12, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 4720, to IRRC and the Chairpersons of the Senate Labor and Industry Committee and the House Labor Relations Committee 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 August 13, 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 August 14, 2003, and approved the final-form rulemaking.

Findings

The Department finds that:

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

(2) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

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

(a) The regulations of the Department, 34 Pa. Code Chapter 101, are amended by amending §§ 101.2, 101.81, 101.82 and 101.102 to read as set forth in Annex A.

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

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

(d) This order shall take effect immediately upon publication.

STEPHEN M. SCHMERIN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 4372 (August 30, 2003).)

Fiscal Note: Fiscal Note 12-59 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. DEPARTMENT OF LABOR AND INDUSTRY

PART VI. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

CHAPTER 101. GENERAL REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 101.2. Definitions.

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

Board—The Unemployment Compensation Board of Review.

Day—A calendar day.

Department—The Department of Labor and Industry of the Commonwealth.

Department appeal office—A Department office responsible for unemployment compensation where an appeal may be filed and accepted, according to the Department-provided instructions accompanying a determination.

Employment office—A public employment office or branch thereof, operated by the Department or by another state or by the Federal Government under agreement with the Department.

Party—The Department, the claimant, the last employer of the claimant and another employer affected by the appeal proceedings.

Personal delivery—Delivery by or on behalf of a party that is not enumerated in § 101.82(b)(1)—(4) (relating to time for filing appeal from determination of Department) where a person personally files the appeal at a Board office or workforce investment office.

Referee—A referee of the Board.

Tribunal—The Board or one of its referees.

Workforce investment office—An office where the Department provides employment services under the Wagner-Peyser Act (29 U.S.C.A. §§ 49—49m). A workforce investment office may be identified as a Team Pennsylvania CareerLink.

Subchapter C. APPEALS FROM DETERMINATIONS OF DEPARTMENT

§ 101.81. Filing of appeal from determination of Department.

(a) Appeal forms may be obtained from a Department appeal office, a workforce investment office or the Board's appeals system administrator in Harrisburg and from the Department website (www.dli.state.pa.us).

(b) Information about filing an appeal may be obtained from a Department appeal office, Board office and the Department's website. The Department will provide appeal instructions with each determination, including the address and fax number of a Board office, workforce investment office or a Department appeal office where appeals may be filed.

(c) An appeal from a determination of the Department shall be filed with a Department appeal office, a workforce investment office or a Board office and shall contain the following information:

(1) The name and address of the claimant.

(2) The Social Security number of the claimant, if known.

(3) The date of the determination which is being appealed.

(4) The reasons for appeal.

(5) The name and address of the appellant.

(d) Upon receipt of an appeal, the Department or the Board will docket and process the appeal form.

(e) The Board will consider a written objection to the Department's determination as an appeal and process it under subsection (c) if the appellant does not complete the Department-provided appeal form.

§ 101.82. Time for filing appeal from determination of Department.

(a) A party seeking to appeal a Department determination shall file an appeal in the form and manner specified

in § 101.81 (relating to filing of appeal from determination of Department) and this section on or before the 15th day after the date on which notification of the decision of the Department was delivered personally to the appellant or mailed to him at his last known post office address.

(b) A party may file a written appeal by any of the following methods:

(1) *United States mail.* The filing date will be determined as follows:

(i) The date of the official United States Postal Service postmark on the envelope containing the appeal, a United States Postal Service Form 3817 (Certificate of Mailing) or a United States Postal Service certified mail receipt.

(ii) If there is no official United States Postal Service postmark, United States Postal Service Form 3817 or United States Postal Service certified mail receipt, the date of a postage meter mark on the envelope containing the appeal.

(iii) If the filing date cannot be determined by any of the methods in subparagraph (i) or (ii), the filing date will be the date recorded by the Department, the workforce investment office or the Board when it receives the appeal.

(2) *Common carrier.* An appeal may be delivered by a common carrier of property which is subject to the authority of the Pennsylvania Public Utility Commission or the United States National Surface Transportation Board. The date of filing is the date the document was delivered to the common carrier, as established by a document or other record prepared by the common carrier in the normal course of business. If the date of delivery to the common carrier cannot be determined by the documents in the record, the date of filing will be the date the workforce investment office, Board or Department appeal office received the appeal.

(3) *Fax transmission.*

(i) The filing date will be determined as follows:

(A) The date of receipt imprinted by the Department, the workforce investment office or the Board's fax machine.

(B) If the Department, the workforce investment office or the Board's fax machine does not imprint a legible date, the date of transmission imprinted on the faxed appeal by the sender's fax machine.

(C) If the faxed appeal is received without a legible date of transmission, the filing date will be the date recorded by the Department appeal office, the workforce investment office or the Board when it receives the appeal.

(ii) A party filing an appeal by fax transmission is responsible for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the appeal may not be properly or timely filed.

(iii) A fax transmission is timely filed if it is received by the Department appeal office, workforce investment office or Board before midnight on the last day of the appeal period in accordance with this subsection.

(4) *Electronic transmission other than fax transmission.* The date of filing is the receipt date recorded by the Department appeal office or the Board's electronic transmission system, if the electronic record is in a form capable of being processed by that system. A party filing by electronic transmission shall comply with Department instructions concerning format. A party filing an appeal by electronic transmission is responsible for using the proper format and for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the appeal may not be properly or timely filed.

(5) *Personal delivery to a workforce investment office or the Board.* The filing date will be the date the appeal was personally delivered to the workforce investment office or the Board during its normal business hours.

§ 101.102. Form and filing of application for further appeal from decision of referee.

A party shall file an appeal from a referee's decision in accordance with §§ 101.81 and 101.82 (relating to filing of appeal from determination of Department; and time for filing appeal from determination of Department).

[Pa.B. Doc. No. 03-1837. Filed for public inspection September 19, 2003, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 137]

Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2003, meeting, proposed the following amendment:

Amend § 137.2 (relating to release of turkeys) to make the release of captive held wildlife without a permit or domestic dogs or cats into the wild unlawful.

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

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

The proposed rulemaking was made public at the June 24, 2003, meeting of the Commission. Comments can be sent until October 3, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Introduction

The Commission is proposing to amend § 137.2 to make the release of captive held wildlife or domestic dogs or cats into the wild unlawful.

2. Purpose and Authority

Currently, the Commission has no laws or regulations that prohibit the release of captive held wildlife or domestic dogs or cats into the wild. Release of captive held wildlife and domestic dogs or cats into the wild raises a big concern in light of the possibility of disease spread. The recent outbreak of monkey-pox is a prime example. If animals carrying this or other diseases were released among our native wild animals, the impact could be devastating. These animals also impact our native species by direct predation and by competition for habitat. Amending § 137.2 would make the release of captive held wildlife or domestic dogs or cats into the wild unlawful.

Section 2102(c) of the code (relating to regulations) directs that "The Commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." These provisions provide the statutory authority for the proposed rulemaking.

3. Regulatory Requirements

The proposed rulemaking will make the release of captive held wildlife or domestic dogs or cats into the wild unlawful.

4. Persons Affected

Persons who release captive held wildlife or domestic dogs or cats into the wild in this Commonwealth will be affected by the proposed rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-172. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.2. Release of [turkeys] animals.

[It is unlawful to release turkeys into the wild without first obtaining a permit from the Commission. The permit applicant shall provide proof the turkeys to be released have been tested using procedures prescribed by the Department of Agriculture in 7 Pa. Code Chapter 15 (relating to control and eradication of pullorum disease) and have been found free of disease. If the turkeys to be released have been raised in this Commonwealth in accordance with 7 Pa. Code Chapter 15 and regularly tested under those regulations within 12 months of release, a permit is not required.] Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife onto any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ringneck pheasant, bobwhite quail and chukar partridge may be released for dog training or hunting purposes. Domestic dogs (*canis familiaris*) and domestic cats (*felis catus*) may not be released into the wild.

[Pa.B. Doc. No. 03-1838. Filed for public inspection September 19, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2003, meeting, proposed the following amendments:

Amend §§ 141.4, 141.22, 141.41, 141.43 and 141.45 and add § 141.20 (relating to protective material required) to reduce confusion concerning the wearing of protective material by consolidating related regulations into one section.

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

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

The proposed rulemaking was made public at the June 24, 2003, meeting of the Commission. Comments can be sent until October 3, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend §§ 141.4, 141.22, 141.41, 141.43 and 141.45 and add § 141.20 to reduce confusion concerning the wearing of protective material by consolidating related regulations into one section.

2. *Purpose and Authority*

Florescent orange requirements are currently in section 2524 of the code (relating to protective material required) and at least nine different sections of the attendant regulations in Chapter 141 (relating to hunting and trapping). These requirements have been amended many times and are so varied that Commission officers, the court system and hunters have a difficult time interpreting them. By consolidating the related regulations into one section, there would be a reduction in confusion concerning the wearing of protective material for all who must abide by or enforce, or both, the regulations. The proposed rulemaking will not be effective until the 2004-2005 hunting license year.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to...the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." This provision provides the statutory authority for the proposed rule-making.

3. *Regulatory Requirements*

The proposed rulemaking will consolidate sections related to the wearing of protective material into one section to reduce confusion.

4. *Persons Affected*

Persons wishing to hunt game and wildlife in this Commonwealth will be affected by the proposed rule-making.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the proposed rule-making, contact Michael A. Dubaich, Director, Bureau of

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-171. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted. (See Pennsylvania Meridian Map and Table of Hunting Hours in Appendix G.)

(1) During the regular antlered and antlerless deer seasons, it is unlawful to take or attempt to take other wild birds or mammals from 1/2 hour before sunrise to sunset. Game birds on regulated hunting grounds and migratory waterfowl are excepted. Coyotes may be taken from the first day to the last day inclusive of any deer or bear season only by persons who possess a valid furtaker's license [**and wear 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined visible in a 360° arc from 2 hours before sunrise to 2 hours after sunset**], or by persons lawfully engaged in hunting deer or bear who have a valid tag.

* * * * *

§ 141.20 Protective material required.

(a) **It is unlawful to hunt or assist to hunt game or wildlife or move to or from a hunting location, from 1 hour before legal hunting hours to 1 hour after legal hunting hours outside of a motorized vehicle, at any time without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc. This shall include going to or from a hunting location before or after legal shooting hours.**

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

(1) **Hunt waterfowl, doves or crows without wearing daylight fluorescent orange-colored material.**

(2) **Except during any big game season hunt for woodchucks while wearing a hat made of solid daylight fluorescent orange-colored material on the head only.**

(3) **Move about or relocate while hunting for turkey during the spring turkey season while wearing a hat made of a solid daylight fluorescent orange-colored material on the head only. When stationary, orange-colored material is not required.**

(4) **Move about or relocate while hunting with a bow and arrow or crossbow during archery deer season while wearing a hat made of solid daylight fluorescent orange-colored material on the head only. When stationary, orange-colored material is not required. This paragraph does not apply to any archery season which is concurrent with any season for small game other than woodchucks or any big game firearms season.**

(c) A person who violates any provision of this section shall be subject to the penalties as provided in the act.

Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) *Unlawful activities.* It is unlawful to:

* * * * *

(6) [Hunt for groundhogs without a cap or hat made of a daylight fluorescent orange material as a part of the requirements in section 2524 of the act (relating to protective material required).

(7) Hunt for or assist to hunt for other small game, except waterfowl, mourning doves and crows without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(8)] Unless otherwise provided in the act or this title, hunt or take small game with anything other than a shotgun with fine shot, muzzleloading rifle or handgun .40 caliber or less, rimfire rifle or handgun .22 caliber or less, or bow and arrow with or without broadheads. The caliber restrictions do not apply to rifles or handguns while hunting woodchuck.

* * * * *

Subchapter C. BIG GAME

§ 141.41. General.

* * * * *

(b) *It is unlawful to:*

* * * * *

(2) [Hunt for or assist to hunt for deer, bear or elk during the regular firearms season or special firearms season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

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

* * * * *

[(4)] (3) * * *

[(5)] (4) * * *

§ 141.43. Deer.

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

* * * * *

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

(4) Be on stand and stationary during that portion of the archery deer season that is concurrent with any firearms deer season (antlerless only) that

precedes the regular firearms season for deer or is concurrent with the fall turkey season without placing a band containing a minimum of 100 square inches of daylight fluorescent orange-colored material, in lieu of the required 250 square inches, within 15 feet of their location so it is visible in a 360° arc.

(5)] Hunt or take deer with a crossbow without a valid disabled persons crossbow permit.

* * * * *

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

* * * * *

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

* * * * *

§ 141.45. Turkey.

(a) While hunting wild turkey it is unlawful to:

* * * * *

[(5) Move about or relocate during the fall season without wearing a minimum of 100 square inches of daylight fluorescent orange-colored material on the head or in such a manner so it is visible in a 360° arc in a wildlife management area unit limited to shotguns and bows and arrows only.

(6) Move about or relocate during the fall season in a wildlife management area unit not limited to shotguns and bows and arrows only, without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc, except stationary turkey hunters may, in lieu of the 250 square inch requirement, place a band containing a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of their location so it is visible in a 360° arc.]

(b) While hunting turkey during the spring gobbler season it is:

* * * * *

[(4) Unlawful to move about or relocate without wearing a minimum of 100 square inches of daylight fluorescent orange-colored material on the head or in such a manner so that it is visible in a 360° arc.]

[Pa.B. Doc. No. 03-1839. Filed for public inspection September 19, 2003, 9:00 a.m.]

**[58 PA. CODE CHS. 147, 147b AND 147c]
Depredation**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2003, meeting, proposed the following amendment:

Add Subchapter U (relating to depredation) to provide permanent regulations regarding the co-signing of Federal depredation permits for migratory birds (both waterfowl and nonwaterfowl).

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

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

The proposed rulemaking was made public at the June 24, 2003, meeting of the Commission. Comments can be sent until October 3, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to add Subchapter U to provide policy and procedure relating to the co-signing of Federal depredation permits for migratory birds (both waterfowl and nonwaterfowl).

2. *Purpose and Authority*

Subchapter U will replace Chapter 147a (relating to temporary guidelines relating to the co-signing of Federal depredation permits—statement of policy), established in January 1995, that provided temporary guidelines relating to the co-signing of Federal depredation permits for migratory birds other than waterfowl. Subchapter U, in addition to providing definitions, will provide procedures for the Commission's co-signing of depredation permits relating to migratory birds other than waterfowl.

Sections 147.744 and 147.745 (relating to depredation permits for migratory waterfowl; and exclusions) will replace Chapter 147b (relating to guidelines relating to the issuance of depredation permits for waterfowl—statement of policy), which references depredation permits for migratory waterfowl. These sections will identify the procedures under which the Commission will co-sign Federal migratory bird depredation permits for the purpose of reducing nuisance and damage problems from waterfowl, as well as provide a listing of those migratory bird species which are excluded from permitting by standing Federal depredation order. Though waterfowl are recognized as a valuable natural resource enjoyed by millions of residents in this Commonwealth, there are many situations when they can have devastating effects on natural and man-altered environments including agriculture, particularly during the late winter and spring. Regulated hunting is the preferred method and most effective tool to control waterfowl populations over the long term and must be given first priority in their management, as required by the proposed rulemaking.

However, there are some situations when hunting is ineffective or impractical. In these situations, mitigation of nuisance and damage problems may require alternative methods, including both nonlethal and lethal procedures. Since the United States Fish and Wildlife Service has the authority under the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) to issue migratory bird permits authorizing the taking of migratory birds and their nests, eggs and young to address depredation and damage problems, the Commission has developed the proposed rulemaking under which applications for depredation permits for waterfowl may be co-signed.

Section 2901(b) of the code (relating to authority to issue permits) provides "the Commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activi-

ties which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife . . . in this Commonwealth, including regulations relating to the . . . management of game or wildlife and game or wildlife habitat . . . in this Commonwealth." These provisions provide the statutory authority for the proposed rulemaking.

3. *Regulatory Requirements*

The proposed rulemaking will establish certain prerequisites and procedures before a Federal depredation permit will be co-signed by the Commission. These include the exhaustion of all reasonable nonlethal methods for damage control and, in the case of waterfowl, having the site open to hunting; an agreement to follow recommendations for working toward a permanent solution and having the situation verified by means of a visit from a Wildlife Conservation Officer.

4. *Persons Affected*

Persons suffering damage from and wishing to apply for depredation permits for migratory birds will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-170. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter U. DEPREDAATION

- Sec. 147.741. Definitions.
- 147.742. Depredation permits for migratory birds other than waterfowl.
- 147.743. Disposition of birds destroyed.
- 147.744. Depredation permits for migratory waterfowl.
- 147.745. Exclusions.

§ 147.741. Definitions.

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

Applicant—The owner or principal officer of an aquaculture facility, which is suffering severe economic loss, or a person suffering property damage from migratory birds.

Aquaculture—The controlled culture of aquatic organisms, particularly finfish, under artificial circumstances—that is, ponds, raceways—for economic profit or by the Fish and Boat Commission. Net pens are excluded for the

purposes of this policy due to the lack of effective deterrence of depredation by killing birds in open waters.

WCO—Wildlife Conservation Officer.

WS—United States Department of Agriculture Wildlife Services.

§ 147.742. Depredation permits for migratory birds other than waterfowl.

(a) A depredation permit issued by the United States Fish and Wildlife Service to an applicant may be co-signed under the following circumstances:

(1) A visit to the applicant's facility has been made by a WCO and the WS representative and a problem is verified to exist. A copy of WS Migratory Bird Damage Project Report will be furnished to the Commission by the WS investigator before submitting the form to the United States Fish and Wildlife Service.

(2) The applicant has exhausted all recommendations for reasonable nonlethal control methods provided by the Commission and the WS representative.

(3) The applicant agrees to implement WS/Commission recommendations for working towards a permanent solution within a period of time agreed to by the applicant, if economically feasible for the facility.

(b) Upon receipt of an application for a United States Fish and Wildlife Service depredation permit that meets the requirements of subsection (a)(1)–(3), the Commission will review the application and if approved forward the application to the United States Fish and Wildlife Service Migratory Bird Permit office.

§ 147.743. Disposition of birds destroyed.

Unless otherwise specified in a particular permit, the following apply:

(1) Within 48 hours of killing birds, the permittee shall notify the Commission by phone of the killing, the number of birds killed and the species of birds killed.

(2) Birds shall be disposed of as specified in the permit or as directed by the Commission.

§ 147.744. Depredation permits for migratory waterfowl.

(a) A depredation permit issued by the United States Fish and Wildlife Service to an applicant may be co-signed by the Commission when the following criteria are met:

(1) Subsequent to a complaint, the site has been visited by a WCO to verify that a problem exists. A Commission waterfowl complaint form will be furnished to the Commission by the WCO. A copy of the Federal depredation permit application will be furnished to the complainant by the WCO.

(2) The applicant has demonstrated the site is open to hunting and hunting has been ineffective or hunting is impractical.

(3) The applicant shall demonstrate that reasonable nonlethal control methods have been attempted. Nonlethal control methods shall include the following:

(i) Feeding of waterfowl is prohibited. The applicant shall address this issue and include evidence of the enforcement of a "no feeding" policy.

(ii) Exclusion and harassment measures (fencing, repellents, scare devices, and the like).

(iii) Habitat manipulation (eliminate feeding areas, resting and breeding habitat).

(b) The following control methods are approved for population reduction and will be specifically identified in the depredation permit:

(1) Oiling or addling or freezing of eggs.

(2) Shooting may be used to reinforce nonlethal measures according to the following guidelines:

(i) The permit will specify the number of birds to be shot with no more than 10% of the nuisance flock to be killed.

(ii) Waterfowl may only be taken with shotgun using nontoxic shot no larger than size T.

(iii) The use of blinds, bait, decoys and calls are prohibited.

(3) Depopulation of waterfowl by the applicant, its employees, wildlife control agents, WS or authorized Federal or State wildlife agency personnel will be specified in the permit under the following guidelines:

(i) Number of birds to be killed may not exceed that specified in the permit.

(ii) Killing will be conducted only by persons specified in the permit by shooting with shotguns using nontoxic shot no larger than size T, or capturing birds and euthanasia by chemical or mechanical devices approved for use by the Executive Director or a designee.

(4) Care will be taken to preserve carcasses for human consumption and shall be made available to food banks or others specified in the permit. Birds euthanized by chemical means will not be utilized for human consumption.

(5) When the condition of the birds is unsuitable for human consumption or food banks, or individuals are not available to accept carcasses, the birds may be disposed of in a sanitary method by burying, incineration or depositing in approved landfills or refuse facilities.

§ 147.745. Exclusions.

(1) A permit is not required for any species covered by the United States Fish and Wildlife Service's standing depredation order which is limited to red winged and rusty blackbirds, cowbirds, all grackles and crows.

(2) A depredation permit will not be issued for the taking of any endangered or threatened species, as defined in 50 CFR Part 17 (relating to endangered and threatened wildlife and plants) and § 133.21 (relating to classification of birds).

(3) Depredation permits for waterfowl will only be issued during the waterfowl hunting season for areas where hunting cannot be used as a control method.

(4) A depredation permit will not be renewed if the permittee has not made a good faith effort to implement nonlethal control recommendations by the Commission or the WS.

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete Chapters 147a and 147b as they currently exist at 58 Pa. Code pages 147a-1, 147a-2 and 147b-1–147b-3, serial pages (276245)–(276249).)

CHAPTER 147a. (Reserved)

CHAPTER 147b. (Reserved)

[Pa.B. Doc. No. 03-1840. Filed for public inspection September 19, 2003, 9:00 a.m.]

**STATE BOARD OF
AUCTIONEER EXAMINERS**

[49 PA. CODE CH. 1]

Examination Fees

The State Board of Auctioneer Examiners (Board) proposes to amend §§ 1.23 and 1.41 (relating to auctioneer licensure examination; and schedule of fees) to read as set forth in Annex A. The proposed rulemaking deletes references to the fees charged by testing organizations from the schedule of fees for the examination for auctioneers and directs applicants for examination to apply and pay fees directly to the professional testing organization.

Effective Date

The proposed rulemaking is effective on final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 812.1 of The Administrative Code of 1929 (code) (71 P. S. § 279.3a) and sections 5 and 6 of the Auctioneer and Auction Licensing Act (63 P. S. §§ 734.5 and 734.6) set forth the powers and duties of the Board with regard to the administration of examinations.

Background and Need for the Proposed Rulemaking

Provision and Submission of Applications for Examination

The proposed amendment to § 1.23 reflects that applicants shall apply to the professional testing organization, not the Board, to take the examination. The professional testing organization determines a candidate's eligibility to take the exam and administers the examination to eligible candidates. Section 812.1 of the code requires that the auctioneer licensing examination be prepared and administered by a professional testing organization. This proposed rulemaking clears confusion that may result from the existing regulation which directs candidates to apply to the Board to be tested.

Elimination of References to Examination Fees

The proposed amendment to § 1.41 deletes the reference to the fee for the examination for auctioneers. This fee is set by the professional testing organization, not by the Board. To avoid the necessity of amending the regulation whenever the professional testing organization changes the fee, the Board proposes to delete the reference to the examination fee.

Description of Proposed Rulemaking

The proposed rulemaking deletes references to the fee for the licensing examination. The fee is set by the professional testing organization. The proposed rulemaking also clarifies that examination applicants apply directly to the professional testing organization and not to the Board.

Fiscal Impact

The proposed rulemaking will have no fiscal impact on the Board or its licensees. The proposed rulemaking

should have no fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed rulemaking will avoid preparation of new regulations each time that an examination fee is changed and should not create additional paperwork for the private sector.

Sunset Date

The Board monitors its regulations on a continuing basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 9, 2003, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 rulemaking 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Tammy Radel, Administrator, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

RALPH M. STEWART,
Chairperson

Fiscal Note: 16A-647. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 49. PROFESSIONAL AND
VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND
OCCUPATIONAL AFFAIRS
CHAPTER 1. STATE BOARD OF
AUCTIONEER EXAMINERS
LICENSURE**

§ 1.23. Auctioneer licensure examination.

(a) The Board will [**schedule**] **have a professional testing organization conduct** the auctioneer licensure examination **at least** two times each year.

(b) The applicant for auctioneer's license shall apply to the **professional testing organization designated by the Board** for admission to the licensure examination and pay the fee **directly to that organization**.

* * * * *

FEES**§ 1.41. Schedule of fees.**

Applicants shall pay the following fees:

[Examination fee for auctioneer license ... \$87]

* * * * *

[Pa.B. Doc. No. 03-1841. Filed for public inspection September 19, 2003, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

Ten Chair Barber Schools

The State Board of Barber Examiners (Board) proposes to amend § 3.82 (relating to inspection) to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The proposed rulemaking is authorized under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)), known as the Barbers' License Law.

C. Background and Purpose

Barber schools in this Commonwealth have, over the last several years, experienced a decrease in enrollment. To encourage schools to remain in business as well as encourage new schools to open, the Board has reviewed its existing regulations governing licensed schools with a view toward eliminating unnecessarily restrictive regulations. The Board proposes to amend § 3.82 to delete the requirement that a barber school have 20 chairs in the clinic room and 20 desks in the theory room and to require only 10 chairs and desks in each room. This minimum 10 chair/desk requirement will eliminate the need to have unused equipment in the schools. The Board also anticipates that this will allow more schools to become licensed. In conjunction with lowering the number of chairs and desks required for schools, the Board proposes to decrease the space requirements. With fewer required chairs and desks it follows that schools would need less space to operate.

The proposed rulemaking also amends the requirements for inspection prior to a barber school being licensed. Currently, the regulations require both a preliminary inspection of the school and a second inspection after the equipment is installed. The regulation requires a Board member to accompany the inspector on the second inspection. The Board feels that its resources would be better utilized if one inspection was required. Furthermore, the Board feels that it is improper for a Board member to accompany the inspector on the second inspection given that there may be violations that could result in the license being denied. This proposed rulemaking updates the regulation to reflect the Board's current practice of conducting only one inspection.

D. Description of Proposed Rulemaking

The proposed rulemaking reduces the minimum number of barber chairs and desks for licensed barber schools. Currently, § 3.82(a) requires that barber schools have 20 barber chairs in the clinic room and 20 desks in the theory room. The proposed rulemaking lowers this requirement to ten chairs and desks in each room. In conjunction with lowering the minimum number of chairs and desks required for a barber school, the proposed rulemaking lowers the minimum amount of square footage required for a school. In § 3.82(a)(1), the Board has lowered the minimum amount of square footage from 2,000 square feet to 1,250 square feet. The Board has determined that this amount of square footage is appropriate to accommodate ten barber chairs, a theory room, a restroom and a waiting area. The size of the theory room has also been decreased. The proposed amendment to § 3.82(a)(12) decreases the theory room from the specific dimensions of 20 feet by 20 feet (400 square feet) to 200 square feet. The Board feels that requiring square footage instead of the specific dimensions of the room will allow each school the freedom to design the theory room to best fit the needs of the school.

The proposed rulemaking also eliminates an obsolete provision in § 3.82(b) and further modifies § 3.82(a). The current regulation calls for a preliminary inspection before the application for a barber school is completed, then a follow-up inspection after the equipment has been installed. It also calls for a member of the Board to accompany the investigator on the follow-up inspection. The current Board policy is to conduct one inspection of the school after the application is submitted and before the permit is issued. The Board feels that doing one inspection after the application is filed but before the permit is issued is appropriate. This inspection verifies that the school conforms to the plans that were submitted and that the equipment and supply requirements are met. The Board feels that it is improper and unnecessary for a Board member to accompany the investigator on the inspection. Therefore, the Board is proposing to modify these two subsections to reflect the current Board practice.

E. Fiscal Impact and Paperwork Requirements

The proposed rulemaking would not impose any additional paperwork requirements on the Board or its licensees. The proposed rulemaking will have a beneficial fiscal impact on existing and new barber school owners by reducing the costs for unnecessary equipment such as chairs and desks for schools with a small enrollment.

F. Sunset Date

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

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 9, 2003, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 rulemaking within 30 days of the close of the public comment period. The comments, recom-

mendations 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

H. *Contact Person*

Further information may be obtained by contacting Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3402, www.dos.state.pa.us.

I. *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Sara Sulpizio, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

CHERYL MCDERMOTT,
Chairperson

Fiscal Note: 16A-426. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

SCHOOLS OF BARBERING

§ 3.82. Inspection.

(a) Before **[completing application for registration] a school license is issued**, each proposed school will be preliminarily inspected for the purpose of determining if the following requirements are met:

(1) At least **[2,000] 1,250** square feet of floor space.
* * * * *

(11) A clinic room with **[20] a minimum of 10** barber chairs.

(12) A theory room **[, approximately 20 feet by 20 feet, with 20] with at least 200 square feet of floor space and a minimum of 10** desks or tablet arm chairs.

(b) **[A second inspection will be made after the required equipment has been installed but before the school begins operation. A member of the Board will accompany the investigator on this inspection.**

(c) **[Copies of school forms and contracts to be used shall be submitted to and approved by the Board before the school begins operation.**

[(d)] (c) * * *

[Pa.B. Doc. No. 03-1842. Filed for public inspection September 19, 2003, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**[49 PA. CODE CH. 19]
Emergency Vehicles**

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend § 19.18 (relating to established place of business for dealers) to create an exception to the size of the display area required of a vehicle dealer who sells only new firefighting equipment or other emergency service vehicles to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The proposed rulemaking is authorized under section 4(a)(9) of the Board of Vehicles Act (63 P. S. § 818.4(a)(9)).

Background and Need for the Proposed Rulemaking

The Board's current regulations require all vehicle dealers to maintain a display lot large enough to display five vehicles of the type the dealer normally sells. Vehicle dealers who sell only new firefighting and emergency service vehicles contacted the Board to explain that these vehicles are sold only on special order, are built to specification by the manufacturer and are delivered by the manufacturer directly to the customer. The Board concluded that the current display area size requirement in § 19.18(3)(i) creates a hardship on these dealers because of the large square footage required to display five of these vehicles, which are not usually displayed at the dealerships. In addition, the regulation is not necessary to protect the public. Therefore, the Board proposes to exempt licensed vehicle dealers who sell only new firefighting or other emergency service vehicles from the minimum display area requirements in § 19.18(3)(i).

Description of Proposed Rulemaking

The proposed rulemaking would exempt licensed vehicle dealers who sell only new firefighting or emergency service vehicles from the requirement that their established place of business include a display area large enough to display at least five of these types of vehicles.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 9, 2003, the Board 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 Senate Consumer Protection and Professional

Licensure Committee and the House Professional Licensure Committee. 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 rulemaking 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Teresa Woodall, Administrative Assistant, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, vehicle@pados.state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

EDWARD J. CERNIC, Jr.,
Chairperson

Fiscal Note: 16A-606. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS
DEALERSHIP LICENSE

§ 19.18. Established place of business for dealers.

A licensed dealer shall maintain an established place of business that meets the following criteria:

* * * * *

(3) *Display area.* The dealership shall have a display area—whether indoors, outdoors or partly indoors and partly outdoors—where the public is permitted and invited in the regular course of business to inspect or test drive the vehicles that are being offered for sale, purchase or exchange by the dealership. The display area may not include areas of the dealership premises on which are placed vehicles that are wrecked or damaged, that are awaiting reconditioning or preparation for sale, purchase or exchange, that are being serviced or repaired, that are part of general inventory, or that are otherwise not being offered for sale, purchase or exchange to the public. The display area shall meet the following requirements:

(i) *Size.*

(A) The display area of a dealership that buys, sells or exchanges vehicles shall be large enough for the display of at least five vehicles—with doors opened—of the kind that are bought, sold or exchanged by the dealership. The display area of a dealership that buys, sells or exchanges recreational vehicles, manufactured housing and mobile homes shall have a display area of at least 5,000 square feet, unless exempted by section 5(e)(3) or (4) of the act (63 P. S. § 815.5(e)(3) **and (4)**).

(B) The minimum size display area requirements of this paragraph do not apply to a licensed vehicle dealer that sells only new firefighting or emergency service vehicles.

* * * * *

[Pa.B. Doc. No. 03-1843. Filed for public inspection September 19, 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 Corrections

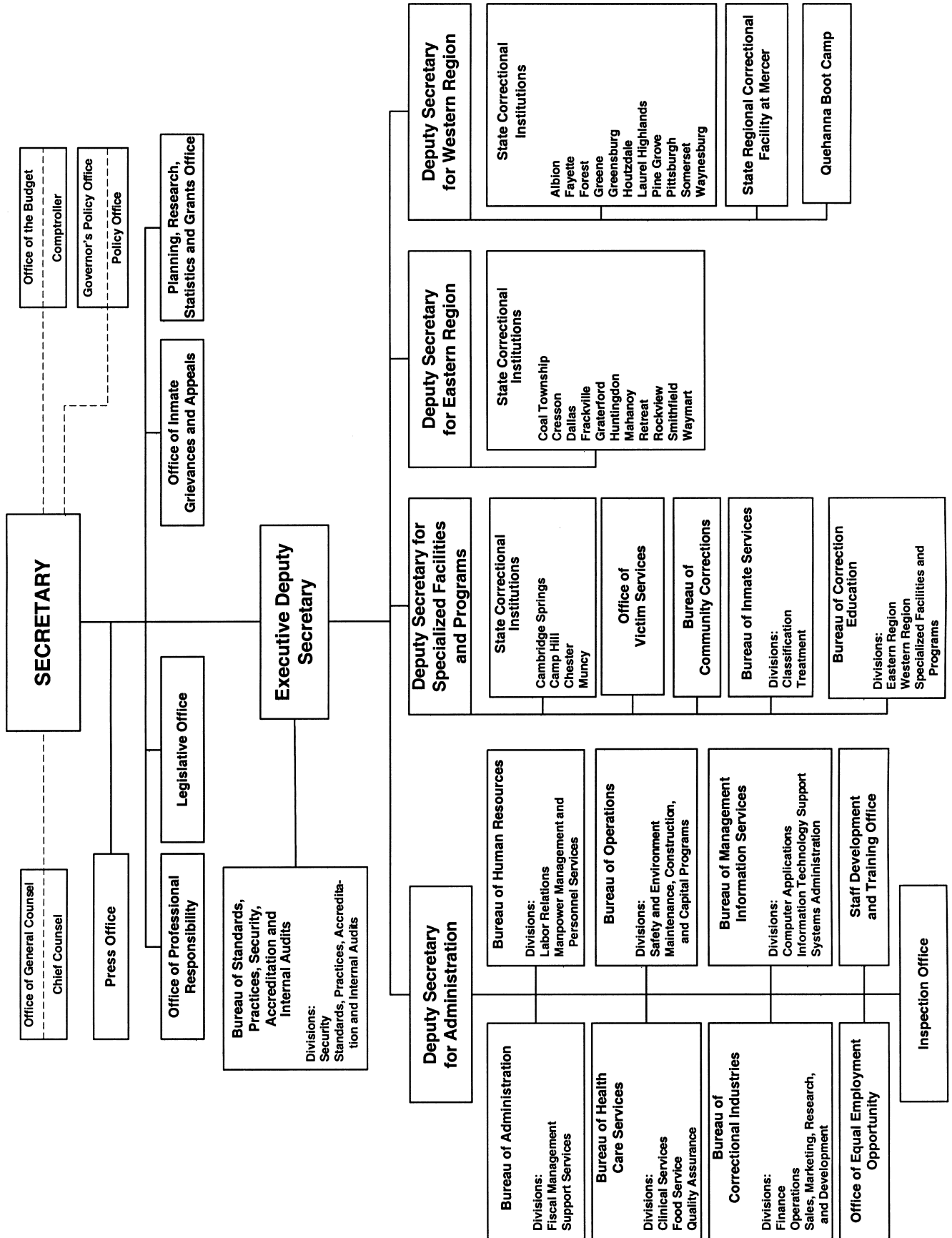
The Executive Board approved a reorganization of the Department of Corrections effective September 8, 2003.

The organization chart at 33 Pa.B. 4690 (September 20, 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. 03-1844. Filed for public inspection September 19, 2003, 9:00 a.m.]

DEPARTMENT OF CORRECTIONS



NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 9, 2003.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-5-03	Pebblespring Holding Company, Berwyn, to acquire 100% of the voting shares of Eagle National Bank, Upper Darby	Berwyn	Approved
	Pebblespring Holding Company will be renamed to Eagle National Bancorp, Inc., as of the effective date of the transaction.		
9-5-03	East Penn Financial Corporation, Emmaus, to acquire up to 24.9% of the outstanding common stock of Berkshire Bank (In Organization), Wyomissing	Emmaus	Approved

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-4-03	Highview Trust Company Greensburg Westmoreland County	Greensburg	Approved

Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-8-03	Sharon Savings Bank Darby Delaware County	Darby	Approved
	Application represents reorganization into a mutual holding company to be known as Sharon Mutual Holding Company.		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-3-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Gloucester Township Acme 515 Berlin-Cross Keys Road Sicklerville Camden County, NJ	Approved
9-3-03	Harleysville Savings Bank Harleysville Montgomery County	1889 Ridge Pike Royersford Upper Providence Township Montgomery County	Approved
9-3-03	Marquette Savings Bank Erie Erie County	East 38th and Stanton Erie Erie County	Approved
9-4-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Schenley Gardens Retirement Community 3890 Bigelow Boulevard Pittsburgh Allegheny County	Filed
9-4-03	East Penn Bank Emmaus Lehigh County	502 State Road Emmaus Lehigh County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-8-03	S & T Bank Indiana Indiana County	Wal-Mart Route 30 Latrobe Westmoreland County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-3-03	Bank of Hanover and Trust Company Hanover York County	<i>To:</i> 2430 East Market Street York York County <i>From:</i> 2215 East Market Street York York County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-22-03	S & T Bank Indiana Indiana County	Westmoreland Mall Route 30 Greensburg Westmoreland County	Effective
9-3-03	Fulton Bank Lancaster Lancaster County	3123 North George Street Emigsville York County	Approved
9-5-03	Sun Bank Lewisburg Union County	3155 Lycoming Creek Road Williamsport Lycoming County	Approved
9-5-03	Sun Bank Lewisburg Union County	18 East Main Street Glen Lyon Luzerne County	Approved

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>
8-29-03	Federation Credit Union, Philadelphia, and Eagle One Federal Credit Union, Philadelphia— Surviving Institution— Eagle One Federal Credit Union, Philadelphia	Philadelphia	Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-1845. Filed for public inspection September 19, 2003, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Eligible Partnerships Postsecondary Grant Application Guidelines for Conducting Mathematics Professional Development for Educators in this Commonwealth

The Department of Education has established Eligible Partnerships Postsecondary Grant Application (application) guidelines to provide direction to eligible partnerships for submitting applications targeting the quality of teachers, principals and paraprofessionals. An eligible

partnership that receives a grant under these guidelines shall use the grant for designing and implementing mathematics professional development for this Commonwealth which provides assistance to high need local educational agencies, their teachers, principals and paraprofessionals to ensure that they are able to use the Commonwealth's mathematics content standards and Pennsylvania System of School Assessment data to strengthen and enhance instructional practices for improving student academic achievement. The guidelines define a partnership that is eligible to apply; each partnership must designate either an institution of higher education or an intermediate unit as the lead organization to execute a contract or memorandum of understanding with the Commonwealth. Approximately \$1.6 million

is available on a competitive basis under these guidelines. Eight to ten contracts or memoranda of understanding will be awarded in amounts ranging from \$10,000 to \$200,000.

Copies of the application guidelines are available on the Department's website at <http://www.pde.state.pa.us> or from the Issuing Office, Division of Program Services, Bureau of Postsecondary Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623, TDD (717) 783-8445.

A preproposal conference is scheduled for Thursday, October 2, 2003, at 10 a.m. in the Honors Suite, 1st Floor, 333 Market Street, Harrisburg. If special accommodations

are required to participate in the preproposal conference, contact the Division of Program Services. Written questions are to be submitted by September 30, 2003, on PDE-4658 available on the Department's website.

Applications submitted in response to the application guidelines are due in the Division of Program Services by 5 p.m. on Monday, October 20, 2003.

VICKI L. PHILLIPS, Ed.D.,
Secretary

[Pa.B. Doc. No. 03-1846. Filed for public inspection September 19, 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>
PA0055107	East Marlborough Township 721 Unionville Road Kennett Square, PA 19348	Chester County East Marlborough Township	UNT to East Branch of Red Clay Creek	Y
PA0056073	Russell and Susan Vreeland 219 Valley Green Drive Coatesville, PA 19320	Chester County East Caln Township	Tributary of Rock Run	Y
PA0057487	Frontier Wood Products Division of Jolly Gardner 500 E. Pumping Station Road Quakertown, PA 18951	Bucks County Richland Township	UNT to Tohickon 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>
PA0010201 IW	Columbia Water Company 220 Locust Street, P. O. Box 350 Columbia, PA 17512	Lancaster County Columbia Borough	Susquehanna River 7-G	Y
PA0031534 SEW	Chestnut Ridge School District New Paris Elementary School P. O. Box 80, 3281 Valley Road Fishertown, PA 15539	Bedford County Napier Township	Dunning Creek 11-C	Y
PA0085405	Suzinn LLC Baladerry Inn 40 Hospital Road Gettysburg, PA 17325	Adams County Cumberland Township	UNT Rock Creek 13-D	Y
PA0080918	Rick Long 101 Speedwell Forge Road Lititz, PA 17543	Lancaster County Elizabeth Township	Kettle Run Creek 7-J	Y
PA0085910	Beth Gainer 1050 Drager Road Columbia, PA 17512	Lancaster County Rapho Township	Little Chickies Creek 7-G	Y
PA0081141	Locustwood Mobile Home Park Box 251 Morgantown, PA 19543	Lancaster County East Cocalico Township	UNT Little Cocalico Creek 7-J	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>
PA0113743	Grove Township Crestline STP P. O. Box 43 Sinnemahoning, PA 15861	Cameron County Grove Township	Sinnemahoning Creek 8A	Y
PA0114316	John and Sandra Erdley 175 Eagle Lane Milmont, PA 17845	Hartley Township Union County	Unnamed tributary to Penns Creek 6A	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>
PA0033073	Department of Transportation Rest Area No. 26 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Washington Township Jefferson County	Fivemile Run	Y

<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>
PA0033049	Department of Transportation Rest Area No. 25 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Pine Creek Township Jefferson County	Fivemile 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>
PA0032999 Renewal	Department of Conservation and Natural Resources Bureau of Facility Design and Construction 2808 Three Mile Run Road Perkasie, PA 18944	Carbon County Kidder Township	Hickory Run 2A	Y
PA0029050	Pine Forest Camps, Inc. 151 Washington Lane Jenkintown, PA 19046	Pike County Lackawaxen Township	Greely Lake 1B	Y
PA0029432	Department of Public Welfare 1401 N. Seventh Street P. O. Box 2675 Harrisburg, PA 17105-2675	Lackawanna County Newton Township	Falls Creek 4G	Y

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

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

PA0055913 Amendment No. 1, Industrial Waste, SIC 2819, **Corco Chemical Corporation**, Tyburn Road and Cedar Lane, Fairless Hills, PA 19030. This proposed facility is in Falls Township, **Bucks County**.

Description of Proposed Activity: Groundwater remediation system and noncontact cooling water discharge.

The receiving stream, Corco Lake Nos. 1 and 2, is in the State Water Plan watershed 2E and is classified for WWF. The nearest downstream public water supply intake for Lower Bucks County Joint Municipal Authority is on the Delaware River, 3 miles below the point of discharge.

The proposed effluent limits for Outfall 002 are based on a design flow of 115,000 gallons per day.

Based on the effluent analysis report, the monitoring requirements for aluminum and zinc are removed from the Outfall 002.

In addition to the effluent limits, the permit contains the following major special conditions: groundwater monitoring; and test methods.

PA0050016, Industrial Waste, SIC 3082, **Markel Corporation**, 435 School Lane, Plymouth Meeting, PA 19462. This proposed facility is in Plymouth Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 60,000 gpd of contact and noncontact cooling water.

The receiving stream, Diamond Run, is in the State Water Plan watershed 3F and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the City of Philadelphia is on the Schuylkill River, 10.9 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 60,000 gpd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum mg/l</i>
BOD ₅	***	13	***	Monitor and Report	***
Suspended Solids	***	10	***	Monitor and Report	***
Temperature	***	***	***	***	110°F
pH	within limits of 6.0—9.0 standard units at all times				
Oil and Grease	***	7.5	15	***	30
Bis(2-Ethylhexyl) Phthalate	***	***	***	Monitor and Report	***

In addition to the effluent limits, the permit contains the following major special conditions: DMR to the Department; small stream discharge; no chemical additives; required test methods; change in ownership; and additional submission for TMDL analysis.

The EPA waiver is in effect

PA0056014, Industrial Waste, **AMETEK, U. S. Gauge Division, Plant 2**, 900 Clymer Avenue, Sellersville, PA 18960. SIC 3823. This application is for renewal of an NPDES permit to discharge treated groundwater from a groundwater remediation system serving AMETEK U. S. Gauge, Plant 2 in Sellersville Borough, **Bucks County**. This is an existing discharge to a dry swale to East Branch Perkiomen Creek.

East Branch Perkiomen Creek is classified for TSF, aquatic life, water supply and recreation. The State Water Plan Watershed is 3E, Perkiomen. The nearest downstream public water supply intake for the Audubon Water Company is on the Perkiomen Creek, approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on an average flow of 0.108, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Cis-1,2,-Dichloroethylene	0.07	0.14	0.2
1,1 Dichloroethylene	0.007	0.014	0.018
Tetrachloroethylene	0.001	0.002	0.0025
1,1,1 Trichloroethane	0.08	0.16	0.2
Trichloroethylene	0.005	0.01	0.013
pH	within limits of 6.0—9.0 standard units at all times		

Major Permit Conditions:

1. Discharge is directed to a dry stream. If effluent creates a health hazard or nuisance, the permittee may be required to provide additional treatment as required by the Department.
2. No discharge of stripper tower cleaning wastewaters are permitted to waters of this Commonwealth.
3. The permittee shall monitor the groundwater quality in accordance with the Final Administrative Order of Consent.

The EPA waiver is in effect.

PA0013391, Industrial Waste, **Tuscan/Lehigh Valley Dairies, Inc.**, 880 Allentown Road, Lansdale, PA 19446. This application is for issuance of an NPDES permit to discharge cooling water and stormwater from the Dairy Processing Plant, 880 Allentown Road, Lansdale, PA 19446 in Upper Gwynedd, **Montgomery County**. This is an existing discharge to an unnamed tributary to Towamencin Creek.

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

The proposed effluent limits for Outfall 001, based on an effluent discharge of 0.065 MGD and stormwater runoff from building roofs and parking areas are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Minimum</i>
CBOD ₅	Monitor and Report		
Total Suspended Solids	Monitor and Report		
Oil and Grease	Monitor and Report		
pH	within limits of 6.0—9.0 standard units at all times		
Total Kjeldahl Nitrogen	Monitor and Report		
Iron (Dissolved)	Monitor and Report		
COD	Monitor and Report		
Total Phosphorus	Monitor and Report		
Total Residual Chlorine	0.2 mg/l		
Copper, Total	Monitor and Report		
1,1 Dichlorethylene	0.00023	0.00046	0.00058
Tetrachloethylene	0.0026	0.0052	0.0065
Trichloroethylene	0.0113	0.0226	0.0283
Temperature	110°F		

Outfalls 002—004 receive stormwater from grassy/gravel areas, parking areas and building roofs and shall be monitored once per 6 months for CBOD₅, total kjeldahl nitrogen and total phosphorus.

PA0024180, Sewage, **Berks-Montgomery Municipal Authority**, 136 Municipal Drive, Gilbertsville, PA 19525-0370. This application is for renewal of an NPDES permit to discharge treated sewage from the Berks-Montgomery Swamp Creek Sewage treatment plant in Douglass Township, **Montgomery County**. This is an existing discharge to Swamp Creek.

The receiving stream is classified for TSF, aquatic life, water supply and recreation. Swamp Creek is in State Water Plan Watershed 3E (Perkiomen). The nearest downstream public water supply intake for the Audubon Water Company is on the Perkiomen Creek, approximately 19 miles below the point of discharge.

The present effluent limits for Outfall 001, based on an average flow of 1.9 MGD, are applicable through completion of plant expansion, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	1.8		3.6
(11-1 to 4-30)	5.4		10.8
(7-1 to 10-31)			
Phosphorus (as P) (4-1 to 10-31)	2.0		4.0
Total Residual Chlorine	0.08		0.25
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Aluminum, Total	Monitor and Report		Monitor and Report
Copper, Total	Monitor and Report		Monitor and Report
Cyanide, Free	Monitor and Report		Monitor and Report
BIS (2-Ethylhexyl) Phthalate	Monitor and Report		Monitor and Report

Major Conditions:

1. Discharge is directed to a small stream, which affords a limited dilution potential. If the effluent creates a health hazard or nuisance, the permittee shall upon notice from the Department, provide additional treatment as may be required by the Department.
2. The permittee shall conduct whole effluent toxicity testing within 180 days after completion of plant expansion.
3. UV disinfection shall be utilized after completion of plant expansion.

The proposed effluent limits for Outfall 001, based on an average flow of 2.3 MGD, will be applicable after completion of plant expansion, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	1.8		3.6
(11-1 to 4-30)	5.4		10.8
(7-1 to 10-31)			
Phosphorus (as P) (4-01 to 10-31)	2.0		4.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Aluminum, Total	Monitor and Report		Monitor and Report
Copper, Total	Monitor and Report		Monitor and Report
Lead, Total	Monitor and Report		Monitor and Report
BIS (2-Ethylhexyl) Phthalate	Monitor and Report		Monitor and Report

The EPA waiver is in effect.

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

PA0002488, Industrial Waste, SIC, 4911, **Pennsylvania Power Company**, P. O. Box 128, Shippingport, PA 15077-0128. This application is for renewal of an NPDES permit to discharge untreated stormwater and miscellaneous water from washing of gravel from its borrow pit in Georgetown Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is in Steubenville, OH, 24 miles below the discharge point.

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow (MGD)	Monitor and Report				
Suspended Solids			30		60
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: The outfall from this facility is currently capped and there is no discharge from the borrow pit.

The EPA waiver is in effect.

PA0002941, Industrial Waste, SIC, 4911, **Allegheny Energy Supply Company, LLC**, 4350 Northern Pike, Monroeville, PA 15146. This application is for renewal of an NPDES permit to discharge treated process water, sewage, stormwater, leachate and untreated cooling water and stormwater from Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, of Monongahela River (Outfalls 001—006, 009, 010 and 013) and Little Whiteley Creek (Outfall 007), both classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Dunkard Valley Joint Municipal Authority, in Greensburg, PA, 6.46 miles below the discharge point.

Outfall 001: existing discharge, flow of 0.0023 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	0.0023				
CBOD ₅			25	50	
TSS			30	60	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean				
Total Residual Chlorine			1.4		3.3
pH	not less than 6.0 nor greater than 9.0				

Outfall 102: existing (emergency overflow) discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 202: existing discharge, design flow of 0.0004 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	0.0004				
CBOD ₅			25	50	
TSS			30	60	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean				
Total Residual Chlorine			1.4	3.3	
pH	not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 302: existing emergency overflow discharge to Outfall 002.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS				50	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 3.2 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Free available chlorine			0.2		0.5
Temperature (°F)					110

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Chromium			1.0	1.0	
Zinc			0.2	0.2	
pH	not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 003: existing discharge, design flow of 6.00 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist of intake traveling screen backwash only. Debris collection from the intake traveling screens shall not be returned to the waterways.					

Outfall 004: existing emergency overflow discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended solids				50	
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge, design flow of 0.43 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist of strainer backwash only. Debris collection from the strainer shall not be returned to the waterway.					

Internal Monitoring Point 106: existing discharge to Outfall 006.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	30
Iron			1.0	1.0	
Copper			1.0	1.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 006: existing discharge, design flow of 2.853 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	30
pH	not less than 6.0 nor greater than 9.0				

Outfall 007: existing discharge, design flow of 0.083 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			30	100	
Aluminum			0.6	1.2	
Iron			1.8	3.6	
Manganese			1.2	2.4	
Thallium			2.1	4.2	
pH	not less than 6.0 nor greater than 9.0				

Outfall 009: stormwater runoff from plant access road and ash haul road.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			Monitor and Report		
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		

Outfall 010: existing stormwater runoff from hillside.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			Monitor and Report		
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		

Outfall 013: existing stormwater runoff from plant area (parking area and building roofs).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			Monitor and Report		
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		

Internal Monitoring Point 502: existing stormwater runoff.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			Monitor and Report		
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		

This discharge from these outfalls shall only consist of uncontaminated stormwater runoff.

Other Conditions: Outfalls 008, 011 and 012 have been eliminated.

The EPA waiver is not in effect.

PA0025950-A1, Sewage, **Municipal Authority of the City of Monongahela**, 521 West Main Street, Monongahela, PA 15063. This application is for amendment of an NPDES permit to discharge treated sewage from the City of Monongahela STP in Monongahela, **Washington County**.

Outfalls SW-1—SW-5 are added to the permit for discharge to the receiving waters known as an unnamed tributary and Dry Run and serve as stormwater discharges from areas in and around the treatment plant. Refer to Part C—Requirements Applicable to Stormwater Outfalls.

PA0090620, Sewage, **White Township Municipal Authority**, 950 Indian Springs Road, Indiana, PA 15701-3506. This application is for renewal of an NPDES permit to discharge treated sewage from Morganti STP in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Two Lick 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 PENELEC Homer City Station on Two Lick Creek.

Outfall 001: existing discharge, design flow of 0.05435 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)	2.0			4.0
(11-1 to 4-30)	3.6			7.2

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			0.12
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.06			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0093726, Sewage, **Armstrong School District**, 410 Main Street, Ford City, PA 16226-1698. This application is for renewal of an NPDES permit to discharge treated sewage from the Kittanning Township Elementary School STP in Kittanning Township, **Armstrong County**.

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

Outfall 001: existing discharge, design flow of 0.007 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	15			30
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0095150, Sewage, **Fred M. Junko, Jr.**, P. O. Box 906, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from Pine Top Estates Mobile Home Park II 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, Monongahela River Aldrich.

Outfall 001: existing discharge, design flow of 0.028 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 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096911, Sewage, **R & M Manufacturing, Sales and Service, Inc.**, P. O. Box 750, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from R & M Manufacturing Sales and Service STP in Whiteley Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dyers Fork, 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 Masontown Borough Water Works on Monongahela River.

Outfall 001: existing discharge, design flow of .0006 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
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0098621, Sewage, **Interstate R. V. Center, Inc., Jerry Seaman, President**, Box 161, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Interstate R. V. Center, Inc. STP in Donegal Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dutch Fork, which are classified as a HQ WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is at least 12 miles downstream in West Virginia.

Outfall 001: existing discharge, design flow of 0.005 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	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.0			6.0
Phosphorus	1			2
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204960, Sewage, **Briselli, Incorporated, Cecil-Hendersonville Road**, P. O. Box 35A, Hendersonville, PA 15339. This application is for renewal of an NPDES permit to discharge treated sewage from Big Jim's Roadhouse STP in Cecil Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.002 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	20			40
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2			4
(11-1 to 4-30)	6			12
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217913, Sewage, **William J. McIntire**, P. O. Box 171, Shelocta, PA 15774. This application is for renewal of an NPDES permit to discharge treated sewage from Urling Mines 1 and 2, Urling Main Portal in Armstrong Township, **Indiana County**.

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

Outfall 002: existing discharge, design flow of .023 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	13			26
(11-1 to 4-30)		Monitor and Report		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	2.3			4.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217981, Sewage, **Richard W. and Kathryn A. Weimer**, R. R. 4, Box 377, Blairsville, PA 15717-8908. This application is for renewal of an NPDES permit to discharge treated sewage from Weimer Sewage Treatment Plant in Derry Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.00063 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine		Monitor and Report		
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0020141, Sewage, **Brookville Municipal Authority**, Three Jefferson Court, Brookville, PA 15825. This proposed facility is in Brookville Borough, **Jefferson County**.

Description of Proposed Activity: Existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Hawthorn Borough Water Company on Redbank Creek, approximately 17 miles below point of discharge.

The receiving stream, Redbank Creek, is in watershed 17-C and classified for TSE, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.

Parameter	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD ₅	260	417	25	40	50
Total Suspended Solids	313	469	30	45	60

Parameter	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	
NH ₃ -N (5-1 to 10-31)	57		5.5		11
(11-1 to 4-30)	167		16		32
Fecal Coliform (5-1 to 9-30)		200/100ml as a geometric average			
(10-1 to 4-30)		22,000/100ml as a geometric average			
Total Residual Chlorine			0.2		0.6
pH		6.0 to 9.0 standard units at all times			

The proposed effluent limits for Outfalls 003—005.

Parameter	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	

This outfall consists of uncontaminated stormwater only.

XX—Monitor and Report

The EPA waiver is not in effect.

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

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

WQM Permit No. 4503406, Sewerage, **The Great Lakes Companies, Inc.**, 122 W. Washington Avenue, Madison, WI 53703. This proposed facility is in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: This project involves the construction of a .09 MGD sewage treatment plant to serve The Great Wolf Lodge. Primary means of sewage disposal will be via spray irrigation and stream discharge during nonspray periods.

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

WQM Permit No. 2103404, Sewerage, **South Middleton Township Municipal Authority**, 345 Criswell Drive, Boiling Springs, PA 17007-0008. This proposed facility is in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/operation of pump stations 11 and 12.

WQM Permit No. 3603206, CAFO, **Clifford W. Holloway, Jr., Red Knob Farm**, 309 Goat Hill Road, Peach Bottom, PA 17563. This proposed facility is in Fulton Township, **Lancaster 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. 0803403, Sewerage 4952, **Andrew Carola**, R. R. 1, Box 117H, Sayre, PA 18840. This proposed facility is in Litchfield Township, **Bradford County**.

Description of Proposed Action/Activity: WQM Part II Permit application for construction and operation of a small flow sewage treatment plant to serve a single residence. The treatment facility will discharge to an unnamed tributary to Bullard Creek (CWF).

WQM Permit No. 6003401, Sewerage 4952, **Borough of Mifflinburg**, 333 Chestnut Street, Mifflinburg, PA 17844. This proposed facility is in the Borough of Mifflinburg, **Union County**.

Description of Proposed Action/Activity: The construction and operation of a sludge dewatering facility at the Borough of Mifflinburg Wastewater Treatment Plant.

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

WQM Permit No. 6503406, Sewerage, **City of Jeannette Municipal Authority**, P. O. Box 294, Penn, PA 15675. This proposed facility is in City of Jeannette, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of the North Fourth Street Relief Sewer to serve North Fourth Street in the Rosalind Avenue Drainage Subarea of Jeannette.

IV. NPDES Applications for Stormwater Discharges from MS4

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Department Protocol (Y/N)
PAI136121	Westmont Borough 1000 Luzern Street Johnstown, PA 15905	Cambria	Westmont Borough	Y

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136167	Hunker Borough P. O. Box 350 Hunker, PA 15639	Westmoreland	Hunker Borough	Y
PAG136187	Freeport Borough 414 Market Street Freeport, PA 16229	Armstrong	Freeport Borough	Y
PAG136254	Upper Tyrone Township 259 Montgomery Road Scottsdale, PA 15683	Fayette	Upper Tyrone Township	Y
PAG136255	Rosslyn Farms Borough 421 Kings Highway Carnegie, PA 15106	Allegheny	Rosslyn Farms Borough	Y
PAG136256	Donora Borough 603 Meldon Avenue Donora, PA 15033	Washington	Donora Borough	Y
PAG136257	Braddock Hills Borough 1300 Brinton Road Pittsburgh, PA 15221	Allegheny	Braddock Hills Borough	Y
PAG136258	Arona Borough P. O. Box 131 Arona, PA 15617	Westmoreland	Arona Borough	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503080	Charles D. Lester Property 280 Mt. Hope Road Lincoln University, PA 19352	Chester	New London Township	Hodgson Run HQ-TSF-MF
PAI011503081	Cornerstone Communities, Inc. Cornerstone Rise at Griffith Fields 771 East Lancaster Avenue Villanova, PA 19085	Chester	West Vincent Township	Birch Run EV
PAI011503082	Arthur Blumanthal Residence 11 Stoneybrook Lane Malvern, PA 19353	Chester	Tredyffrin Township	Valley Creek EV
PAS10G211-R	Frank T. Perano 2846 Main Street, 12 A Morgantown, PA 19543-0677	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF

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>
PAI023903033	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19036	Lehigh	City of Bethlehem	Monocacy Creek HQ
PAI023903034	Anthony Corrado P. O. Box 915 Blue Bell, PA 18422	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903035	Allentown Teachers Credit Union 2900 Hamilton Blvd. Allentown, PA 18103	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI023903036	Werner Koller Center Square Associates P. O. Box 339 630 Skippack Pike Blue Bell, PA 19422	Lehigh	Salisbury Township	Little Cedar Creek HQ-CWF
PAI023903037	Porter Krisher Upper Macungie Township 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803025	Stewart Connard Stewart Associates 8108 Bucksparke Lane Potomac, MD 20854	Northampton	Williams Township	Frya Run HQ-CWF
PAI024803026	Lewis Ronca Wind-Drift Real Estate Associates 179 Mikron Road Bethlehem, PA 18020	Northampton	City of Bethlehem	Monocacy Creek HQ-CWF
PAI024803027	Ron DelSerro 3242 Farmersville Road Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF

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>
PAI032903001	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Fulton Franklin	Ayr Township Peters Township	Buck Run HQ-CWF, MF

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

Clinton Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3796, Ext. 5.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041803003	Department of Transportation Engineering District 2-0 1924-30 Daisy St. Clearfield, PA 16830	Clinton	Lamar Township	UNT Long Run HQ

Lycoming County Conservation District: 542 County Farm Rd., Suite 202, Montoursville, PA 17754, (570) 433-3003.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044103003	Department of Transportation Engineering District 2-0 P. O. Box 218 Montoursville, PA 17754	Lycoming	Pine Township	Texas Creek HQ-CWF

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

Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Street, Pittsburgh, PA 15208-2566, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050203001	Chapel Harbor at the Water Associates, L. P. 1650 Main Street Pittsburgh, PA 15215	Allegheny	O'Hara Township	Allegheny River WWF Squaw Run HQ-WWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

MS4 Notices of Intent Received

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136254	Upper Tyrone Township 259 Montgomery Road Scottdale, PA 15683	Fayette	Upper Tyrone Township	Y
PAG136255	Rosslyn Farms Borough 421 Kings Highway Carnegie, PA 15106	Allegheny	Rosslyn Farms Borough	Y
PAG136256	Donora Borough 603 Meldon Avenue Donora, PA 15033	Washington	Donora Borough	Y
PAG136257	Braddock Hills Borough 1300 Brinton Road Pittsburgh, PA 15221	Allegheny	Braddock Hills Borough	Y
PAG136258	Arona Borough P. O. Box 131 Arona, PA 15617	Westmoreland	Arona Borough	Y

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)

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

Permit No. 0103508, Public Water Supply.

Applicant	Dauberton Manor Inc.
Municipality	Mt. Pleasant Township
County	Adams
Responsible Official	George J. Adams, President Operator 510 Dauberton Drive New Oxford, PA 17350
Type of Facility	PWS
Consulting Engineer	Paul J. Navarro, P. E. Navarro & Wright Consulting Engineers Inc. 151 Reno Avenue New Cumberland, PA 17070

Application Received May 23, 2003
Date
Description of Action Construction of a new well (well no. 5) and booster pumping station at the New Oxford Manor MHP.

Permit No. 2103502, Public Water Supply.

Applicant **Pennsylvania American Water**
Municipality Hampden Township
County **Cumberland**
Responsible Official Michael Salvo, Operations Manager
852 Wesley Drive
Mechanicsburg, PA 17055 4475
Type of Facility PWS
Consulting Engineer Gene C. Koontz, P. E.
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

Application Received July 28, 2003
Date
Description of Action Construction of booster pump station to increase domestic flows for the proposed Wentworth Estates housing development.

Permit No. 0603510, Public Water Supply.

Applicant **Pennsylvania American Water Company**
Municipality Sinking Spring Borough
County **Berks**
Responsible Official William C. Kelvington, VP Operations
800 W. Hersheypark Drive
Hershey, PA 17033
Type of Facility PWS
Consulting Engineer Steven E. Riley, P. E.
Spotts Stevens and McCoy
345 North Wyomissing Boulevard
Reading, PA 19530 0307

Application Received August 25, 2003
Date
Description of Action Penn District Well 18A Reconstruction to include the demolition of existing well building, chlorination system, yard piping, chlorine contact tank and other accessories. New prefabricated well building, chlorine contact tank, backup generator, yard piping, chlorine gas scrubber, control system and related accessories are to be installed.

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

Application No. Minor Amendment—Construction.
Public Water Supply.

Applicant **Jackson Realty & Mobile Home, Inc.**
R. R. 2, Box 128D
Wysox, PA 18854
Township Wysox Township, **Bradford County**
Responsible Official William W. Them, President
Jackson Realty & Mobile Homes, Inc.
R. R. 2, Box 128D
Wysox, PA 18854
Type of Facility PWS
Consulting Engineer William A. Sauserman, P. E.
Stiffler, McGraw & Associates, Inc.
19 N. Juniata Street
P. O. Box 462
Hollidaysburg, PA 16648

Application Received August 29, 2003
Date
Description of Action Installation of a hypochlorinator to replace the gas chlorination system and the replacement of a malfunctioning chemical feed pump which injects a manganese sequestering agent.

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. 5046492-T1, Minor Amendment.

Applicant **Creekside Springs LLC**
667 Merchant Street
Ambridge, PA 15003
Township or Borough Ambridge Borough
Responsible Official Charles Wozniak, President
Creekside Springs LLC
667 Merchant Street
Ambridge, PA 15003
Type of Facility Bottled water facility
Application Received September 3, 2003
Date
Description of Action Transfer of ownership from Earth Springs Water Company to Creekside Springs LLC.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

WA 06-1018, Water Allocations, **Reading Regional Airport Authority, Berks County**. Purchase 200,000 gallons per day from the Reading Area Water Authority. Consulting Engineer: Thomas E. Roberts, Spotts Stevens & McCoy Inc. Date application received July 16, 2003.

WA 06-1019, Water Allocations, **Bern Township Municipal Authority, Berks County**. Purchase 20,000 gallons per day from Reading Area Water Authority for the West Shore Development. Consulting Engineer: Thomas E. Roberts, Spotts Stevens & McCoy Inc. Date application received August 20, 2003.

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

WA30-587E, Water Allocations, **Southwestern Pennsylvania Water Authority**, P. O. Box 187, Jefferson, PA 15344, Greene County. The applicant is requesting the right to modify their current water allocation permit to extend water service to Richhill and Gray Townships, **Greene County**.

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:

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

Wawa Store No. 153, City of Reading, **Berks County**. GES, Inc., 410 Eagleview Boulevard, Exton, PA 19604, on behalf of Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gas. The applicant proposes to remediate the site to meet the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle/Times* on May 13, 2003

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

New Castle Industries, Inc. Tanner Plating Division, New Castle, **Lawrence County**. Steven Gerritsen (on behalf of Dick Palmer, Owner, New Castle Industries, Inc., Tanner Plating Division) has submitted a Notice of Intent to Remediate Soil and Groundwater contaminated with inorganics and lead. The applicant proposes to remediate the site to meet the Site-Specific, Nonresidential Standards. A summary of the Notice of Intent to Remediate will be published in the *New Castle News* on September 5, 2003.

MUNICIPAL WASTE GENERAL PERMITS

Application Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and 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. WMGM025. ASG, Inc., 7333 Milnor Street, Philadelphia, PA 19136. The application is for the processing and beneficial use of unpainted and untreated wood waste, gypsum board, brick, block and concrete waste from new home (residential and commercial) construction sites. The wood waste will be beneficially used onsite as a mulch material. Gypsum board will be beneficially used onsite as a soil conditioner. Brick and concrete will be beneficially used onsite as a sub-base material for driveway, sidewalk or roadway construction. The Department determined the application to be administratively complete on September 3, 2003.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits

and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

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

Permit Application No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A major permit modification for the installation of a leachate evaporation system (E-Vap) and a recirculation system at this municipal waste landfill in Williams Township, **Northampton County**. A portion of this major permit modification, pertaining to the construction and operation of a leachate evaporator, was withdrawn by the applicant, per July 14, 2003, correspondence. This portion of the application was considered withdrawn by the Region on August 27, 2003, per the Department's correspondence.

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

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

Permit Application No. 300781. Lancaster County Solid Waste Management Authority, 1299 Harrisburg Pike, Lancaster, PA 17604-4425, East Hempfield Township, **Lancaster County**. The application is for the change of ownership from Lancaster Malleable to Lancaster County Solid Waste Management Authority. The application was determined to be administratively complete by the Southcentral Regional Office on September 3, 2003.

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

AIR QUALITY

**PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS**

NEW SOURCES AND MODIFICATIONS

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

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

Copies of 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 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.

40-310-055: Pennsy Supply Inc. (1001 Paxton Street, Harrisburg, PA 17111) for construction of a stone crush-

ing operation and associated air cleaning device at their Salem Sand Plant, Salem Township, **Luzerne County**.

35-399-040: Keystone Sanitary Landfill Inc. (P. O. Box 249, Dunmore, PA 18512) for installation of an air cleaning device at the leachate pretreatment plant at their facility in Throop and Dunmore Boroughs, **Lackawanna County**.

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

06-05029B: Yuasa Battery, Inc. (2901 Montrose Avenue, Reading, PA 19605) for modification of the existing no. 1 battery assembly line controlled by a fabric collector in the Borough of Laureldale, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart KK—Standards of Performance for New Stationary Sources.

06-05090B: Chiyoda America Inc. (P. O. Box 470, Morgantown, PA 19543-0470) for installation of a carbon filter to control the emissions of VOCs from the facility's laboratory in Caernarvon Township, **Berks County**.

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

41-330-004: Sunoco Inc.—R & M (205 Park Avenue, Syracuse, NY 13204) for installation of an air cleaning device (a biofilter) on a contaminated soil vapor extraction system at their former Atlantic (Coastal Oil) gasoline terminal on Sylvan Dell Road in Armstrong Township, **Lycoming County**.

18-00016A: Pine Creek Veterinary Associates (P. O. Box 82, McElhattan, PA 17748) for construction of an animal crematory incinerator in Pine Creek Township, **Clinton County**.

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

56-00264B: Svonavec, Inc. (150 West Union Street, Suite 201, Somerset, PA 15501) for installation of stone crushing operation at Milford No. 7 Mine in Milford Township, **Somerset County**.

30-00147A: Coal Gas Recovery, LP (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370) for installation of combustion unit at the Waynesburg/Kirby site in Whiteley Township, **Greene County**.

04-00033B: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) for installation of D2 PES/ARCEL at Beaver Valley Plant in Potter Township, **Beaver County**.

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

20-293A: Meadville Sandblasting, Inc. (15921 South Mosiertown Road, Meadville, PA 16335) for post-construction of an existing sandblasting facility which will be modified by replacing sand with a shot and grit system that includes installing a shot and grit recovery room with an associated bag house and post construction of a surface coating facility which will be modified by installing a filter system in the paint bay air vents at their facility in Hayfield Township, **Crawford County**.

10-001I: AK Steel Corporation—Butler Works (Standard Avenue, Butler, PA 16003-0832), for revision of NOx and CO emission limits at no. 3 baghouse inlet (melt shop) in Butler, **Butler County**. This is a Title V facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

15-0104B: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) for increase of hours of operation and production on production line no. 2 (formally identified as production line no. 4) at their facility in Oxford Borough, **Chester County**. The facility is a Title V facility for VOCs. Production line no. 2 consists of a mixer and fryer. It is used for making cake products. Although production line no. 2 will have a potential annual emission rate of 0.41 ton for VOCs, the facility has accepted a limit to restrict total emissions of VOCs from all four of their production lines to 48.8 tons per year. Therefore, there will not be any increase in facility wide emissions of VOCs. Emissions of all other criteria pollutants from production line no. 2 will be less than 1 ton per year. The Plan Approval and subsequent Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

15-0026A: American Inks and Coatings Corp. (P. O. Box 803, Valley Forge, PA 19482) for an increase in allowable VOC emissions from the building 6 mixing tanks at the American Inks Title V facility on Pawling Road, Schuylkill Township, **Chester County**. This modification will result in a VOC emission increase from the building 6 mixers by 8.64 ton/yr. 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.

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

48-399-053: Just Born, Inc. (1300 Stefko Boulevard, Bethlehem, PA 18017) the construction and operation of a jelly bean mold shakeout operation and associated air cleaning device (fabric collector) in the City of Bethlehem, **Northampton County**. The facility is a non-Title V facility. The particulate emissions from the fabric collector will not exceed the best available technology standard of 0.02 grain/dscf (2.2 tons per year). The plan approval will include monitoring, reporting and recordkeeping requirements designed to keep the source operating within all applicable air quality requirements.

66-315-043: The Procter and Gamble Paper Products Co. (P. O. Box 32, Route 87, Mehoopany, PA 18629) for installation and operation of a raw material feed system which will be controlled by the use of drum filters at the facility in Washington Township, **Wyoming County**. The new line will not emit particulate emissions more than 0.02 grain/dscf. The Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

48-328-003A: PPL Generation, LLC (Two North Ninth Street, Allentown, PA 18101) for the modification and operation of four existing combustion turbines

(CT01—CT04) at their Martins Creek Steam Electric Station in Lower Mt. Bethel Township, **Northampton County**. The modification consists of converting the four turbines to be fired only by natural gas. The annual emissions from each natural gas-fired turbine, based on a 12-month rolling sum, will not exceed 2.62 tons per year of PM10, 68.95 tons per year of NOx, 12.56 tons per year of CO, 0.65 ton per year of SO₂ and 0.32 ton per year of VOCs. The Plan Approval and Operating Permit will contain additional stack testing, recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

07-05029A: Chicago Rivet and Machine Co. (Industrial Park, Tyrone, PA 16686) for replacement of a batch vapor degreaser which uses trichloroethylene with a new airless/airtight degreasing machine controlled by a drying condenser with an associated refrigeration unit at their Tyrone Plant in Tyrone Borough, **Blair County**. The plan approval will include emission limitations designed to keep the source operating within all applicable air quality requirements. Following installation of the new unit VOC/HAP emissions are expected to decrease below major levels. No increase in emissions is expected. Title V Operating Permit No. 07-05028 currently covers the operation of the facility. The plan approval will be incorporated into the company's facility wide operating permit.

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

24-146A: National Fuel Gas Supply Corporation (Township Road 330, Brockway, PA 15824) to issue a plan approval to National Fuel Gas Supply Corporation to install a new natural gas compressor at their existing Boone Mountain Compressor Station in Horton Township, **Elk County** in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b). 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.

The Department recommends issuance of the plan approval with the appropriate conditions in the plan approval:

1. The sources are subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.
2. Air pollutant emissions from the 286 hp Ajax DPC-280LE shall not exceed the following limitations (based on full load and the rated horsepower of the engine):

<i>Pollutant</i>	<i>Emission Limit (short term)</i>	<i>Emission Limit (tons/year 12-month rolling total)</i>
NOx	2.0 grams/hp-hr or 1.2 lbs/hour	5.5
VOC	2.0 grams/hp-hr or 1.2 lbs/hour	5.5
CO	2.0 grams/hp-hr or 1.2 lbs/hour	5.5

6. The Department reserves the right to require the facility to perform emission testing for the previous engines.

7. The source shall only be fired by pipeline quality natural gas.

8. The applicant shall perform monthly monitoring of the hours of operation for the engine and the daily fuel consumption for the engine.

9. Copies of the records required by the previous conditions shall be maintained for a minimum of 5 years.

10-027C: Penreco (138 Petrolia Street Karns City, PA 16041) for the replacement of an existing coal fired boiler (no. 6) with a new boiler rated at 91 mmBtu/hr in Karns City, **Butler County**. In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval. The new boiler will be capable of firing natural gas, distillate oil, residual oil and off specification oil, which is currently fired in the no. 1 boiler. The new boiler will be equipped with low NOx burners and flue gas recirculation. This replacement is intended to be an environmental improvement that will reduce emissions and provide a dependable supply of steam for processing needs. The project will decrease emissions of PM10, NOx, SO₂ and CO by 37.4 tpy, 46.1 tpy, 78.05 tpy and 0.6 tpy, respectively. In addition, there have been decreases in VOC emissions of approximately 36 tpy since 1991 and trivial increases in NOx, SOx, PM10 and CO emissions since 1991 (less than 1 tpy increase of each pollutant separately). There will also be decreases from the shutdown of boiler no. 6 based on the 2-year average baseline emissions (2001 and 2002) of 47.3 tpy, 102.2 tpy, 284.25 tpy, 35.6 tpy and 0.4 tpy for PM10, NOx, SO₂, CO and VOC, respectively. The net affect is an overall reduction in all pollutants and therefore NSR and PSD requirements are not applicable. The Plan Approval will include the emission limits for firing natural gas, distillate oil and residual oil as well as off-specification oil and will also include all applicable conditions to ensure compliance with Subpart Dc of the Standards of Performance for New Stationary Sources. The Plan Approval also requires stack tests to demonstrate compliance with the emission limits. The permit contains limitations pertaining to fugitive, odor and visible emissions. 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. The facility was issued a Title V Permit No. TV-10-00027 on May 4, 2000, revised on July 18, 2003. This Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Copies of the applications, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335.

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the previous address. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of proposed Permit No. 10-027C and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines this notification is sufficient.

Written comments or requests for a public hearing should be directed to Matthew Williams, New Source Review, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Matthew Williams or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a Plan Approval has not undergone the public notice process, the change to an Operating Permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in 25 Pa. Code §§ 127.42—127.431 for State-only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

37-027B: IA Construction—West Pittsburgh Plant (River Road, West Pittsburgh, PA 16160) for modification of a plan approval to change stack testing conditions for an asphalt plant burning alternative fuels in Taylor Township, **Lawrence County** in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval. 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.

16-035B: The Commodore Corporation (Route 66N Exit 60 of I80, P. O. Box 349, Clarion, PA 16214), for the modification of existing Plan Approval 16-035A in Clarion Borough, **Clarion County**. The modification involved changing daily recordkeeping to an as received recordkeeping for VOC sources.

OPERATING PERMITS

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

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

15-0104B: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) for increase of hours of operation and production on production line no. 2 (formally identified as production line no. 4) at their facility in Oxford Borough, **Chester County**. The facility is a Title V facility for VOCs. Production line no. 2 consists of a mixer and fryer. It is used for making cake products. Although production line no. 2 will have a potential annual emission rate of 0.41 ton for VOCs, the facility has accepted a limit to restrict total emissions of VOCs from all four of their production lines to 48.8 tons per year. Therefore, there will not be any increase in facility wide emissions of VOCs. Emissions of all other criteria pollutants from production line no. 2 will be less than 1 ton per year. The Plan Approval and subsequent Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and 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.

06-05025: Morgan Corp. (P. O. Box 588, Morgantown, PA 19543) for operation of a truck body manufacturing facility at their Morgantown Plant in Caernarvon Township, **Berks County**. This is a renewal of the Title V Operating Permit issued in 1998.

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

24-00016: Keystone Powdered Metal Co. (251 State Street, St. Marys, PA 15857) for a Title V Operating Permit Reissuance to operate a fabricated metal products facility in the City of St. Marys, **Elk County**.

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.

09-00031: Eureka Stone Quarry, Inc. (911 Swamp Road, Rushland, PA 18965) in Wrightstown Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility's sources include stone crushing plant and three hot mix batch asphalt plants. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00032: Eureka Stone Quarry, Inc. (Lower State and Pickertown Roads, Chalfont, PA 18914) in Warrington Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility's sources include stone crushing plant and two hot mix batch asphalt plants. 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.

06-05097: Berks Products Corp. (P. O. Box 421, Reading, PA 19603) for operation of its stone crushing plant at the existing facility in Ontelaunee Township, **Berks County**. The facility has the potential to emit more than 100 tons per year of particulate matter. The State-only operating permit will limit emissions to levels below the Title V permit thresholds. The crushing plant is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

21-03024: Hershey Foods Corp. (101 Commerce Drive, Mechanicsburg, PA 17050-2675) for operation of a warehousing facility with fumigation chambers in Silver Spring Township, **Cumberland County**. The facility has the potential to emit annually less than 1 ton of methyl bromide, an HAP. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality.

22-03057: Dayton Parts LLC (1300 North Cameron Street, Harrisburg, PA 17103) for operation of a steel spring manufacturing facility in the City of Harrisburg, **Dauphin County**. The State-only operating permit will contain recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

22-05035: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) for operation of its Elizabethville quarry in Washington Township, **Dauphin County**. The facility has the potential to emit 438.0 tons per year of CO, 131.4 tons per year of NO_x, 96.4 tons per year of SO_x, 39.4 tons per year of VOCs, 35.2 tons per year of PM₁₀ and 8.4 tons per year of combined HAPs. The State-only operating permit will limit CO and NO_x to less than 100 tons per year. The operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

33-00010: Humphrey Charcoal Corp. (Port Barnett Road, Brookville, PA 15825) for to issuance of a Natural Minor Permit to operate a charcoal manufacturing plant in Pine Creek Township, **Jefferson 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.

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

33970102 and NPDES Permit No. PA0227382. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface strip operation in Washington Township, **Jefferson County** affecting 52.0 acres. Receiving streams: unnamed tributaries to Kyle Run and Kyle Run (HQ-CWF). The first downstream potable water supply intake from

the point of discharge is the Borough of Falls Creek. Application for reclamation only. Application received September 4, 2003.

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

56763036 and NPDES Permit No. PA0125015. Shade Landfill, Inc., 1176 No. 1 Road, Cairnbrook, PA 15924, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 84.2 acres. Receiving streams: Miller Run (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Intake. Application received September 2, 2003.

56910103 and NPDES Permit No. PA0599247. Barbuschak Excavating, 132 Algonquin Path, Stoystown, PA 15563, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 19.8 acres. Receiving streams: unnamed tributary to/and Miller Run (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Intake. Application received September 2, 2003.

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

65010102. Coal Loaders, Inc. (212 East Main Street, P. O. Box 556, Ligonier, PA 15658). Application received for transfer of permit currently issued to V. P. Smith Co., Inc. for continued operation and reclamation of a bituminous surface mining site in Fairfield Township, **Westmoreland County**, affecting 133.6 acres. Receiving streams: unnamed tributaries of Hypocrite Creek to Hypocrite Creek to Hendricks Creek to Tubmill Run to Conemaugh River; and unnamed tributaries of Hannas Run to Mill Creek to Loyalhanna Creek to Conemaugh River (CWF). The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the site. Transfer application received August 26, 2003.

26980105 and NPDES Permit No. 0202410. Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA 15610). Renewal application for reclamation only of an existing bituminous surface mine, in Saltlick Township, **Fayette County**, affecting 67 acres. Receiving streams: Little Champion Creek and Champion Creek (CWF). The first potable water supply intake within 10 mile downstream from the point of discharge is the Indian Creek Valley Water Authority. Renewal application received September 5, 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.

66900303T. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), transfer of an existing quarry operation from Wyoming Sand & Stone Company in Mehoopany Township, **Wyoming County** affecting 279.0 acres, receiving stream: none. Application received August 25, 2003.

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

4876SM20. Glenn O. Hawbaker, Inc. (P. O. Box 135, 325 West Aaron Drive, State College, PA 16804-0135). Transfer of an existing gravel operation in Pittsfield Township, **Warren County** affecting 106.9 acres. Receiving streams: Little Brokenstraw Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Transfer from Brokenstraw Gravel Co., Inc. Application received September 4, 2003.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 508-101.1, Penn Township, Westmoreland County, 29.2 acres

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on October 20, 2003, to be considered. Telephone inquiries should be directed to Chuck Siders, Division of Mine Hazards, (717) 783-0474.

PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. For landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by persons, offices or heads of Federal, State or local government agencies or authorities to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections, the proposal identification number and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

Project Proposals Received

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

EGS33031. Young Township (P. O. Box 125, Walston, PA 15781). A project to abate mine drainage pollution in Young Township, **Jefferson County**, affecting 4.9 acres. Receiving streams: Little Elk Run to Elk Run to Mahoning Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Project proposal received September 2, 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.

E15-708. West Chester Area School District, 829 Paoli Pike, West Chester, PA 19380, Westtown Township, **Chester County**, Philadelphia ACOE District.

To construct and maintain the following activities associated with the construction of a new high school—Bayard Ruskin High School on a 177 acre parcel locally known as the Marshall Jones Tracts:

1. To drain and fill an existing 0.61-acre farm pond which is along an UNT to Goose Creek (WWF).
2. To place fill within 0.18 acre of wetland associated with the construction of the school facility.
3. To construct and maintain a 5-foot long by 5-foot high pedestrian ridge across the UNT to Goose Creek.
4. To construct and maintain an 8-inch and 10-inch underground sanitary sewer line (onsite and offsite respectively) at six various crossings, one onsite across the UNT to Goose Creek and five offsite, one along the East Branch of Chester Creek and four along the UNT to Chester Creek.
5. To construct a stormwater outfall structure along an UNT to Goose Creek along Shiloh Road.

The site is northwest of the intersection of Street Road (SR 926) and Shiloh Road (West Chester, PA Quadrangle N: 11.2 inches; W: 7.1 inches).

E09-863. Wawa Inc., 260 W. Baltimore Pike, Wawa, PA 19063, Buckingham Township, West Chester, PA 10963, ACOE Philadelphia District.

To modify and maintain the existing 62-foot long, 10-foot span and 3-foot 9-inch rise culvert of York Road over an unnamed tributary to Mill Creek (SWF-MF) by extending the upstream end with 60 linear feet of open bottom concrete culvert consisting of a 10-foot span and 3-foot 9-inch rise. The final structure will be classified as a stream enclosure and the work will facilitate the expansion of the existing Wawa Food Market. This work also includes construction and maintenance of three outfall pipes, placement and maintenance of riprap at the downstream side of the culvert and relocation of various utilities. The site is just north of the intersection of York Road (SR 0263) and Durham Road (SR 0413) (Buckingham, PA USGS Quadrangle N: 13.4 inches; W: 8.5 inches).

E09-862. Gold For Three Daughters, 800 Haunted Lane, Bensalem, PA 19020, Bensalem Township, **Bucks County**, Philadelphia ACOE District.

To perform the following activities associated with the Wells Drive Channel Relocation Project:

1. To relocate 335 linear feet of stream channel of an unnamed tributary of the Neshaminy Creek (WWF).
2. To install a total of 75 linear feet of temporary cofferdam across the stream at three different locations along the stream channel to accommodate work associated with the proposed channel relocation.
3. To conduct minor grading work associated with the new stream banks adjustment.

The project proposes to directly and permanently affect a total of 335 linear feet and 380 linear feet, temporarily.

The site is on Wells Drive approximately 160 feet west of the intersection of Bridgewater Road and Wells Drive (Beverly NJ-PA Quadrangle N: 18.25 inches; W: 7.00 inches).

E46-946. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Upper Salford, Lower Frederick Townships, **Montgomery County**, ACOE Philadelphia District.

To remove an existing six-span stone masonry arch bridge which carries Spring Mount Rd. (SR 1019) over the Perkiomen Creek (WWF-MF) and to construct and maintain a twin span steel girder bridge measuring a total of 222 feet long and up to 13 feet high at the same location. The removal will require a temporary sandbag cofferdam and temporary causeway impacting 0.05 acre of vegetated bars within the top of bank. The site is approximately 4,000 feet northeast of the intersection of SR 29 and Spring Mount Road (SR 1019) (Perkiomenville, PA USGS Quadrangle N: 4.5 inches; W: 11.25 inches).

E23-438. J. Golden Enterprize, 646 Chester Creek Road, Brookhaven, PA 19015, **Bucks County**, Philadelphia ACOE District.

To perform the following activities in and along the Delaware River (WWF, MF) associated with the Golden Point Marina:

1. To construct and maintain 355 feet of pile supported dock and associated mooring areas.
2. To construct and maintain a 473-linear foot sheet pile bulkhead that will be backfilled with primarily clean fill material. This will replace an existing degraded bulkhead. A total of 0.0215 acre of tidal wetlands will be impacted as a result of the bulkhead construction.
3. To construct and maintain a boat ramp and lift that will extend 110 feet into the river.

The project site is at the intersection of Jansen Avenue and the Delaware River (Bridgeport, NJ-PA Quadrangle N: 19.8 inches, W: 6.4 inches).

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

E05-320: Bowser Covered Bridge Restoration Project, 988 Covered Bridge Road, Osterburg, PA 16667 in East St. Clair Township, **Bedford County**, ACOE Baltimore District.

To maintain a covered bridge spanning Bob's Creek within East St. Clair Township, Bedford County (Alum Bank, PA Quadrangle N: 9.4 inches; W: 5.8 inches). The proposed work includes the replacement of the stone abutments, decking, roof and lintels and painting of the entire structure.

E22-465: Linda D. and Troy L. Page, 7733 Althea Avenue, Harrisburg, PA 17112 in West Hanover Township, **Dauphin County**, ACOE Baltimore District.

To excavate and construct a swimming pool which will impact 0.01 acre of wetlands associated with an unnamed tributary to Beaver Creek (WWF) at 7733 Althea Avenue (Hershey, PA Quadrangle N: 14.85 inches; W: 13.40 inches) in West Hanover Township, Dauphin County.

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

E14-451. Moshannon Valley Joint Sewer Authority, P. O. Box 581, 829 North Ninth Street, Phillipsburg, PA 16866-0581. Regional Water Pollution Facility in Rush

Township, **Centre County**, ACOE Baltimore District (Phillipsburg, PA Quadrangle N: 5.9 inches; W: 13.7 inches).

To construct and maintain: (1) a reinforced cement concrete aerobic digester about 74 feet wide, 146 feet long and 17 feet deep; and (2) a 50-foot wide by 60-foot long masonry equipment building on the right hand side and in the floodplain of Moshannon Creek (TSF) about 650 feet from the top of the creek bank. The project is at 829 North Ninth Street in Phillipsburg, Rush Township, Centre County. The project will impact about 0.046 acre of palustrine-forested wetlands and approximately 0.5 acre of earth will be disturbed by the project.

E14-452. John H. Mitchell, Jr., P. O. Box 215, Lemont, PA 16851. Mount Nittany Terrace—Phase II in College Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 12.7 inches; W: 8.1 inches).

To construct and maintain: (1) two 87-foot long by 48-inch diameter CPEP culverts for a public road crossing; (2) a 200-foot long realigned and rock armored intermittent stream channel next to a proposed public road; (3) a 62-foot long 18-inch diameter CPEP culvert for a public road crossing; (4) a 95-foot long 18-inch diameter CPEP culvert for a public road crossing; and (5) three 18-inch diameter stormwater outfalls, into or crossing of an intermittent unnamed tributary of Spring Creek for the expansion of a public subdivision 1,500 feet southwest on First Avenue from its intersection with Struble Road.

E18-368. Porter Township Municipal Authority, 216 Spring Run Road, Room 105, Mill Hall, PA 17751. Intake structure in Porter Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 4.5 inches; W: 13.6 inches).

To construct and maintain raw water intake facilities consisting of a 6-inch diameter water intake pipe and a 2-foot 6-inch by 30-foot long reinforced concrete headwall in Sink Run (HQ CWF) a tributary to Fishing Creek, approximately 1 mile south of the intersection of SR 2004 with Rt. 80. The project will not impact wetlands while impacting approximately 35 feet of waterway and disturbing approximately 0.01 acre of earth.

E47-077. David R. Cotner, 418 Jerseytown Road, Danville, PA 17821. Cotner Crossing in Hemlock Township, **Montour County**, ACOE Baltimore District (Millville, PA Quadrangle N: 7.5 inches; W: 13.6 inches).

The applicant proposes to remove the existing 4-foot culvert pipe and restore the area and to install an 8-foot culvert pipe immediately upstream of the existing pipe. The inlets and outlets will have riprap and headwalls to stabilize the banks. This project is 5 miles east of the intersection of SR 54 and SR 642 on the east side of the road. The project is in the watershed of Mahoning Creek (CWF).

E53-393. Eric and Barbara Peters, 1385 US Highway 6 West, Galeton, PA 16922. Water Obstruction and Encroachment Joint Permit application in Pike Township, **Potter County**, ACOE Susquehanna River Basin District (West Pike, PA Quadrangle N: 4.0 inches; W: 11.0 inches).

To construct, operate and maintain a single span footbridge over Pine Creek (HQ-CWF) to provide access to private property. The single span footbridge shall be constructed with a maximum 70-foot span, 12.0-foot with and 8.0-foot underclearance. The project with not impact wetlands while impacting 12.0-feet of Pine Creek. The

project is along the western right-of-way of SR 0006 approximately 1,000 feet east of the SR 1003 and SR 0006 intersection.

E55-192. Scott B. Dutrow, R. R. 1, Box 11, Beaver Springs, PA 17812-0011. Water Obstruction and Encroachment Permit in Spring Township, **Snyder County**, ACOE Susquehanna River Basin District (Beaver-A, PA Quadrangle N: 1.1 inches; W: 11.5 inches).

To construct and maintain a 35-foot long by 6-foot wide wooden bridge over Beaver Creek (CWF). This project does not propose to impact any jurisdictional wetlands. The project is along the eastern right-of-way, 1.0 mile north on SR 0235 in Spring Township, Snyder County.

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

E02-1432. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. Findlay Connector Section 54C in Findlay Township, **Allegheny County**, Pittsburgh ACOE District (Latitude: 40° 26' 58"—Longitude: 80° 18' 09") (Clinton, PA Quadrangle Begins N: 14.7 inches; W: 7.7 inches; ends N: 11.7 inches; W: 8.9 inches). The applicant proposes to permanently place and maintain fill in the 0.63 acre of PEM wetland for the purpose of constructing 1.20 miles of new four-lane, limited access toll road known as the Findlay Connector (SR 0576) including construction of entrance and exit ramps at the Bald Knob Road Interchange, 0.26 mile of improvements to Burgettstown Road (SR 3078) and construction of 0.51 mile of Country Hollow Road. To compensate for the wetland impacts, the applicant is proposing creation of 0.63 acre of replacement wetlands in the Raredon Run watershed.

E02-1434. McHolme Builders, Inc., 315 Payday's Drive, Elizabeth, PA 15037. Payday's Plaza Stream Enclosure in Forward Township, **Allegheny County**, Pittsburgh ACOE District (Latitude: 40° 13' 59"—Longitude: 79° 51' 26") (Donora, PA Quadrangle N: 19.6 inches; W: 14.95 inches). The applicant proposes to construct and maintain a stream enclosure 186 feet in length consisting of a 54-inch diameter culvert in an unnamed tributary to Gillespie Run (WWF) for the purpose of constructing Payday's Plaza along Payday's Drive, approximately 200 feet south from the intersection of Payday's Drive, SR 51 and SR 48. The project will impact 204 linear feet of stream channel and 0.02 acre of wetlands.

E02-1435. Township of McCandless, 9955 Grubbs Road, Wexford, PA 15090. Meadow Oak Drive Culvert in McCandless Township, **Allegheny County**, Pittsburgh ACOE District (Latitude: 40° 34' 15"—Longitude: 79° 59' 39"). The applicant proposes to remove the existing structures, to construct and maintain a new 48-inch diameter culvert approximately 197 feet long (depressed 6 inches) with rip-rap on the upstream and downstream ends in a tributary to Pine Creek (TSF) and to construct and maintain various outfalls to the 48-inch diameter culvert. The culvert is under Meadow Oaks Drive, just south of its intersection with Duncan Avenue. The total stream impact is the replacement of 197 feet of culvert. The work is in progress under Emergency Permit EP0203204.

E02-1436. Edward R. Buczkowski, 4330 Route 8, Allison Park, PA 15101. Buczkowski residential bridge in Hampton Township, **Allegheny County**, Pittsburgh ACOE District (Latitude: 40° 34' 41"—Longitude: 79° 57' 13") (Glenshaw, PA Quadrangle N: 14.15 inches; W: 10.9 inches). The applicant proposes to operate and maintain the existing 6-foot diameter culvert (depressed 1.0 foot below the stream bed) in the channel of McCuslin Run

(TSF) for the purpose of providing access to applicant property. The culvert was installed under Emergency Permit No. EP0203203 and is on the east side of Route 8, approximately 200 feet south from the intersection of Route 8 and McCully Road. The project proposes to import 50.0 linear feet of stream channel.

E02-1437. Mills Corporation, 1300 Wilson Boulevard, Suite 400, Arlington, VA 22209. Freeport Road Bridge in Harmar Township, **Allegheny County**, Pittsburgh ACOE District (Latitude: 40° 32' 11"—Longitude: 79° 50' 26") (New Kensington West, PA Quadrangle N: 6.6 inches; W: 12.6 inches). The applicant proposes to operate and maintain an existing single pier bridge having a span of approximately 141 feet and under clearance of 22.9 feet across Deer Creek (WWF) and to widen and maintain the bridge approximately 16.7 feet on the downstream side. The project is part of a proposed development known as Pittsburgh Mills Galleria Mall. The bridge widening is need for anticipated additional mall traffic. The project is on Freeport Road (SR 1001) approximately 200 feet west of its intersection with SR 910. The total proposed stream impact to Deer Creek is 16.7 feet.

E30-207. Department of Transportation, District 12-0, P. O. Box 459, Uniontown, PA 15401. SR 0019, Section G10 in Whiteley Township, **Greene County**, Pittsburgh ACOE District (Garards Fort, PA Quadrangle N: 9.48 inches; W: 16.5 inches). For the purpose of preparing a detour route for I-79 traffic during underground mining, the applicant is proposing to remove the existing structures and: (1) to construct and maintain a prestressed concrete spread box beam bridge having a normal clear span of 40.0 feet and an underclearance of 8.95 feet over Whiteley Creek (TSF). Also to construct and maintain an 18-inch diameter reinforced concrete pipe stormwater outfall at Whiteley Creek (TSF) (Latitude: 39° 48' 08"—Longitude: 80° 07' 03"); (2) to construct and maintain a prestressed concrete spread box beam bridge having a normal clear span of 57.7 feet and an underclearance of 7.25 feet over Dyers Fork (TSF). Also to construct and maintain an 18-inch diameter reinforced concrete pipe stormwater outfall at Dyers Fork (Latitude: 39° 49' 35"—Longitude: 80° 07' 18"); (3) to construct and maintain a reinforced concrete box culvert having a normal span of 15.0 feet and an effective underclearance of 2.42 feet (1.0 foot depressed invert) in an unnamed tributary to Dyers Fork (TSF). Also to construct and maintain a temporary stream crossing consisting of three 48-inch diameter pipes in an unnamed tributary to Dyers Fork and to permanently place and maintain fill in a de minimis area of PEM wetland equal to 0.1219 acre and to temporarily place and maintain fill in 0.008 acre of PEM wetland (Latitude: 39° 49' 51"—Longitude: 80° 07' 10"); (4) to construct and maintain reinforced concrete box culvert having a normal span of 16.0 feet and an effective underclearance of 4.40 feet (1.0 foot depressed invert) in Mt. Phoebe Run (TSF). Also to construct and maintain an 18-inch diameter reinforced concrete pipe stormwater outfall at Mt. Phoebe Run and construct and maintain a temporary stream crossing consisting of two 48-inch diameter pipes in Mt. Phoebe Run (Latitude: 39° 49' 59"—Longitude: 80° 07' 35"). The project proposes to directly affect, through bridges, 110 linear feet of perennial stream and through box culverts, 100 linear feet of perennial stream channel and 0.0219 acre of PEM wetland.

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

E25-676. Millcreek Township Supervisors, 3608 West 26th Street, Erie, PA 16506. Zimmerly Road (T-651)

Bridge in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 10.2 inches; W: 2.5 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 95 feet and an average underclearance of 15 feet on a 75° skew across Walnut Creek (Swanville, PA Quadrangle N: 10.2 inches; W: 2.5 inches) on Zimmerly Road (T-651) approximately 150 feet west of the intersection of Zimmerly Road (T-651) and Loves Road. Project includes rip-rap protection and relocation of an existing 8-inch diameter sanitary sewer line to attach to the new structure. Walnut Creek (CWF, MF) is a perennial stream. The project proposes to directly affect 75 linear feet of stream channel.

E25-677, Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 0006 Bridge Replacement in the Borough of Union City, **Erie County**, ACOE Pittsburgh District (Union City, PA-NY Quadrangle N: 4.2 inches; W: 13.0 inches).

The applicant proposes to remove the existing structure and: (1) to construct and maintain a rolled steel I-beam bridge having a clear span of 75 feet and an underclearance of 11.25 feet on a 90° skew across South Branch French Creek (Union City, PA-NY Quadrangle N: 4.2 inches; W: 13.0 inches) in the Borough of Union City, Erie County on SR 0006 (U. S. Route 6), Section B03, Segment 0260, Offset 1446 approximately 0.5 mile north of the intersection of SR 0006 and SR 0008; and (2) to installation of a temporary pedestrian bridge approximately 75 feet upstream of the proposed bridge. South Branch French Creek (CWF) is a perennial stream. The project proposes to directly affect a total of approximately 125 linear feet of stream channel.

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

E48-338. Hornstein Enterprises, Inc., 1150 Cedarcrest Boulevard, Allentown, PA 18103 in Forks Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain three stormwater outfall structures in Bushkill Creek (HQ-TSF) which are associated with the proposed Penn's Ridge planned residential development. The project is approximately 0.4 mile north of the intersection of SR 2019 (Bushkill Drive) and SR 2036 (Zucksville Road) (Easton, PA-NJ Quadrangle N: 17.9 inches; W: 16.9 inches).

E64-243. Wayne Memorial Hospital, West and Park Streets, Honesdale, PA 18431 in Honesdale Borough, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a single-span prefabricated steel truss pedestrian bridge, having a span of 140 feet and an underclearance of approximately 17 feet, across West Branch Lackawaxen River (HQ-CWF). The bridge will provide access to a parking area on the south side of the river. The project is south of the intersection of SR 0006 (Park Street) and West Street (Honesdale, PA Quadrangle N: 13.7 inches; W: 1.3 inches).

E48-337. Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA 18015 in Lower Saucon Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To repair and maintain an existing two span cast iron pony truss pedestrian bridge across Saucon Creek (CWF). The proposed work consists of structural upgrades to the superstructure and rehabilitation of the concrete and stone center pier. The project is northeast of the intersection of Old Mill Road and Reading Road (Hellertown, PA Quadrangle N: 11.1 inches; W: 13.7 inches).

ENVIRONMENTAL ASSESSMENTS

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

EA36-010: Bryan J. Kopan, 475 Lynch Road, New Holland, PA 17557 in Salisbury Township, **Lancaster County**, ACOE Baltimore District.

To maintain a rock-lined outfall swale within the 100-year floodway of an UNT to Richardson Run (HQ-CWF) for the purpose of reducing erosion from stormwater flows at a point within Spring Gulch Campground (New Holland, PA, Quadrangle N: 11.7 inches; W: 1.0 inch) in Salisbury Township, Lancaster 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

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>
PA0011169 IW	Brush Wellman Corporation Porter Gregory III P. O. Box 973 Reading, PA 19603	Berks County Perry Township	Schuylkill River 3B	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>
PAG044801	Bradley Livergood 55 Livergood Lane Frenchville, PA 16836	Clearfield County Bradford Township	Unnamed tributary of Sulphur Run 8C	Y

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

<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>
PA0026981	Sanitary Authority of Duquesne 12 Second Street Duquesne, PA 15110	Allegheny County City of Duquesne	Thompson Run	N
PA0028258	Ohioypyle Borough Box 83 Ohioypyle, PA 15470	Fayette County Ohioypyle Borough	Meadow Run	Y
PA0032247	Department of Conservation and Natural Resources Bureau of State Parks 1454 Laurel Hill Park Road Somerset, PA 15501-5629	Somerset County Middle Creek Township	Laurel Hill Creek	Y
PA0090689	Maple Creek Mining Inc. 981 Route 917 Bentleyville, PA 15314	Washington County Fallowfield Township	Sawmill Creek	Y
PA0096121	McGuffey School District P. O. Box 431 Claysville, PA 15323	Washington County South Franklin Township	UNT of Chartiers Creek	Y

<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>
PA0215848	J. G. Foodmart James Gnagey R. D. 1 Box 620-G Uniontown, PA 15401	Fayette County North Union Township	Drainage Swale to UNT of Redstone Creek	Y
PA0217883	Encotech Incorporated P. O. Box 305 Eighty Four, PA 15330	Washington County North Strabane Township	Drainage Swale tributary to Little Chartiers Creek	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<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>
PA0103225	KRS Development, Inc. 17933 Paint Boulevard Shipperville, PA 16254	Paint Township Clarion County	Unnamed tributary to Clarion River 17-B	Y
PA0103331	Jackson Center Borough P. O. Box 38 Jackson Center, PA 16133	Jackson Center Borough Mercer County	Yellow Creek 20-A	Y
PA0092304	Keystone Senior Care LLC 4550 Lena Drive Mechanicsburg, PA 17055	Penn Township Butler County	Unnamed tributary to Robinson Run 20-C	Y
PA0221091	ELCAM Tool & Die, Inc. Route 321 Wilcox, PA 15870	Jones Township Elk County	West Branch Clarion River 17-A	Y

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

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

NPDES Permit No. PA0064319, Sewage, **The Great Lakes Companies, Inc.**, 122 West Washington Avenue, 10th Floor, Madison, WI 53703. This proposed facility is in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit. Amplified Notice: The draft permit published at 33 Pa.B. 3755 (August 2, 2003) contained limits for total residual chlorine. These limits have been deleted from the final permit since ultraviolet disinfection will be used.

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

NPDES Permit No. PA0083058, Sewage, **Jack and Betty Waybrant**, Waybrant Office Building, 1685 Baltimore Pike, Gettysburg, PA 17325. This proposed facility is in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Rock Creek in Watershed 3-D.

NPDES Permit No. PA0087548, Sewage, **Artillery Ridge Camping Resort**, 610 Taneytown Road, Gettysburg, PA 17325. This proposed facility is in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Rock Creek in Watershed 13-D.

NPDES Permit No. PA0051900, Sewage, **Robeson Township Municipal Authority**, 2689 Main Street,

Birdsboro, PA 19508. This proposed facility is in Robeson Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-C.

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

NPDES Permit No. PA0020605, Sewage, **Municipal Authority of the Borough of Union City**, 12 South Main Street, Union City, PA 16438. This proposed facility is in Union Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the South Branch of French Creek.

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. 4603407, Sewerage, **Lower Merion Township**, 75 East Lancaster Avenue, Ardmore, PA 19003-2376. This proposed facility is in Lower Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewage pumping station for a 25 single family residential subdivision.

WQM Permit No. 0902408, Sewerage, **Bedminster Municipal Authority**, P. O. Box 92, Bedminster, PA 18910. This proposed facility is in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a proposed wastewater treatment facility and gravity sewer collection system to serve new developments as well as existing Stonebridge subdivision.

WQM Permit No. 4603406, Sewerage, **Lower Salford Township Authority**, 57 Main Street, Mainland, PA 19451. This proposed facility is in Lower Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sewage pump station for a 256-unit subdivision.

WQM Permit No. 1503409, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is in East Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity: Two sewage pump stations to serve a residential development.

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

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

Description of Proposed Action/Activity: Approval for the construction/operation of sewage treatment facilities.

WQM Permit No. 2802403, Sewerage, **Randall J. Hutchinson**, 307 Harvest Lane, Shippensburg, PA 17257. This proposed facility is in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Installation of SFTF consisting of septic tank, Orenco recirculating filter, UV disinfection and subsurface disposal.

WQM Permit No. 5003403, Sewerage, **Camille Mayka**, 100 Reed Drive, Marysville, PA 17053. This proposed facility is in Rye Township, **Perry County**.

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

WQM Permit No. 0603406, Sewerage, **Bern Township Municipal Authority**, 1069 Old Bernville Road, Reading, PA 19605-9632. This proposed facility is in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a sewer extension to serve the Water District B.

WQM Permit No. 0603407, Sewerage, **Bern Township Municipal Authority**, 1069 Old Bernville Road, Reading, PA 19605-9632. This proposed facility is in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a sewer extension to serve the Water District A and West Shore.

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

WQM Permit No. 4103403, Sewerage 4952, **James Fowler**, 1485 Harriman Road, Unityville, PA 17774. This proposed facility is in Franklin Township, **Lycoming County**.

Description of Proposed Action/Activity: Issuance of a WQM Part II Permit for construction and operation of a small flow sewage treatment plant to serve a single residence. The treatment facility will discharge to an UNT to German Run (CWF).

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

WQM Permit No. 463S81-A3, Sewerage, **Borough of Mt. Pleasant**. This proposed facility is in Borough of Mt. Pleasant, **Westmoreland County**.

Description of Proposed Action/Activity: Modification of Outfall 002 and CSO structure Outfall 003 so excessive sewage is only discharged through CSO Outfall 003 and that Outfall 002 is used only as the treatment plant emergency bypass.

WQM Permit No. 0203402, Sewerage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-2700. This proposed facility is in McCandless Township, **Allegheny County**.

Description of Proposed Action/Activity: Pump station service three existing homes.

WQM Permit No. 0203404, Sewerage, **The McCandless Township Sanitary Authority**, 418 West Arcadia Drive, Pittsburgh, PA 15237-5506. This proposed facility is in Pine Township, **Allegheny County**.

Description of Proposed Action/Activity: Pump station and force main to serve The Heights of North Park—Phase VI.

WQM Permit No. 6303403, Sewage, **Eighty Four Mining Company**, 172 Route 519 South, P. O. Box 355, Eighty Four, PA 15330. This proposed facility is in Amwell Township, **Washington County**.

Description of Proposed Action/Activity: Sewage treatment plant.

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

WQM Permit No. 2003424, 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: Sewage discharge for a single residence.

WQM Permit No. 2003425, Sewerage, **Michael Phelan**, 18126 State Highway 98, Meadville, PA 16335. This proposed facility is in Hayfield Township, **Crawford County**.

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

WQM Permit No. 4303407, Sewerage, **Mark McCann**, 69 South Summit Road, Lot 312, Greenville, PA 16125. This proposed facility is in West Salem Township, **Mercer County**.

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

WQM Permit No. 2503420, Sewerage, **David A. Quick**, 8832 Wattsburg Road, Erie, PA 16509. This proposed facility is in Greene Township, **Erie County**.

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

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

WQM Permit No. 3503401, Sewerage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickinson City, PA 18519. This proposed facility is in Moosic Borough, **Lackawanna County**.

Description of Proposed Activity: Issuance of WQM permit for a new wastewater pump station.

WQM Permit No. 3502402, Sewerage, **Scranton Sewer Authority**, 307 North Washington Avenue, Scranton, PA 18503. This proposed facility is in the City of Scranton, **Lackawanna County**.

Description of Proposed Activity: Pipe replacement to increase the size of existing sewers to handle higher flows.

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

NPDES Permit No.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010903004	Lake Warren, LP Lake Warren Subdivision 40 McCann Drive Ottsville, PA 18942	Bucks	Nockamixon Township	Rapp Creek EV
PAI2011503022	Arlene E. Kalbeitzer Kalbeitzer Subdivision 1575 White School Road Honey Brook, PA 19344	Chester	Honey Brook Township	East Branch Brandywine Creek HQ-TSF-MF
PAI011503032	Uwchlan Township SR 013, 04L (Route 113) Project 715 North Ship Road Exton, PA 19341	Chester	Uwchlan and West Pikeland Townships	Tributary Pickering Creek HQ-TSF
PAI011503049	R. Samuel McMichael West Nottingham Industrial Park P. O. Box 296 Oxford, PA 19363	Chester	West Nottingham Township	Northeast Creek TSF-WWF
PAI011503051	Fred and Lisa Scannapieco Scenic Ridge Construction 10 Concord Way Chadds Ford, PA 19317	Chester	Penn Township	East Branch Big Elk Creek HQ-TSF-MF
PAI011503067	LTK Associates, Inc. Restaurant Site 55 Country Club Road, Suite 200 Downingtown, PA 19355-3062	Chester	Uwchlan Township	Unnamed tributary Shamona Creek HQ-TSF-MF
PAS10G557	TH Properties 345 Main Street Harleysville, PA 19438	Chester	Phoenixville Borough	Schuylkill and Delaware Rivers CWF

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

NPDES Permit No.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021303003	Golden Oaks Village, Inc. 209 Executive Plaza R. R. 5, Box 5199 East Stroudsburg, PA 18301	Carbon	Kidder Township	Black Creek HQ-CWF
PAI023903019	Lower Macungie Township 3400 Brookside Rd. Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023903017	Knopf Pontiac, Inc. 3401 Lehigh St. Allentown, PA 18103-7038	Lehigh	Salisbury Township Emmaus Borough	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10V020R	Department of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Pike	Dingman and Delaware Townships	Vantine Brook HQ-CWF Sawkill Creek EV Sloat Brook EV Raymondskill Creek HQ-CWF Conashaugh Creek HQ-CWF Dingmans Creek HQ-CWF Adams Creek EV
PAI025803003	Hallstead-Great Bend Joint Sewer Authority P. O. Box 747 Great Bend, PA 18821-0747	Susquehanna	Great Bend Township Hallstead Borough	Salt Lick Creek HQ-CWF

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>
PAI030703001	Rails to Trails of Central Pennsylvania Inc. P. O. Box 592 Hollidaysburg, PA 16648	Blair	Williamsburg Borough, Woodbury and Frankstown Townships	Frankstown Branch Juniata River

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>
PAG2000603046	Merritt Hole 25 Gaul Rd. Sinking Spring, PA 19608	Berks	Lower Heidelberg Township	Little Cacoosing Creek WWF
PAG2000603074	Wyomissing Professional Center 825 Berkshire Blvd., Suite 203 Wyomissing, PA 19610	Berks	Wyomissing Borough	Tulpehocken Creek TSF
PAG2000603067	The National Center for Padre Pio Inc. R. D. 1, Box 134 2213 Old Rt. 100 Barto, PA 19504	Berks	Washington Township	UNT to West Branch of Perkiomen Creek CWF
PAG2000603071	Donald Lerch Department of Transportation Engineering District 5-0 1713 Lehigh St. Allentown, PA 18103	Berks	Spring and South Heidelberg Townships	Cacoosing Creek WWF

Dauphin County Conservation District: 1451 Peters Mountain Rd., Dauphin, PA 17018 (717) 921-8100.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2002203014	Maiden Creek Eastern Communities, Inc. LP 7300 Derry St. Harrisburg, PA 17111	Dauphin	Lower Paxton Township	Beaver Creek WWF

Huntingdon County Conservation District: R. R. 1 Box 7C, Huntingdon, PA 16652. greater than 6.0; less than 9.0

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2003103007	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Huntingdon	Penn Township	UNT to Crooked 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>
PAG2003603118	Frank S. Martin 509 Ridge Ave. Ephrata, PA 17522	Lancaster	Ephrata Township	UNT Conestoga River WWF
PAG2003603060	Carroll Douglass Properties 554 Abbeyville Rd. Lancaster, PA 17603	Lancaster	Pequea Township	UNT Pequea Creek WWF
PAG2003603087	Robert L. Redcay 259 Brooks Farms Rd. Lancaster, PA 17601	Lancaster	East Lampeter Township	UNT Conestoga River WWF
PAG2003603090	Ephrata Area School District 803 Oak Blvd. Ephrata, PA 17522	Lancaster	Ephrata Township	Meadow Run WWF
PAG2003603098	Christ K. Stoltzfus 91 Hess Rd. Leola, PA 17540	Lancaster	Mount Joy Township	Snells Run Little Chickies Creek TSF
PAG2003603105	James S. Mellinger 1827 N. Eden Rd. Lancaster, PA 17601	Lancaster	Lancaster Township	Conestoga River WWF
PAG2003603107	McMichael Construction Inc. 2137 Embassy Dr., Suite 111 Lancaster, PA 17603	Lancaster	Manheim Township	Little Conestoga Creek TSF
PAG2003603108	L J L Inc. 618 Donegal Springs Rd. Mount Joy, PA 17522	Lancaster	Mount Joy Borough	Chickies Creek WWF
PAG2003603109	Warwick School District 301 W. Orange St. Lititz, PA 17543	Lancaster	Lititz Borough	Lititz Run WWF
PAG2003603110	Stauffer Diesel Inc. 46 Pleasant Valley Rd. Ephrata, PA 17522	Lancaster	Ephrata Township	UNT Conestoga River WWF
PAG2003603112	Wawa Inc. 260 Baltimore Pike Wawa, PA 19063	Lancaster	West Hempfield Township	Strickler Run WWF
PAG2003603114	Moses L. Esh 218 Osceola Mill Rd. Gordonville, PA 17529	Lancaster	Sadsbury Township	Valley Run HQ-CWF

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>
PAI044103001	Department of Transportation Engineering District 3-0 715 Jordan Ave. Montoursville, PA 17754	Lycoming	McHenry Township	Pine Creek HQ-CWF
PAI044903003	Department of Transportation Engineering District 3-0 715 Jordan Ave. Montoursville, PA 17754	Northumberland	Watsonstown Borough	West Branch Susquehanna River WWF White Deer Creek HQ-CWF
PAI045303001	Coudersport Borough Authority 201 S. Main St. Coudersport, PA 16915	Potter	Coudersport Borough	Mill Creek 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>
Warrington Township Bucks County	PAG2000903112	Central Bucks School District Barclay Elementary School 320 West Swamp Road Doylestown, PA 18901	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Northampton Township Bucks County	PAG2000903104	Arthur and Iris Kalbhenn The Kalbhenn Tract 60 Galloway Road Richboro, PA 18954	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Britain Township Bucks County	PAG2000903062	County of Bucks Peace Valley Park 901 Bridgetown Pike Langhorne, PA 19047-1597	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Bucks County	PAG2000903122	Lincoln Plaza Associates Krispy Kreme Doughnut Dev. 234 Mall Boulevard King of Prussia, PA 19406-1528	Queen Anne Creek CWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warrington Township Bucks County	PAG2000903096	Warrington Township Barness Park 852 Easton Road Warrington, PA 18976-1849	Unnamed tributary Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warwick Township Bucks County	PAG2000903123	Mo-Wen Industries, LP York Road Car Wash P. O. Box 818 Washington Crossing, PA 18977	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Britain Township Bucks County	PAG2000903124	The Moser Group, Inc. Brookside Manor Estates 210 Holly Drive Chalfont, PA 18914-2031	West Branch Neshaminy Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Nottingham Township Chester County	PAG2001502004	Wilmer Hostetter Hopewell Ridge 481 Limestone Road Oxford, PA 19363	Unnamed tributary Tweed Creek and Blackburn Run TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Chester Borough Chester County	PAG2001503034	College Park Campus Partners West Chester University North Campus—Student Housing 10 Campus Drive Newtown Square, PA 19073	Unnamed tributary West Branch Brandywine Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Grove Borough Chester County	PAG2001503020	Michael Bender and James Grindstaff Bender Subdivision 717 East Washington Street West Chester, PA 19380	East Branch White Clay Creek CWF, TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Westtown Township Chester County	PAG2001503042	D & L Westtown Realty, LLC West Chester Jaguar/Land Rover Dealership 10 North Church Street, Suite 305 West Chester, PA 19380	Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
London Grove Township Chester County	PAG2001503045	Nutra Soils, Inc. P. O. Box 485 Toughkenamon, PA 19374	Unnamed tributary White Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franklin Township Chester County	PAG2001503026	RWH Limited Partnership McMaster Tract 5169 Woodmill Drive, Suite 10 Wilmington, DE 19808	West Branch White Clay Creek CW	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Schuylkill Township Chester County	PAG2001503055	Wawa, Inc. Proposed Wawa Food Market 260 West Baltimore Pike Wawa, PA 19063	French Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Elverson Borough Chester County	PAG2001503050	Stoltzfus Enterprises, LTD Parkside at Elverson P. O. Box 20 Elverson, PA 19520	Conestoga Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Highland Township Chester County	PAG2001503058	Highland Baptist Church 1 East Highland Road Parkesburg, PA 19365	Buck Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bethel Township Delaware County	PAG2002303047	Norman Powell 1100 Naaman's Creek Road Boothwyn, PA 19061	Naaman's Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Delaware County	PAG2002303057	F & F Builders 423 Glenlock Road Ridley Park, PA 19078	Chester Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Aston Township Delaware County	PAG2002303060	Caesar Crognale 12 Mount Pleasant Road Aston, PA 19014	West Branch Chester Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Aston and Bethel Townships Delaware County	PAG2002303063	Steve Conrad P. O. Box 251 Chester Heights, PA 19017	West Branch Chester Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Providence Township Montgomery County	PAG2004603040	Paul P. Naumenko P. O. Box 86 Mont Clare, PA 19453	Schuylkill River WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Whitemarsh Township Montgomery County	PAG2004603139	Green Valley County Club 201 Ridge Pike Lafayette Hill, PA 19444	Spring Mill Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Salford Township Montgomery County	PAG2004603018	HP Cadwallader Building Expansion 175 Ruth Road Harleysville, PA 19438	West Branch Skipack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Merion Township Montgomery County	PAG2004603123	Steven Siegfried Residence 655 Creighton Road Villanova, PA 19085	Unnamed tributary Mill Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAR10T860-1	The Cutler Group, Inc. Estates at Chestnut Lane 5 Sentry Parkway, Suite 100 Bleu Bell, PA 19422	Little Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Towamencin Township Montgomery County	PAG2004603142	Moulton Builders, Inc. Charter Oak Subdivision 301 North Broad Street Lansdale, PA 19446	Tributary Towamencin Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Gwynedd Township Montgomery County	PAG2004603094	Foulkeways at Gwynedd Dev. 1120 Meeting House Road Gwynedd, PA 19436	Trewellyn Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Gwynedd Township Montgomery County	PAG2004603153	Rachel Enterprises Tavern 616 Parking Improvements 325 Bay Park Way P. O. Box 960 Waretown, NJ 08758	Little Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Dublin Township Montgomery County	PAR10T812	New Life Presbyterian Church P. O. Box 1389 Fort Washington, PA 19034	Sandy Run WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAG2015103009	Boulevard North Associates, LP Whitman Square Shopping Center c/o Goldenberg Development Corp. 350 Sentry Parkway, Bldg. 630 Blue Bell, PA 19422	Pennypack Creek and Schuylkill River WWF, CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAG2015103012	Department of Transportation SR 0095, Section RS3 Reconstr. 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Pennypack Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lackawanna County Dickson City Borough	PAG2003503011	Jeffrey S. Moore 2 Heathcote Avon, CT 06001	UNT to Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Lackawanna County S. Abington Township	PAG2003503007	Carl Babushko 510 State St. Clarks Summit, PA 18411	Leggett's Creek CWF	Lackawanna County Conservation District (570) 281-9495
Lehigh County Upper Saucon Township	PAG2003903020	Pierpont-Slater Properties 5828 Old Bethlehem Pike Center Valley, PA 18034	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Lehigh County City of Allentown	PAG2003903021	Bruce Rothrock 15th St. and Rt. 22 Allentown, PA 18104	Jordan Creek TSF, MF	Lehigh County Conservation District (610) 391-9583
Lehigh County City of Allentown	PAG2003903017	City of Allentown 435 Hamilton St. Allentown, PA 18101	Lehigh River TSF	Lehigh County Conservation District (610) 391-9583
Luzerne County Fairview Township	PAR10R160R	Sam Hockman 220 Pine Ridge Rd. Tunkhannock, PA 18657	Big Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County City of Wilkes-Barre	PAG2004003027	City of Wilkes-Barre 40 E. Market St. Wilkes-Barre, PA 18711-0451	Solomon's Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Hellertown Borough	PAG2004803037	GVH & Associates, Inc. 323 Union St., Suite 300 Nashville, TN 37201	Saucon Creek CWF	Northampton County Conservation District (610) 746-1971
Northampton County and Borough Allen Township	PAG2004803025	Horwith Leasing, Inc. 1449 Nor-Bath Blvd. Northampton, PA 18067	Dry Run CWF	Northampton County Conservation District (610) 746-1971
Northampton County Hanover Township	PAG2004803030	John Selko 2260 Schoenersville Rd. Allentown, PA 18109	Catasauqua Creek CWF	Northampton County Conservation District (610) 746-1971
Schuylkill County W. Brunswick Township	PAG2005403016	Auburn Business Park, Inc. James L. Miller, President 115 S. Centre St. Pottsville, PA 17901	UNT to Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Schuylkill County Wayne Township	PAG2005403013	Reynold Miller 203 Summer Hill Rd. Schuylkill Haven, PA 17972	Lower Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Wyoming County Meshoppen Township	PAG2006603001	Meshoppen Stone Inc. SR 4015, Box 127 Meshoppen, PA 18630	Little Meshoppen Creek CWF	Wyoming County Conservation District (570) 836-2589
Centre County Benner Township	PAG2001403029	Restek Distribution Warehouse 110 Benner Circle Bellefonte, PA 16823	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817
Centre County Potter Township	PAG2001403034	Kathy L. Confer Subdivision 124 Old Fort Rd. Spring Mills, PA 16875	Cedar Run CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817
Clearfield County Boggs Township	PAG2001703012	Robert Cuomo R. R. 5, Box 896 Altoona, PA 1601	Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629

<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>
Tioga County Ward Township	PAG2005903017	Sylvan Glenn Inc. P. O. Box 61 Gaines, PA 16921	Fellows Creek CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1802
Tioga County Richmond Township	PAG2005903014	Wendell Benson R. R. 1, Box 553 Mansfield, PA 16933	Mann Creek N. Elk Run WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1802
Armstrong County East Franklin	PAG2000303006	Department of Transportation 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701-0429	UNT to the Allegheny River WWF	Armstrong County Conservation District (724) 548-3425
Beaver County Economy Borough	PAG2000403019	Mike Wienzierl 37 1/2 Progress Avenue Cranberry Township, PA 16066	Big Sewickley Creek TSF	Beaver County Conservation District (724) 774-7090
Westmoreland County Unity Township	PAG056503029	Donald Paulone One Corporate Circle Greensburg, PA 15601	Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County East Huntingdon Township	PAG056503038	Department of Transportation North Gallatin Ave. Ext. P. O. Box 459 Uniontown, PA 15401	Belson Run WWF Buffalo Run WWF	Westmoreland County Conservation District (724) 837-5271
Butler County Cranberry Township	PAG2001003014	Rolling Road Regency LLP 114 Woody Drive Butler, PA 16001	Brush Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Cranberry Township	PAG2001003019	Rocco Viola 8001 Rowan Road Cranberry Township, PA 16066	Tributary to Kaufman Run WWF	Butler County Conservation District (724) 284-5270
Butler County Adams Township	PAG2001003021	Mark and Pamela Rutledge 275 Powder Mill Road Renfrew, PA 16053	Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Worth Township	PAG2001003022	Department of Transportation 2550 Oakland Ave. Indiana, PA 15701-0429	Tributary to Slippery Rock	Butler County Conservation District (724) 284-5270
Clarion County Clarion Township	PAG2061603004	National Dev. Company 340 Mansfield Ave. Pittsburgh, PA 15220	Trout Run and Clarion River CWF	Clarion County Conservation District (814) 226-4070
Crawford County Vernon Township	PAG2002003001	A. Eric Sparr 16678 McMath Ave. Meadville, PA 16335	Cussewago Creek WWF	Crawford County Conservation District (814) 724-1793
Elk County Benezette Township	PAG2002403008	Benezette Township P. O. Box 10 Benezette, PA 15821	Bennett Branch Sinnemahoning Creek WWF	Elk County Conservation District (814) 776-5373
Erie County City of Erie	PAG2002503041	Wal-Mart Stores Inc. 2001 SE 10th Street Bentonville, AR 72712	Cemetery Run WWF	Erie County Conservation District (814) 825-6403
Erie County Harborcreek Township	PAG2002503045	Erie Water Works 340 W. Bayfront Parkway Erie, PA 16507	MS4	Erie County Conservation District (814) 825-6403
Erie County North East Township	PAG2002503046	Cost Effective Coatings 12069 East Main Road North East, PA 16428	Tributary to Lake Erie CWF	Erie County Conservation District (814) 825-6403

NOTICES

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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>
Fell Township Lackawanna County	PAR112212	Gentex Corporation P. O. Box 315 Carbondale, PA 18407	Lackawanna River CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Duryea Borough Luzerne County	PAR602241	Duryea Auto Parts, Inc. 825 Main Street Duryea, PA 18642	Lackawanna River WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Hazle Township Luzerne County	PAR232237	Johns Manville 600 Jaycee Drive Hazleton, PA 18202	Black Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Upper Saucon Township Lehigh County	PAR212210	Eastern Industries, Inc. 4401 Camp Meeting Rd. Center Valley, PA 18034	Saucon Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
City of Bethlehem Northampton County	PAR702209	Eastern Industries, Inc. 4401 Camp Meeting Rd. Center Valley, PA 18034	Lehigh River WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
South Centre Township Columbia County	PAR144807	Haddon Craftsmen Inc.—A Division of RR Donnelley & Sons Company 4411 Old Berwick Road Bloomsburg, PA 17815	Unnamed tributary to the Susquehanna River CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Athens Township Bradford County	PAR804843	Gerald Corbin 117 Hillcrest Drive Sayre, PA 18840-1005	Chemung River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
City of Pittsburgh Allegheny County	PAR226108	Lozier Corp. 636 Pershing Drive Omaha NE 68110	Saw Mill Run—tributary to the Monongahela and Ohio Rivers	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Paint Township Somerset County	PAR606113	G M Honkus & Sons Inc. 2030 Seanor Road Windber, PA 15963	Stonycreek 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>
Franklin Township Lycoming County	PAG045164	James F. Fowler 1485 Harriman Road Unityville, PA 17774	UNT German Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Worth Township Centre County	PAG044992	Mr. and Mrs. John Miles 144 Hillside Drive Port Matilda, PA 16870	Reese Hollow Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Spring Township Crawford County	PAG048923	Larry E. Royer 24629 East Spring Road Springboro, PA 16435	Unnamed tributary to Cussewago Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048925	Michael Phelan 18126 State Highway 98 Meadville, PA 16335	Unnamed tributary to Cussewago Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048920	Mark McCann 69 South Summit Road, Lot 312 Greenville, PA 16125	Unnamed tributary to Big Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Annin Township McKean County	PAG048569	John Lapp 42 Knapp Road Port Allegany, PA 16743	Two Mile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048915	David A. Quick 8832 Wattsburg Road Erie, PA 16509	Unnamed tributary of Fourmile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Stroudsburg Borough Monroe County	PAG052215	Nolan Oil 157 North 2nd Street Stroudsburg, PA 18360	Brodhead Creek TSF, MF	NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
City of St. Marys Elk County	PAG058354	Delullo's Car Wash and Market 19 John Street St. Marys, PA 15857	Elk Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Perry Township Mercer County	PAG058353	Campbell's Camp Perry 2554 Perry Highway Clarks Mills, PA 16114	Unnamed tributary to Little Shenango River	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
South Londonderry Township Lebanon County	PAG083583	South Londonderry Township Municipal Authority Campbelltown East Wastewater Facility 2505 North Brandt Road Campbelltown, PA 17010		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
South Lebanon Township Lebanon County	PAG080004 PAG080007	Mobile Dredging and Pumping Co. 3100 Bethel Rd. Chester, PA 19013	Brubaker Farm South Lebanon Township Lebanon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-13

<i>County and Municipality</i>	<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>	<i>Contact Office and Telephone No.</i>
Berks County Muhlenberg Township	PAR123558	JMH Inc. Power Packaging, Inc. 200 N. Park Rd., Suite 400 Wyomissing, PA 19610	Detention Basin Schuylkill River WWF	Y	Southcentral Region Water Management Program Manager 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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).

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

Permit No. 0603504, Public Water Supply.

Applicant	Pennsylvania American Water Company
Municipality	Exeter Township
County	Berks
Type of Facility	Installation of treatment facilities to provide aeration, pH adjustment, radon removal, chlorination and corrosion control for Wells Ex 2 and Ex 4—Ex 6.
Consulting Engineer	Edward K. Fugikawa, P. E. E. Kuser Inc. 150 Grings Hill Road Sinking Spring, PA 19608
Permit to Construct Issued:	September 3, 2003

Permit No. 0603503 MA, Minor Amendment, Public Water Supply.

Applicant	The Lutheran Home at Topton
Municipality	Longswamp, Topton
County	Berks
Type of Facility	Potable water system improvements.
Consulting Engineer	Jason D. Wert, P. E. Herbert Rowland & Grubic Inc. 474 Windmere Drive State College, PA 16801
Permit to Construct Issued:	August 29, 2003

Permit No. 6703502, Public Water Supply.

Applicant	The York Water Company
Municipality	Various

County **York**
 Type of Facility Construction Permit application for a proposed Susquehanna River raw water intake, pump station and pipeline. The raw water intake and pump station permitted capacity would be 12 MGD. A 16-mile, 36-inch pipeline would deliver raw water to Lake Redman or other York Water pumping and treatment facilities.
 Consulting Engineer Robert J. Halbert, P. E.
 Rummel Klepper & Kahl LLP
 2641 Carnegie Road
 York, PA 17402
 Permit to Construct Issued: August 18, 2003

Operations Permit issued to **Pennsylvania Suburban Water Company**, 3060133, Centre Township, **Berks County** on August 15, 2003, for the operation of facilities approved under Construction Permit No. 0602506.

Operations Permit issued to **Appler Limited Partnership**, 7010022, Littlestown Borough, **Adams County** on August 26, 2003, for the operation of facilities approved under Construction Permit No. 0101509.

Operations Permit issued to **Fredricksburg Sewer & Water Authority**, 7380118, Bethel Township, **Lebanon County** on August 26, 2003, for the operation of facilities approved under Construction Permit No. 3801506 MA.

Operations Permit issued to **Glen Rock Water Authority**, 7670050, Shrewsbury Borough, **York County** on September 2, 2003, for the operation of facilities approved under Construction Permit No. 6702509 MA.

Operations Permit issued to **Beaver Creek Village**, 7010043, Abbotstown and Berwick Township, **Adams County** on August 29, 2003, for the operation of facilities approved under Construction Permit No. 0103502 MA.

Operations Permit issued to **Bendersville Borough**, 7010034, Bendersville Borough, **Adams County** on August 26, 2003, for the operation of facilities approved under Construction Permit No. 0102507 MA.

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

Permit No. 1499502—Operation. Public Water Supply.

Applicant **Borough of Unionville**
 Box 81
 Unionville, PA 16835
 Borough Unionville
 County **Centre County**
 Type of Facility PWS—Operation of the chlorination facility and the reservoir liner.
 Permit to Construct Issued: September 8, 2003

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

Permit No. 5603502, Minor Amendment. Public Water Supply.

Applicant **Windber Area Authority**
 1700 Stockholm Avenue
 Windber, PA 15963
 Borough or Township Paint Township
 County **Somerset**
 Type of Facility Water storage tanks
 Consulting Engineer The EADS Group
 450 Aberdeen Drive
 Somerset, PA 15501
 Permit to Construct Issued: September 3, 2003

Permit No. 0203503, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 P. O. Box 1290
 300 Galley Road
 McMurray, PA 15317
 Borough or Township North Fayette Township
 County **Allegheny**
 Type of Facility Pinkerton Road pump station, Pinkerton Road and McVey Street interconnections
 Consulting Engineer Gwin, Dobson, & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602
 Permit to Construct Issued: September 9, 2003

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

Permit No. 1003502, Public Water Supply.

Applicant **Meadows Manor Boarding Home**
 600 Freeport Rd.
 Butler, PA 16001
 Borough or Township Jefferson Township
 County **Butler County**
 Type of Facility PWS—permitting an existing water supply well no. 3.
 Consulting Engineer Wm. J. McGarvey, P. E.
 172 Woodcrest Rd.
 Butler, PA 16002
 Permit to Construct Issued: September 5, 2003

Permit No. 2592503-MA5, Minor Amendment. Public Water Supply.

Applicant **Erie Water Works**
 340 West Bayfront Parkway
 Erie, PA 16507
 Borough or Township Harborcreek Township
 County **Erie County**
 Type of Facility PWS Iroquois Avenue, 1.5 MG Water Storage Tank
 Consulting Engineer KLH Engineers
 5173 Campbells Run Rd.
 Pittsburgh, PA 15205
 Permit to Construct Issued: September 8, 2003

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

WA 10-1006, Water Allocations, **Municipal Authority of Adams Township**, 134 Grand Avenue, P. O. Box 807, Mars, PA 16046, Adams Township, **Butler County**. Permit issued granting the rights to increase the amount of bulk water purchased from the Municipal Authority of the Borough of West View, Allegheny County to 779,400 gpd. The Authority purchases the water that it distributes, sells to its customers and uses to provide fire protection to Township residents. Permit issued September 8, 2003.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Straban Township	1745 Granite Station Rd. Gettysburg 17325	Adams County

Plan Description: The approved plan provides for a commercial farming operation having design flows of approximately 1,200 gpd tributary to a small flow treatment facility with spray irrigation of the treated effluent on Pine Tree Road in Straban Township, Adams County.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Tilden Township	772 Hex Highway Hamburg, PA 19526	Berks

Plan Description: The approved plan provides for the construction of a sewage collection and conveyance system for the Village of West Hamburg and the surrounding area as defined in the plan. The sewage will be conveyed to the Hamburg Wastewater Treatment Facility for disposal. The Plan also provides for the implementation of an on-lot sewage disposal system management program and requires the completion of a preliminary hydrogeologic study in accordance with 25 Pa. Code § 71.62. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	R. D. 1 Box 1940 Jonestown, PA 17038	Lebanon

Plan Description: The approved plan provides for the required completion of a preliminary hydrogeologic study in accordance with the requirements of 25 Pa. Code § 71.62 for any proposed land development underlain with carbonate geology or within 1/4 mile of a nitrate-nitrogen level in excess of 5 mg/l. The Plan also provides

for the adoption and implementation of an on-lot sewage disposal management program and the completion of an Act 537 Plan Update Revision within 5 years. 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.

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>
Mifflin Township	P. O. Box 359 Mifflinville, PA 18631	Columbia

Plan Description:

The Mifflin Township Supervisors plan on providing sewer service to 562 homes in the Village of Mifflinville and conveying the sewage across the Market Street Bridge to the Berwick Area STP. This project will involve the installation of ~ 65,062 feet of gravity and pressure sewers, as well as seven pump stations. 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

Prompt Interim Response

Quaker City Gear Works Site, Lower Moreland Township, Montgomery County

The Department of Environmental Protection (Department), under the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the Quaker City Gear Works Site (Site), 351 Red Lion Road, Huntingdon Valley, Lower Moreland Township, Montgomery County. This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Site consists of a 53,366-square foot industrial building that was abandoned in 1992. Based upon the findings of its investigation, the Department determined that drums and tanks containing hazardous wastes had been abandoned in the Quaker City Gear Works building, which had a portion of the exterior wall demolished and was open to trespass.

The Prompt Interim Response Action consisted of removal and lawful disposal of all hazardous wastes on the Site and of containers of types typically used to store hazardous materials or waste. The response also included sampling and analysis to determine if soil in the area of the former septic system had been contaminated with hazardous waste. This sampling determined that soil was not contaminated in excess of Statewide health standards promulgated by the Department under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.909). Fieldwork for this prompt interim response was completed in August 2003.

The Department chose to conduct a prompt interim response at the Site because of the condition of the drums and the nature of hazardous materials stored in the

building. The prompt action was completed to protect public health and safety under 25 Pa. Code § 3.21(b).

The Department determined that a prompt interim response under the authority of sections 501(a) and 505(b) of the HSCA was the most environmentally sound and protective alternative for the Site. The Department considered taking no action at the Site and determined that taking no action would not have addressed or resolved the threat to public health and the environment associated with the Site.

The administrative record (AR) contains the information that forms the basis for and documents the selection of this response action and is available for public review and comment Monday through Friday from 8 a.m. to 5 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. A second copy of the AR is available for public inspection at the Lower Moreland Township Building, 640 Red Lion Road, Huntingdon Valley, PA from 8:30 a.m. to 4:30 p.m., Monday through Friday.

Written comments concerning the Department's response and the information contained in the AR will be accepted in person, if delivered, or by mail, if postmarked within 90 days of the publication of this notice in the *Pennsylvania Bulletin*. Written comments should be directed to David Ewald, Department of Environmental Protection, Project Officer, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6200.

In addition, the public will have the opportunity to present oral comments at a public hearing. The public hearing has been scheduled for October 22, 2003, at 7 p.m. at the Lower Moreland Township Building. There will be a public information session from 5 p.m. to 7 p.m. at the Municipal Building to answer questions.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak, Community Relations Coordinator, (610) 832-6019 or the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department may accommodate their needs.

The Department is providing this notice under sections 505(b) and 506(b) of the HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day comment period on the AR as provided under the act.

**Settlement under the Comprehensive
Environmental Response, Compensation and
Liability Act and the Hazardous Sites Cleanup Act
North Front Associates/Container Recyclers Site,
Philadelphia County**

The Department, under the HSCA and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with James T. Warring & Sons, Inc. concerning the cleanup of the North Front Associates (former Container Recyclers Ltd.) Site in Philadelphia County. Under the terms of the proposed Consent Decree, James T. Warring & Sons, Inc., will pay into the Pennsylvania Hazardous Sites Cleanup Fund the sum of \$8,000. In the mid-1990s, the Department implemented an Interim Response and a Prompt Interim Response to mitigate the threat to human health and the environment posed by the hazardous substances released there.

The specific terms of this settlement are set forth in the proposed Consent Decree between the Department and

James T. Warring & Sons, Inc. The Department will receive and consider comments relating to the proposed Consent Decree for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the proposed Consent Decree if the comments concerning the proposed Consent Decree disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with James T. Warring & Sons, Inc. shall be effective on the date on which, if the Department has notified the United States District Court for the Eastern District of Pennsylvania in writing that no significant comments were received or that a response to significant written comments has been filed, the Court issues an Order entering the Consent Decree.

Copies of the proposed Consent Decree are available for inspection at the Department's Southeast Regional Office, Conshohocken, Montgomery County. Comments may be submitted in writing to Thomas Sheehan, Project Manager, Hazardous Sites Cleanup Program, Department of Environmental Protection, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428.

Further information may be obtained by contacting Thomas Sheehan at (610) 832-6000 during business hours. 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:

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

William Angstadt Property, Cumru Township, **Berks County**. Hafer Petroleum Equipment, Ltd., P. O. Box 4085, Reading, PA 19606, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health Standard.

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

Scientific Systems, Inc.—Carolean Drive Property, College Township, **Centre County**. Blazosky Associates, Inc., on behalf of Scientific Systems, Inc., 349 North Science Park Road, State College, PA 16803, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning soil and groundwater contaminated with chlorinated solvents. This submission was made in partial fulfillment of the Site-Specific Standard.

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

Exxon Indiana Terminal No. 2024 PA Facility No. 32-82229 (Former), White Township, **Indiana County**. Gary L. Antoinette, Geologic Services Corporation, 129 McCarrell Lane, Suite 2B, Zelenople, PA 16063 (on behalf of Frank Messina, Exxon Mobil Refining and Supply Corp., 1900 E. Linden Ave., Bldg. 14, P.O. Box 728, Linden, NJ 07036) has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with aviation gasoline, diesel fuel, fuel oil nos. 1, 2 and 4—6, kerosene, leaded gasoline, lead and MTBE. The report is intended to document remediation of the site to meet the Site Specific Standard.

Pittsburgh Forgings Company Site (Former)/American Bridge Corporation Property, Borough of Coraopolis, **Allegheny County**. Steven S. Gerritsen, SE Technologies, Inc., 98 Vanadium Road, Bridgeville, PA 15017 (on behalf of American Bridge Corporation, Three Gateway Center, Suite 1100, Pittsburgh, PA 15222 and Ampco-Pittsburgh Corporation/Old Forgings Company, 600 Grant Street, Suite 4600, Pittsburgh, PA 15219) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, solvents, BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

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 Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with diesel fuel and leaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

McCullough Farm Site, Findlay Township, **Allegheny County**. William G. Weir, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Terry Mamone, 434 Route 30, Imperial, PA 15216; Robert McCullough, Hebron Road, Imperial, PA 15126; and Beazer East, Inc. c/o Three Rivers Management, Inc., One Oxford Center, Pittsburgh, PA 15219) has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated

with PAHs and VOCs. The report replaces the Cleanup which was withdrawn on July 18, 2003, and is intended to document remediation of the site to meet the Site-Specific Standard.

Westinghouse Facility Lot 1C, Borough of Trafford, **Allegheny and Westmoreland Counties**. William C. Smith, Cummings Riter Consultants, Inc., 339 Haymaker Road, Parkway Building, Suite 201, Monroeville, PA 15146 (on behalf of Viacom, Inc., 11 Stanwix Street, Pittsburgh, PA 15222) has submitted a Cleanup Plan concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, PAHs and cyanide. The Cleanup Plan is intended to document remediation of the site to meet the Site-Specific 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 Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office after which the

notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. 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:

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

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 the remediation of site soil and groundwater contaminated with lead and solvents. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 22, 2003.

Westinghouse Facility Lot 3, Borough of Trafford, Allegheny and Westmoreland Counties. William C. Smith, Cummings Riter Consultants, Inc., 339 Haymaker Road, Parkway Building, Suite 201, Monroeville, PA 15146 (on behalf of Viacom, Inc., 11 Stanwix Street, Pittsburgh, PA 15222) has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PAHs and cyanide. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 2, 2003.

Westinghouse Facility Lot 1A, Borough of Trafford, Allegheny and Westmoreland Counties. William C. Smith, Cummings Riter Consultants, Inc., 339 Haymaker Road, Parkway Building, Suite 201, Monroeville, PA 15146 (on behalf of Viacom, Inc., 11 Stanwix Street, Pittsburgh, PA 15222) has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PAHs and cyanide. This Final Report was withdrawn on April 5, 2003.

INTENT TO ISSUE A DRAFT PERMIT

Southcentral Region: Waste Management Program, 909 Elmerton Ave., Harrisburg, PA 17110; Contact: Regional Solid Waste Manager, (717) 705-4706.

Permit No. PAD980692008. Keystone Environmental Services, Inc. (KESI), 1100 South Pottsville Pike, Shoemakersville, PA 19555, Perry Township, **Berks County.** On May 17, 2002, the Department received an application for a hazardous waste storage permit from KESI. The permitted site will be at 1100 South Pottsville Pike, Shoemakersville, PA 19555. The Department has completed its review of the permit application and has issued a draft permit. As required by 25 Pa. Code § 270a.80(d)(2), the Department is providing this public notice.

Persons wishing to comment on the draft permit are invited to submit a statement to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-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 to inform the Regional Office of

the exact basis of any 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 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. PAD987270725. Envirotrol, Inc., 118 Park Road, Darlington, PA 16115. Operation of a residual and hazardous waste processing and storage facility in Darlington Township, **Beaver County.** Permit modification approving the Radiation Protection Action Plan issued in the Regional Office on September 9, 2003.

RESIDUAL WASTE GENERAL PERMITS

Permit denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

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

General Permit Application No. WMGR078. Bedrock Stone & Stuff, Inc., P. O. Box 279, Shoemakersville, PA 19555. Proposed for the processing and beneficial use of mushroom soil, dredged sand and topsoil to create a landscaping soil product. The permit applicant failed to submit a complete application. As a result, the application was denied by Central Office on September 9, 2003.

REGISTRATION FOR GENERAL PERMIT—INFECTIOUS AND CHEMOTHERAPEUTIC WASTE

Registration approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and 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 Registration No. WMGI010R001. Pennsylvania University School of Veterinary Medicine, 382 W. Street Road, Kennett Square, PA 19348-1692. Registration to operate under General Permit No. WMGI010 for infectious waste processing through diges-

tion of biological tissues. The approved processing is limited to chemical and thermal digestion using sodium or potassium hydroxide. Central Office approved this registration for coverage under the general permit on September 8, 2003.

Persons interested in the general permit may contact 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.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registrations 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. WMGR090R017. Golden Eagle Construction Company, P. O. Box 945, Uniontown, PA 15473. General Permit No. WMGR090 authorizes 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 September 5, 2003.

General Permit No. WMGR090R018. Department of Transportation, 400 North Street, Keystone Building, Harrisburg, PA 17105-2957. General Permit No. WMGR090 authorizes 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 September 5, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit ID No. 301307. US Liquids of Pennsylvania, Inc., RJ Casey Industrial Park, 1800 Columbus Ave., Suite 5, Pittsburgh, PA 15233-2247. Operation of a residual waste processing facility in the City of Pittsburgh, **Allegheny County**. Permit modification approving a radiation materials testing plan issued in the Regional Office on September 8, 2003.

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

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.

RAB Trucking, LLC, 181 Judwin Ave., New Haven, CT 06515. Authorization No. WH3422. Effective September 2, 2003.

Osvaldo F. Barros, 311 Kearny Ave., Kearny, NJ 07032. Authorization No. WH5226. Effective September 2, 2003.

Unique Transportation Corp., 2828 Kennedy Blvd., Jersey City, NJ 07306. Authorization No. WH5228. Effective September 2, 2003.

Bery D. Anaya, Apt. 2A, 3900 Liberty St., North Bergen, NJ 07047. Authorization No. WH5229. Effective September 2, 2003.

Norman R. Weiler, 251 Kline Road, Bethel, PA 19507. Authorization No. WH5230. Effective September 2, 2003.

Stanley Auen, P. O. Box 36, Saltsburg, PA 15681. Authorization No. WH5231. Effective September 2, 2003.

B. R. Mucci Construction, 1257 Bristol Pike, Morrisville, PA 19067. Authorization No. WH5232. Effective September 2, 2003.

NYC Demolition Corp., 28 Plaza Nine, Manalapan, NJ 07726. Authorization No. WH5233. Effective September 2, 2003.

Robert M. Kordell, P. O. Box 355, Tire Hill, PA 15959-0355. Authorization No. WH5234. Effective September 2, 2003.

Complete Leasing Inc., 464 Hudson Terrace, Englewood Cliffs, NJ 07632. Authorization No. WH5237. Effective September 2, 2003.

Adeilton Conceicao, 57 Hamilton Ave., Fairview, NJ 07022. Authorization No. WH5238. Effective September 2, 2003.

Breno C. Queiroga, 35 Burton Ave., South River, NJ 08882. Authorization No. WH5185. Effective September 4, 2003.

Highpeak Roofing & Painting Inc., 2301 Ritner Highway, Carlisle, PA 17013. Authorization No. WH5242. Effective September 4, 2003.

Lezzer Cash & Carry of Curwensville, P. O. Box 217, 332 Schofield St., Curwensville, PA 16833. Authorization No. WH5243. Effective September 4, 2003.

James P. Rivest, 724 Towpath Road, Hawly, PA 18428. Authorization No. WH5244. Effective September 4, 2003.

John T. Mondick, 364 Pine Bluff Road, Sidman, PA 15955-4107. Authorization No. WH5245. Effective September 4, 2003.

Transport Financial LLC, 84 Somme St., No. 1, Newark, NJ 07105. Authorization No. WH5246. Effective September 4, 2003.

Calderon Trucking Company, 55 Vernon St., Bridgeport, CT 06608. Authorization No. WH5247. Effective September 4, 2003.

Department of Conservation and Natural Resources, Raccoon Creek State Park, 3000 SR 18, Hookstown, PA 15050-9416. Authorization No. WH5250. Effective September 4, 2003.

D. R. Hackman Inc., 360 W. Bainbridge St., Elizabethtown, PA 17022. Authorization No. WH5251. Effective September 4, 2003.

Samuel E. Rhodes Construction, 796 Branch Road, Woodbury, PA 16695. Authorization No. WH5253. Effective September 4, 2003.

Ever Trucking Corp., Apt. 205, 1670 East Broad St., Statesville, NC 28625. Authorization No. WH5254. Effective September 4, 2003.

G. R. Trucking, 12 South Maple Avenue, P. O. Box 335, New Gretna, NJ 08224. Authorization No. WH4173. Effective May 22, 2003.

T & T Transport, Prestwick Drive, 4460, Reading, PA 19606. Authorization No. WH4174. Effective May 22, 2003.

Triangle Roofing Inc., 351 Mount Nebo Road, Pittsburgh, PA 15237. Authorization No. WH4303. Effective May 21, 2003.

Gale Nurseries Inc., 1716 Schoolhouse Road, P. O. Box 264, Gwynedd, PA 19436. Authorization No. WH4329. Effective May 21, 2003.

Saywood Inc., 171 South Main Street, Dublin, PA 18917. Authorization No. WH4366. Effective May 22, 2003.

Aziz S. Saloum, 4290 Airport Road, Allentown, PA 18109. Authorization No. WH4608. Effective June 16, 2003.

Erie Pallet Company, 1835 East 12th Street, Erie, PA 16511-1175. Authorization No. WH4609. Effective June 16, 2003.

Gall Brothers Hauling & Removal Services, 6324 Old Route 8, Butler, PA 16002-8903. Authorization No. WH0335. Effective October 17, 2002.

Bruce L. Deibert, P. O. Box 206, Lehighton, PA 18235. Authorization No. WH0337. Effective October 21, 2002.

Rizzo Disposal Services, 102 Muir Avenue, Hazleton, PA 18201-7327. Authorization No. WH0339. Effective October 21, 2002.

Langstaff, Inc., R. R. 3 Box 2035, Effort, PA 18330. Authorization No. WH0352. Effective October 21, 2002.

Boscov's Department Stores, Inc., 4500 Perkiomen Avenue, P. O. Box 4116, Reading, PA 19606. Authorization No. WH0357. Effective November 12, 2002.

Swap Meet Carriers Corporation, P. O. Box 29, West New York, NY 07093. Authorization No. WH0416. Effective October 18, 2002.

Lenape Transport Corporation, P. O. Box 29, 5903 Hudson Avenue, West New York, NJ 07093. Authorization No. WH0417. Effective October 18, 2002.

D & M Trucking, 357 Sunnyside Road, Bedford, PA 15522-8604. Authorization No. WH0442. Effective November 4, 2002.

Verastegui, Inc., 123 Carteret Avenue, Carteret, NJ 07008. Authorization No. WH0448. Effective November 15, 2002.

Dean S. Gurney, 13994 Kutztown Road, Fleetwood, PA 19522. Authorization No. WH0453. Effective November 7, 2002.

Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301-2843. Authorization No. WH0569. Effective November 7, 2002.

Heurich Services, Inc., 11676 Perry Highway Suite 1100, Wexford Professional Building I, Wexford, PA 15090-7201. Authorization No. WH0571. Effective November 7, 2002.

Ashley Borough, 10 North Main Street, Ashley, PA 18706-2202. Authorization No. WH0573. Effective November 7, 2002.

Morocho Ana, 291 North 6th Street, Newark, NJ 07107. Authorization No. WH0574. Effective November 12, 2002.

Robert L. Kline, 3067 Limekiln Road, Birdsboro, PA 19508-8705. Authorization No. WH0576. Effective November 7, 2002.

Lafayette College, 730 Sullivan Road, 11 Marquis Hall, Easton, PA 18042. Authorization No. WH0577. Effective November 7, 2002.

Shippensburg Borough, 60 West Burd Street, Shippensburg, PA 17257. Authorization No. WH0578. Effective November 7, 2002.

Loysville Youth Development Center, R. R. 2, Box 365b, Loysville, PA 17047-9754. Authorization No. WH0579. Effective November 7, 2002.

Luso Transport Co., 363 Chestnut St., Newark, NJ 07105. Authorization No. WH0580. Effective November 7, 2002.

Joaquin S. Flores, 2nd Fl, 296 Maple Street, Kearny, NJ 07032. Authorization No. WH0581. Effective November 7, 2002.

Mariana Salas, St., 130 Joralemon Street, Belleville, NJ 07109. Authorization No. WH0582. Effective November 7, 2002.

Juan J. Monti, 760 Myrtle Street, Elizabeth, NJ 07202. Authorization No. WH0583. Effective November 12, 2002.

Jack Amado Trucking LLC, 42 Catherine Street, Sewaren, NJ 07077. Authorization No. WH0584. Effective November 7, 2002.

FHF Transport LLC, 162 Walnut Street, Newark, NJ 07105. Authorization No. WH0585. Effective November 7, 2002.

Lino R. Andrade, 36 Searing Avenue, East Newark, NJ 07029-2829. Authorization No. WH0586. Effective November 7, 2002.

G & L Transport & Trade LLC, Apt. 2, 363 Chestnut Street, Newark, NJ 07105-2401. Authorization No. WH0587. Effective November 7, 2002.

John T. Cook, P. O. Box 211, Douglassville, PA 19518-0211. Authorization No. WH0589. Effective November 7, 2002.

Lynch Sanitation, P. O. Box 593, Perryopolis, PA 15473. Authorization No. WH0591. Effective November 12, 2002.

Carper General Hauling, P. O. Box 245, Orbisoni, PA 17243-0245. Authorization No. WH0592. Effective November 12, 2002.

J. L. Myers Trucking, P. O. Box 353, Irvona, PA 16656-0353. Authorization No. WH0593. Effective November 12, 2002.

C. Shirey Sanitation, 11704 Route 68, Rimersburg, PA 16248. Authorization No. WH0595. Effective November 12, 2002.

Strain's Refuse Service, 513 Grant Street, Franklin, PA 16323-2215. Authorization No. WH0596. Effective November 12, 2002.

Progressive Services, Inc., 1806 Spangler Avenue, P. O. Box 215, Dover, PA 17315. Authorization No. WH0597. Effective November 12, 2002.

North Hills Disposal, 340 Thompson Run Road, Pittsburgh, PA 15237-3758. Authorization No. WH0598. Effective November 12, 2002.

Wayne Michael Cornell, 878 Beaver Dam Road, Friedens, PA 15541. Authorization No. WH0599. Effective November 12, 2002.

Mark Fair, 591 Ritts Farm Road, Emlenton, PA 16373-5203. Authorization No. WH0600. Effective November 12, 2002.

Ram Transport, 418 Deer Haven Road, Frenchville, PA 16836-9717. Authorization No. WH0661. Effective November 12, 2002.

Hydro/Kirby Agri. Service, Inc., 1020 Millersville Road, Lancaster, PA 17603. Authorization No. WH0662. Effective November 12, 2002.

Environmental Restoration, Inc., 191 Courtdale Avenue, Courtdale, PA 18704-1148. Authorization No. WH0663. Effective November 12, 2002.

Cogle's Recycling, Inc., 1000 South 4th Street, Hamburg, PA 19526. Authorization No. WH0664. Effective November 12, 2002.

Ferro Excavating, Inc., 31 Ladony's Lane, Riddley Park, PA 19078. Authorization No. WH0691. Effective November 14, 2002.

Slusser Sons, Inc., 70 Mountain Ridge Road, R. R. 2, Box 892, Sugarloaf, PA 18249. Authorization No. WH0692. Effective November 14, 2002.

Mihalko's General Contracting, Inc., 1303 Jackson Avenue, Windber, PA 15963. Authorization No. WH0693. Effective November 14, 2002.

Southeastern Services, Inc., Main Street, P. O. Box 3652, Easton, PA 18043-3652. Authorization No. WH0695. Effective November 14, 2002.

Pursell's Septic Service, 1247 Bridgeton Hill Road, Upper Black Eddy, PA 18972. Authorization No. WH0696. Effective November 14, 2002.

William Wolff Refuse Service, 5655 Shawmut Road, Brockport, PA 15823-9702. Authorization No. WH0697. Effective November 14, 2002.

D & T Trucking, Inc., 1133 West Erie Avenue, Philadelphia, PA 19140. Authorization No. WH0698. Effective November 14, 2002.

Holland Disposal Co., 307 Upper Tinicum Church Road, Upper Black Eddy, PA 18972. Authorization No. WH0699. Effective November 14, 2002.

Miguel A. Segura, Apt. 2g, 222 Bedford Park Boulevard, Bronx, NY 10458. Authorization No. WH0700. Effective November 14, 2002.

AM PM, Inc., 229 72nd Street, North Bergen, NJ 07047. Authorization No. WH0702. Effective November 14, 2002.

Jackco Equipment Corp., P. O. Box 482, 470 Schuyler Avenue, Kearny, NY 07032-0482. Authorization No. WH0703. Effective November 14, 2002.

Kleen All of America, Inc., 1036 William Flynn Highway, Glenshaw, PA 15116-2636. Authorization No. WH0704. Effective November 14, 2002.

McAuliffe Hauling & Recycling Services, Inc., P. O. Box 59, Walnutport, PA 18088. Authorization No. WH0705. Effective November 14, 2002.

Fitz & Smith, Inc., P. O. Box 178, Dallastown, PA 17313-0178. Authorization No. WH0706. Effective November 14, 2002.

Performance One, 2590 Lincoln Highway, Stoystown, PA 15563-7824. Authorization No. WH1105. Effective January 13, 2003.

Raymond T. Opendaker & Sons, Inc., 8 Elm Avenue, Aston, PA 19014. Authorization No. WH1309. Effective December 20, 2002.

Gra Hil Construction, Inc., R. R. 5 Box 302, Wellsboro, PA 16901. Authorization No. WH2869. Effective March 13, 2003.

City of Allentown, 1400 Martin Luther King Drive, Allentown, PA 18102. Authorization No. WH2870. Effective March 13, 2003.

Fike's Dairy, Inc. 47 West Craig Street, Uniontown, PA 15401. Authorization No. WH2872. Effective March 13, 2003.

Associated Contractors, Inc., 664 Water Street, P. O. Box 6, Conneaut Lake, PA 16316. Authorization No. WH2873. Effective March 13, 2003.

Lerco Building Contractors, 32 Bradford Avenue, Pittsburgh, PA 15205-3121. Authorization No. WH2874. Effective March 13, 2003.

Lemoine Borough, Cumberland County, 655 Market Street, Lemoine, PA 17043. Authorization No. WH2875. Effective March 13, 2003.

Passariello Sanitation, 1304 Academy Street, Scranton, PA 18504. Authorization No. WH2876. Effective March 13, 2003.

Frebroy, Inc., 915 Penn Green Road, P. O. Box 477, Avondale, PA 19311. Authorization No. WH2878. Effective March 13, 2003.

Chain Mar, Inc., 158 West Main Street, Norristown, PA 19401. Authorization No. WH2879. Effective March 13, 2003.

Fetzer Trucking, Inc., 59 Schrader Avenue, Johnstown, PA 15902. Authorization No. WH2880. Effective March 13, 2003.

Lineburg's Excavation & Paving, R. R. 1, Box 324, Athens, PA 18810. Authorization No. WH2882. Effective March 13, 2003.

CCNS Corporation, Apt. 5f, 260 Engle Street, Englewood, NJ 07631. Authorization No. WH2883. Effective March 13, 2003.

Rick's Mushroom Service, Inc., P. O. Box 1070, Avondale, PA 19311. Authorization No. WH2884. Effective March 12, 2003.

Glenn Norman Decker, P. O. Box 54, Claysburg, PA 16625-0054. Authorization No. WH2885. Effective March 12, 2003.

Valley View Trucking, HC 63, Box 20AA, Jones Mills, PA 15646. Authorization No. WH2886. Effective March 12, 2003.

Petan, LLC d/b/a Tri-County Disposal, 11 Sodom Lane North, Brewster, NY 10509. Authorization No. WH2900. Effective March 12, 2003.

A. L. Douglas, 3334 Churchview Road, New Enterprise, PA 16664. Authorization No. WH3649. Effective April 18, 2003.

National Contractors, Inc., 145 Fifth Street, Ewing, NJ 08638. Authorization No. WH3650. Effective April 18, 2003.

S. E. I. Express, Inc., PO Box 67, Northampton, PA 18067. Authorization No. WH3651. Effective April 18, 2003.

Worthington Avenue Garage, 1115 Worthington Avenue, Clairton, PA 15025-1216. Authorization No. WH3652. Effective April 18, 2003.

Gary J. Gallerie Son & Associates, Inc., P. O. Box 909, Pocono Summit, PA 18346-0909. Authorization No. WH3654. Effective April 18, 2003.

Daero Trucking Corporation, Apartment 2f, 42-20 235th Street, Douglaston, NY 11363. Authorization No. WH3656. Effective April 18, 2003.

United Metal Traders, Inc., 5240 Comly Street, Philadelphia, PA 19135-4315. Authorization No. WH3659. Effective April 18, 2003.

Montana Brothers, Inc., 555 Street Road, Bensalem, PA 19020. Authorization No. WH3660. Effective April 18, 2003.

Big A Trucking, P. O. Box 242, 159 North Main Street, York New Salem, PA 17371. Authorization No. WH3858. Effective May 1, 2003.

Construction Equipment Leasing Co., Inc., P. O. Box 509, Allentown, PA 18105. Authorization No. WH4506. Effective June 10, 2003.

Warsava Transport, 48 Reinhardt Road, Montague, NJ 07827. Authorization No. WH4623. Effective June 19, 2003.

J. & J. Swinger Trucking, 3602 Graham Avenue, Windber, PA 15963-2532. Authorization No. WH4678. Effective May 14, 2003.

Jose E. Llerena, 109 Manor Avenue, Harrison, NJ 07029-2015. Authorization No. WH4782. Effective July 24, 2003.

William A. Futules d/b/a Futules Excavating, 1321 Freeport Road, Cheswick, PA 15024-1302. Authorization No. WH4974. Effective July 24, 2003.

City Carting Co., Inc., 61 Taylor Reed Place, Stamford, CT 06906-2222. Authorization No. WH1010. Effective December 9, 2002.

Chalfont New Britain Township Joint Sewer Authority, 1645 Upper State Road, Doylestown, PA 18901-2666. Authorization No. WH1015. Effective December 16, 2002.

Maria Alcibiades, 135 St., Apt. C-10H, 33-33 Broadway, New York, NY 10031. Authorization No. WH2345. Effective May 2, 2003.

Dexter Construction Co., R. R. 2 Box 2658, Beach Lake, PA 18405. Authorization No. WH4610. Effective June 16, 2003.

Sals Trucking Service Inc., 4 Sharon Lane, Staten Island, NY 10309. Authorization No. WH1706. Effective January 28, 2003.

P. Klepal Contracting, 2339 Stratford Ave., Coraopolis, PA 15108-2221. Authorization No. WH2111. Effective January 28, 2003.

Wallace Transport Trucking Inc., R. R. 1 Box 191A, Woodland, PA 16681. Authorization No. WH2112. Effective January 28, 2003.

Rovic Transportation, P. O. Box 756, 1000 Valley Brook Ave., Lyndhurst, NJ 07071. Authorization No. WH2113. Effective January 28, 2003.

Jack Wallace Trucking, 8667 Tyrone Pike, Irvona, PA 16656-9747. Authorization No. WH2114. Effective January 28, 2003.

Donald L. Allison, 147 Cemetery Road, Vanderbilt, PA 15486. Authorization No. WH2115. Effective January 28, 2003.

L & R Trucking, 1461 Hilltop Road, West Decatur, PA 16878-8518. Authorization No. WH2116. Effective January 28, 2003.

Freddys Refuse, R. R. 2 Box 293, Thompson, PA 18465-9667. Authorization No. WH2118. Effective January 28, 2003.

Kathryn Trucking, 174 College Ave., McClelland, PA 15458. Authorization No. WH2119. Effective January 28, 2003.

Bushie Transportation Inc., 88-08 197th St., Hollis, NY 11423. Authorization No. WH2120. Effective February 4, 2003.

Ebersole Excavation, Inc., 3224 Elizabethtown Road, Hershey, PA 17033-9736. Authorization No. WH2070. Effective January 23, 2003.

Black's Detachable Truck Systems, 106 East Cumberland Road, Enola, PA 17025-2509. Authorization No. WH1973. Effective January 23, 2003.

Gene & George Smith Sanitation, Inc., P. O. Box 1132, Alpha, NJ 08865. Authorization No. WH1796. Effective January 23, 2003.

Township of Haverford, Delaware County, 2325 Darby Road, Havertown, PA 19083-2251. Authorization No. WH2069. Effective January 23, 2003.

Voluntarily terminated applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act and regulations to transport municipal or residual waste.

Todd Dallas Griffith, 1202 Ironville Pike, Columbia, PA 17512. Authorization No. WH0409. Voluntarily Terminated September 4, 2003.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

23-312-218GP: Sunoco, Inc.—R & M (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on September 3, 2003, for three 20,000 gallon storage tanks in Marcus Hook Borough, **Delaware County**.

09-312-035GP: Univar USA Inc. (200 Dean Sievers Pl., Morrisville, PA 19067) on September 3, 2003, for nine storage tanks in Falls Township, **Bucks County**.

AQ-SE-0019: Reading Materials Inc. (300 E. Baltimore Pike, Upper Darby, PA 19082) on September 5, 2003, for a portable processing plant in Upper Darby Township, **Delaware County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Safko, Facilities Permitting Chief, (570) 826-2531.

64-310-014GP3: ER Linde Construction Corp. (R. R. 6, Box 6825, Honesdale, PA 18431) to construct and operate a portable stone crushing operation and associated air cleaning device at their facility on Route 191, Cherry Ridge Township, **Wayne County**.

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

GP3-1-31-03032: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on September 3, 2003, authorized to operate a portable nonmetallic mineral processing plant under GP3 in Morris Township, **Huntingdon County**.

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

43-330: North Coast Energy Inc.—Bauder Station (Greenville-Jamestown Road, Jamestown, PA 16134) on August 31, 2003, to operate natural gas fired engine in Greene Township, **Mercer County**.

43-333: North Coast Energy, Inc.—M Brown Station (McElaney and State Line Road, Jamestown, PA 16134) on August 31, 2003, to operate a natural gas fired engine in Greene Township, **Mercer County**.

42-200: Belden and Blake Corp.—Westline 280 (SR 3006, Lafayette Township, PA) on August 31, 2003, to replace a natural gas fired engine in Lafayette Township, **McKean 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.

46-0198F: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) on September 3, 2003, to operate an alkalization reactor in Upper Hanover 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.

58-303-001A: Eastern Industries Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) on August 28, 2003, to modify a batch asphalt plant to utilize waste derived liquid fuel at their facility in Clifford Township, **Susquehanna County**.

54-399-029A: Silberline Manufacturing Co. Incorporated (Lincoln Drive, P. O. Box B, Tamaqua, PA 18252) on September 4, 2003, to construct a vacuum metalize pigment manufacturing process at their Tidewood East Facility, Rush Township, **Schuylkill County**.

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

01-03002B: Vulcan Construction Materials, LP (5601 Iron Bridge Parkway, Chester, VA 23831) on September 3, 2003, to modify the existing limestone crushing plant in Oxford and Conewago Townships, **Adams County**. The crushing plant is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

03-00197A: Nature's Blend Wood Products, Inc. (P. O. Box 392, 202 First Avenue, Ford City, PA 16226) on September 3, 2003, to install flat line and door line coating application systems at Ford City Plant in Ford City, **Armstrong County**.

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

24-025A: Alpha Sintered Metals, Inc. (95 Mason Run Road, Ridgway, PA 15853), on August 25, 2003, to install a Sly Baghouse collection system in the mixing room of their powdered metal component manufacturing facility in Ridgway Township, **Elk County**. This is a State-only facility.

42-196A: Catalyst Energy, Inc.—Swamp Angel Compressor Station (1/4 mile from Big Shany Road and FR 307, Lewis Run, PA 16738) on August 25, 2003, to install a natural gas processing plant and associated gas compressor engine in Lafayette Township, **McKean County**. The source is subject to NSPS (40 CFR Part 60, Subpart KKK).

24-012C: C/G Electrodes LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) on August 25, 2003, to install graphite machining operations in Building 607 and two dust collectors in St. Marys, **Elk County**. This is a Title V facility.

10-001H: AK Steel Corp.—Butler Works (Route 8 South, Butler, PA 16003) on August 25, 2003, to install a fume scrubber in Butler, **Butler County**.

25-053B: Urick Foundry Co. (1501 Cherry Street, Erie, PA 16502) on August 28, 2003, to replace the existing cupola and control devices with the installation of two new coreless electric induction furnaces and baghouse system in City of Erie, **Erie County**. This is a State-only facility.

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.

46-327-017: SPS Technologies, Inc. (Highland Avenue, Jenkintown, PA 19046) on September 3, 2003, to operate a vapor degreaser in Abington Township, **Montgomery County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on September 6, 2003, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

09-0019A: Miller and Son Paving (887 Mill Creek Road, Rushland, PA 18956) on August 29, 2003, to operate a batch asphalt plant in Wrightstown Township, **Bucks County**.

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

40-303-021: Reading Materials Inc. (P. O. Box 79, Skippack, PA 19474) to modify a batch asphalt plant to utilize waste derived liquid fuel at their plant in Foster Township, **Luzerne County**. The Plan Approval is being extended.

39-318-109: Victaulic Co. of America (4901 Kesslerville Road, Easton, PA 18045) to construct a paint spray booth and associated air cleaning device at their facility in Allentown, **Lehigh County**. The Plan Approval is being extended.

48-328-006: Connectiv Bethlehem LLC (P. O. Box 6066, Mail Stop 92DC72, Newark, DE 19714) to operate unit 5 in the shakedown mode at their facility in Bethlehem and Lower Saucon Township, **Northampton County**. The Plan Approval is being extended.

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

31-05011C: US Silica Co. (P. O. Box 187, Berkeley Springs, WV 25411) on August 29, 2003, to modify an existing fluid bed dryer to use additional fuels of no. 4 oil, no. 6 oil and recycled oil at their Mapleton Depot Plant in Brady Township, **Huntingdon County**. This modification is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

67-05068A: Highway Materials, Inc. (P. O. Box 1667, Blue Bell, PA 19422) on August 29, 2003, to modify a batch asphalt plant controlled by a knockout box and a fabric collector and two 30,000-gallon asphalt cement storage tanks at their Wrightsville Plant in Hellam Township, **York County**. This plan approval was extended.

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

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

23-00038: Delaware County Regional Water Quality Control Authority—DELCORA (100 East 5th Street, Chester, PA 19016) on September 8, 2003, to modify the permit to incorporate changes to work practice standards, monitoring and recordkeeping regarding a

negative air pressure of the belt filter press room (Source C04) to control and properly determine odors from the room in the City of Chester, **Delaware County**. Title V Operating Permit minor modification under the Air Pollution Control Act and 25 Pa. Code § 127.462 was issued. The modification also addresses changes to work practice standards and testing for the two sewage sludge incinerators (sources 001 and 002) regarding the use of stack oxygen monitors. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

43-00272: Tennessee Gas Pipeline Co. (1211 Greenville-Mercer Road, Mercer, PA 16137) on August 25, 2003, to reissue a Title V Permit to operate a natural gas compressor station in Jefferson Township, **Mercer County**. The facility's major emission sources include natural gas-fueled compressors, miscellaneous natural gas usage and one parts washing machine. The facility is a major facility due to its potential to emit of VOCs, NOx and CO.

33-00055: Glen-Gery Corp. (Route 28, Summerville, PA 15864) on August 14, 2003, to reissue a Title V Permit to operate a brick and tile manufacturing facility in Summerville Borough, **Jefferson County**. The facility's major emission sources include raw material stockpiles, primary crushers for shale and clay, hammermill for shale, grinding and screening operation with storage, transportation fugitives and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit PM10, SOx, NOx and CO. The facility is also currently operating under a plan approval for the modification of several brick kilns at the facility. This permit will be administratively amended at a later date to incorporate the kilns and all applicable requirements that apply to the kilns.

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.

09-00109: Bucks County SPCA (1665 Street Road, Lahaska, PA 18931) on September 8, 2003, to operate a Natural Minor Operating Permit in Solebury Township, **Bucks County**.

46-00021: Tyco Healthcare Retail Group (601 Allendale Road, King of Prussia, PA 19406) on September 8, 2003, to operate a Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**.

46-00230: East Norriton-Plymouth-Whitpain JSA (200 Ross Street, Plymouth Meeting, PA 19462) on September 4, 2003, to operate a Natural Minor Operating Permit in Plymouth Township, **Montgomery County**.

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

06-03095: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19612) on September 2, 2003, to operate emergency generators at their electric services facility in Bern Township, **Berks County**.

06-05003: Agere Systems, Inc. (P. O. Box 13396, Reading, PA 19612-3396) on September 2, 2003, to operate boilers and emergency generators at their manufacturing facility in Muhlenberg Township, **Berks County**.

06-05096: Reading Hospital and Medical Center (P. O. Box 16052, Reading, PA 19612) on September 5, 2003, to operate generators and boilers in West Reading Borough, **Berks County**.

22-05041: Hershey Foods Corp. (1033 Old West Chocolate Avenue, Hershey, PA 17033) on September 4, 2003, to operate their Hershey Chocolate West manufacturing plant in Derry Township, **Dauphin County**.

28-03043: CAM Superline, Inc. (4763 Zane A. Miller Drive, Waynesboro, PA 17268) on August 27, 2003, to operate their construction trailer and dump trailer manufacturing facility in Washington Township, **Franklin County**.

29-03002: P and W Excavating, Inc. (P. O. Box 128, Warfordsburg, PA 17267) on September 2, 2003, to operate a batch asphalt plant in Bethel Township, **Fulton County**.

36-03099: Bonsal American Inc. d/b/a Oldcastle Stone Products (P. O. Box 219, Paradise, PA 17562) on September 5, 2003, to operate their limestone pelletizing operation in Paradise Township, **Lancaster County**.

38-03003: Bayer Healthcare LLC (400 West Stoeber Avenue, Myerstown, PA 17067) on September 2, 2003, to operate their pharmaceuticals manufacturing facility in Myerstown Borough, **Lebanon County**.

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

20-00094: Dad's Pet Care, Inc. (18746 Mill Street, Meadville, PA 16335) on August 18, 2003, for a Natural Minor operating permit for emissions from a pet food manufacturing plant in Vernon Township, **Crawford County**.

61-00122: Seneca Hardwood Lumber Co., Inc. (212 Seneca Hardwood Road, Cranberry, PA 16319) on August 22, 2003, for a Natural Minor operating permit for emissions from two wood-fired boilers, sawmill operations and drying kilns in Rockland Township, **Venango County**.

33-00025: Punxsutawney Area Hospital (81 Hillcrest Drive, Punxsutawney, PA 15767) on August 22, 2003, for a Natural Minor operating permit for emissions from two boilers and an emergency generator. The hospital is in Young Township, **Jefferson County**.

33-00139: Owens-Brockway Glass Container, Inc.—Plant No. 76 (Route 219, Brockport, PA 15823) on August 22, 2003, for a Natural Minor operating permit for emissions from metal-working tools and machines in the furnace and machine shops in Snyder Township, **Jefferson County**.

37-00257: Mohawk Area School District—Mohawk Elementary School (Mohawk School Road, Bessemer, PA 16112) on September 2, 2003, for a Natural Minor Operating Permit to operate a tri-fuel boiler in North Beaver Township, **Lawrence County**.

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.

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

06-05024: Reliant Energy Mid-Atlantic Power Holdings, LLC (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907) on September 2, 2003, issued the Phase II Acid Rain Permit to operate their Titus Station in Cumru Township, **Berks County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51-30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permit Actions

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

54970101R. JC Coal, Inc. (P. O. Box 161, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 632.0 acres, receiving stream: none. Application received December 3, 2002. Renewal issued September 2, 2003.

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

30841312. NPDES Permit PA0013790, Consolidation Coal Company (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville Mine No. 2 in Wayne Township, **Greene County**, to add 4-N-1 CNR Degasification Borehole, no additional discharges. Permit issued September 4, 2003.

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

32823005 and NPDES Permit No. PA0607231. Blairsville Associates, Inc., P. O. Box 157, Blairsville, PA 15717, permit renewal for continued operation of a bituminous surface, auger and clay removal mine in Burrell and West Wheatfield Townships, **Indiana County**, affecting 367.0 acres. Receiving streams: a tributary to Blacklick Creek and Palmers Run and unnamed tributaries to Roaring Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received July 8, 2003. Permit issued September 2, 2003.

32990111 and NPDES Permit No. PA0235199. Mears Enterprises, Inc., P. O. Box 157, Clymer, PA 15728, permit revision to change the land use from forestland to pastureland in Cherryhill Township, **Indi-**

ana County, affecting 71.5 acres. Receiving streams: Two Lick Creek, unnamed tributary to Two Lick Creek (CWF). The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company Two Lick Creek Intake. Application received July 17, 2003. Permit issued September 2, 2003.

32010105 and NPDES Permit No. PA0248975. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface and auger mine in Center and Blacklick Townships, **Indiana County**, affecting 135.9 acres. Receiving streams: unnamed tributaries to and Aultman's Run (TSF). There are no potable water supply intakes within 10 miles downstream. Application received June 12, 2001. Permit issued September 4, 2003.

56980107 and NPDES Permit No. PA0234877. AMFIRE Mining Co., LLC, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Milford Township, **Somerset County**, affecting 277.0 acres. Receiving streams: unnamed tributaries to and Casselman River (CWF) and South Glade Creek (WWF). There are no potable water supply intakes within 10 miles downstream. Application received July 29, 2003. Permit issued September 5, 2003.

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

30880104 and NPDES Permit No. PA0591009. Patriot Mining Co., Inc. (2708 Cranberry Square, Morgantown, WV 26505). Permit renewal issued for reclamation only of a bituminous surface mine in Greene Township, **Greene County**, affecting 67.2 acres. Receiving stream: unnamed tributary to Whitely Creek to the Monongahela River. Application received July 14, 2003. Reclamation only renewal issued September 2, 2003.

03970105 and NPDES Permit No. PA0202347. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site in Washington Township, **Armstrong County**, affecting 413.0 acres. Receiving streams: unnamed tributaries of Limestone Run to Allegheny River. Application received July 10, 2003. Renewal issued September 3, 2003.

03900109 and NPDES Permit No. PA0200476. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site in Kittanning Township, **Armstrong County**, affecting 92.5 acres. Receiving streams: unnamed tributaries to Campbell Run and Campbell Run. Application received July 10, 2003. Renewal issued September 3, 2003.

30030101 and NPDES Permit No. PA0250376. Patriot Mining Co., Inc. (2708 Cranberry Square, Morgantown, WV 26508-9286). Permit issued for commencement, operation and reclamation of a bituminous surface mining site in Greene Township, **Greene County**, affecting 117.4 acres. Receiving streams: unnamed tributary to Whitely Creek. Application received April 16, 2003. Permit issued September 8, 2003.

Noncoal Permit Actions

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

08940802. Walter Flagstone, Inc., R. R. 1, Box 40, Sugar Run, PA 18846. Final bond release for a small noncoal mining operation in Wilmot Township, **Bradford**

County. Restoration of 1 acre is completed. Application for final bond release received May 6, 2003. Final bond release approved: September 2, 2003.

53960808. Wending Creek Farms, Inc., R. D. 1, Box 850, Coudersport, PA 16915. Final bond release for a small noncoal mining operation in Hebron Township, **Potter County**. Restoration of 1 acre is completed. Application for final bond release received June 30, 2003. Final bond release approved: September 3, 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.

48034029. AMROC (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Hanover Township, **Northampton County** with an expiration date of September 27, 2004. Permit issued August 28, 2003.

39034010. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in the City of Allentown, **Lehigh County** with an expiration date of September 29, 2004. Permit issued August 28, 2003.

67034059. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Conewago Township, **York County** with an expiration date of September 25, 2004. Permit issued August 28, 2003.

36034086. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in East Donegal Township, **Lancaster County** with an expiration date of February 25, 2004. Permit issued August 28, 2003.

46034034. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Warrington Township, **Montgomery County** with an expiration date of September 21, 2005. Permit issued August 28, 2003.

39034011. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of September 29, 2005. Permit issued August 28, 2003.

15034034. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Upper Uwchlan Township, **Chester County** with an expiration date of September 21, 2005. Permit issued September 2, 2003.

15034035. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Upper Uwchlan Township, **Chester County** with an expiration date of September 21, 2005. Permit issued September 2, 2003.

09034023. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Warrington Township, **Bucks County** with an expiration date of September 30, 2005. Permit issued September 2, 2003.

46034035. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Horsham Township, **Montgomery County** with an expiration date of September 25, 2005. Permit issued September 2, 2003.

46034036. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Abington Township, **Montgomery County** with an expiration date of September 25, 2005. Permit issued September 2, 2003.

39034012. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335) and **Austin Powder Company** (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting in Whitehall Township, **Lehigh County** with an expiration date of January 1, 2004. Permit issued September 2, 2003.

52034020. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Lackawaxen Township, **Pike County** with an expiration date of October 30, 2003. Permit issued September 3, 2003.

52034019. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Westfall Township, **Pike County** with an expiration date of October 21, 2003. Permit issued September 3, 2003.

15034036. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in New Garden Township, **Chester County** with an expiration date of September 25, 2004. Permit issued September 3, 2003.

21034049. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting in Dickinson Township, **Cumberland County** with an expiration date of September 30, 2004. Permit issued September 3, 2003.

28034029. MF Ronca & Sons (179 Mikron Road, Bethlehem, PA 18020) and **Bernard J. Hasara** (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in St. Thomas Township, **Franklin County** with an expiration date of September 25, 2004. Permit issued September 3, 2003.

21034050. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), excavation blasting in South Middleton Township, **Cumberland County** with an expiration date of September 15, 2003. Permit issued September 4, 2003.

67034060. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Rd., Lancaster, PA 17603), construction blasting in Jacobus Borough, **York County** with an expiration date of September 30, 2008. Permit issued September 4, 2003.

38034022. Keystone Blasting, Service (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in South Londonderry Township, **Lebanon County** with an expiration date of March 28, 2004. Permit issued September 4, 2003.

36034089. Keystone Blasting Service (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in Clay and Ephrata Townships, **Lancaster County** with an expiration date of September 30, 2008. Permit issued September 4, 2003.

36034088. Keystone Blasting Service (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in Earl Township, **Lancaster County** with an expiration date of September 30, 2008. Permit issued September 4, 2003.

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

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-942. Lower Salford Township, 379 Main Street, Harleysville, PA 19438, Lower Salford Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities:

1. To remove an existing three span reinforced concrete slab bridge and to construct and maintain, to its left, a single span prestressed concrete adjacent box beam bridge across west branch of Skippack Creek (TSF), associated with the roadway improvements for Morris Road. The proposed bridge will have a clear span of approximately 71.0 feet and an underclearance of approximately 7.5 feet. This work also includes construction of a temporary cofferdam and realigning 120 linear feet of the channel through the new structure by removing streambed materials and changing the centerline of the channel.

2. To construct and maintain 30 linear feet of a 66-inch diameter CMP culvert across an unnamed tributary to West Branch of Skippack Creek (TSF), associated with the proposed Township trail. This work also includes placement and maintenance of associated riprap protection at the inlet and outlet of the culvert.

3. To construct and maintain a 24-inch diameter outfall structure along West Branch of Skippack Creek associated with the roadway improvements for Morris Road.

The site is approximately 100 feet northwest of the intersection of Morris Road and Quarry Road (Perkiomenville, PA USGS Quadrangle N: 0.9 inch; W: 0.9 inch).

E23-435. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Thornbury Township, **Delaware County**, ACOE Philadelphia District.

To perform the following activities associated with the Creek Road (SR 4011) improvements:

1. To place and maintain fill material in the assumed floodway of an unnamed tributary to Chester Creek (TSF) for the purpose of raising the roadway to an elevation to a level so that Chester Creek Road will not become inundated during large storm events.

2. To construct and maintain a riprap lined outfall channel in the floodway of Chester Creek.

3. To construct and maintain a 5-foot by 21-foot arch culvert through the approach fill to improve floodplain flow and to alleviate the backwater conditions.

The project will not directly impact any waters of this Commonwealth. The site is 300 feet east of the intersection of Tanguy Road and Creek Road (West Chester, PA Quadrangle N: 10.6 inches, W: 2.5 inches).

E46-941. Lower Providence Township, 100 Parklane Drive, Eagleville, PA 19403, Lower Providence Township, Montgomery County, ACOE **Philadelphia County**.

To perform the following activities in and along Rock Run (TSF):

1. To reconstruct an existing bridge structure that consists of a single span concrete encased steel I-beam superstructure on stone masonry abutments and wingwalls. The existing bridge has a normal clear span of 20 feet 6 inches overall width of 19 feet and an underclearance of 4 feet. This structure will be retained to serve as part of the township trail system.

2. To construct and maintain a new bridge adjacent to and downstream of the existing structure. The proposed bridge will consist of a single span metal plate arch structure with a normal clear span of 38 feet 4 inches overall width of 48 feet 4 inches and an underclearance of 17 feet 9 inches. Abutments and wingwalls will be reinforced concrete with stone form liner on all exposed concrete areas.

The project site is 1,000 feet northeast of the intersection of Grange Avenue and Old Baptist Road (Collegeville, PA Quadrangle N: 8.25 inches W: 5.75 inches).

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

E05-313: Bedford-Fulton Housing Services, Inc., 10241 Lincoln Highway, Everett, PA 15537 in Monroe Township, **Bedford County**, ACOE Baltimore District.

To replace and maintain an existing 11-foot by 48-inch culvert with a 20-foot by 48-inch culvert on an unnamed tributary to West Branch Sideling Hill Creek (EV) at a point approximately 4,400 feet upstream from the Pine Ridge Road bridge (T-340) (Amaranth, PA Quadrangle N: 16.1 inches; W: 17.2 inches) in Monroe Township, Bedford County.

E28-311: Cumberland-Franklin Joint Municipal Authority, 715 Municipal Drive, Shippensburg, PA 17257 in Southampton Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain an 11-foot high by 142-foot long stepped gabion basket wall for streambank protection along the east bank of the Conodoguinet Creek (WWF) along the north side of Roxbury Road (SR 4016) in the Village of Mongul (Shippensburg, PA Quadrangle N: 15 inches; W: 13.5 inches) in Southampton Township, Franklin County.

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

E08-402. Ivan McKeever and Myra Brown, 1704 Dallas Avenue, Cincinnati, OH 45239. Bridge Construction in Ridgebury Township, **Bradford County**, ACOE Baltimore District (Bentley Creek, PA Quadrangle N: 12.30 inches; W: 12.45 inches).

To construct and maintain a steel reinforced concrete deck bridge with a 22-foot span on a zero degree skew on precast concrete with reinforced steel abutment walls, an underclearance of 5 feet and a waterway opening of 110 square feet over an unnamed tributary to Bentley Creek (WWF) off the north side of SR 4026 approximately 0.1 mile west of the intersection of SR 4026 with SR 4013 in Ridgebury Township, Bradford County. The project will not impact wetlands while impacting approximately 30 feet of waterway approximately 0.02 acre of earth will be disturbed by this project. This permit was issued under

section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-444. Gregg Township, P. O. Box 184, Spring Mills, PA 16875. T-464 over Muddy Creek in Gregg Township, **Centre County**, ACOE Baltimore District (Spring Mills, PA Quadrangle N: 14.8 inches; W: 8.6 inches).

To: (1) temporarily place 40 feet of geotextile-lined New Jersey parapet cofferdam around the right abutment of an existing public bridge; and (2) stabilize the right abutment with the placement of Class C concrete under the abutment and R-6 riprap around the abutment, 1,600 feet north on T-464-3 (Harter's Lane) from T-419-1 (Lower Georges Valley Road). This project proposes to impact 45 linear feet of Muddy Run (CWF). This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-349. David E. Keller, 14 Charles Lane, Lock Haven, PA 17745. Streambank fill in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 7.5 inches; W: 11.7 inches).

To: (1) maintain a 48-foot long by 6-foot high by 3-foot to 12-foot wide volume of soil and rock fill covered with a mowed grass surface; and (2) construct and maintain a 2-foot high toe-of-bank stone wall, on the elevated left flood bench and streambank of an unnamed tributary to the West Branch Susquehanna River (WWF) 0.2 mile up T-402 from its intersection SR 1001 (Farrandville Road) (Lock Haven, PA Quadrangle N: 7.5 inches; W: 11.7 inches) in Woodward Township, Clinton County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-383. Coudersport Borough Authority, 201 South Main Street, Coudersport, PA 16915. Coudersport Borough Authority East Water Supply and Treatment

Facility in Coudersport Borough, **Potter County**, ACOE Pittsburgh District (Sweden Valley, PA Quadrangle N: 3.9 inches; W: 15.1 inches).

To remove an existing building and construct, operate and maintain a municipal water supply and treatment facility within the 100-year floodplain of Mill Creek and an unnamed tributary. Water supply and treatment appurtenances to be constructed within the 100-year floodplain shall include, but not be limited to 8-inch diameter ductile iron conveyance lines, access roads, treatment buildings, pit less adapters and platforms. Construction activities related to development of the Coudersport Borough Authority's East Water Supply and Treatment Facility shall not temporarily or permanently impact wetlands without applying for and receiving a written permit of the Department. The project is along the eastern and western right-of-way of SR 0872 approximately 300 feet west of the SR 0006 and SR 0872 intersection (Sweden Valley, PA Quadrangle N: 3.9 inches; W: 15.1 inches) in Coudersport Borough, Potter County. This permit does not relieve the permittee of the responsibility to strictly comply with the Act 167 Stormwater Management Plan developed for the Allegheny River watershed.

E53-384. Coudersport Borough Authority, 201 South Main Street, Coudersport, PA 16915. Coudersport Borough Authority North Water Supply, treatment and distribution in Coudersport Borough, **Potter County**, ACOE Pittsburgh District (Coudersport, PA Quadrangle N: 5.3 inches; W: 2.8 inches).

To construct, operate and maintain public water supplies, treatment facilities and distribution systems in and along the Allegheny River, Mill Creek and unnamed tributaries to the Allegheny River for the production, treatment and distribution of public drinking water supplies. Construction of the 18,140 linear feet of distribution system will require three wetland crossings and four stream crossings as follows:

<i>Stream Name</i>	<i>Total Length of Crossings</i>	<i>Latitude</i>	<i>Longitude</i>
Allegheny Wetland Crossing	280 feet	41-47-37	78-00-53
Allegheny Wetland Crossing	400 feet	41-47-39	78-00-50
Unnamed tributary to Allegheny Crossing	30 feet	41-47-30	78-00-57
Allegheny River Crossing—Chestnut Street	170 feet	41-46-10	78-01-30
Allegheny River Crossing—Second Street	50 feet	41-46-27	78-01-05
Mill Creek Crossing—Route 0872	90 feet	41-46-18	77-59-07
Allegheny Wetland Crossing	150 feet	41-45-54	78-01-36

All water line crossings beneath a waterway or wetland shall be constructed with a minimum of 3 feet of cover with concrete encasement. Trench plugs or clay dikes shall be used at every water line crossing a waterway to ensure the hydrology of the stream or wetland is not altered. Construction of the water distribution system will require earthmoving activities within the 100-year floodway and floodplain of the Allegheny River, Mill Creek and their tributaries. All areas of disturbance in and along waterways and wetlands for the distribution line shall be restored to original elevations with all areas of disturbance receiving applications of temporary and permanent stabilization immediately upon final grading. The project is along the western right-of-way of SR 0044 and southern right-of-way of SR 0006 in Coudersport Borough. This permit also authorizes the construction, operation, maintenance and removal of temporary construction crossing, dikes, cofferdams and diversions. Upon

completing the installation of the water crossings, all temporary structures shall be removed to restore the areas to original contours, elevations and dimensions.

E59-446. Borough of Blossburg, 245 Main Street, Blossburg, PA, 16912. Island Park Footbridge in the Borough of Blossburg, **Tioga County**, ACOE Baltimore District (Blossburg, PA Quadrangle N: 9.5 inches; W: 9.1 inches).

To construct, operate and maintain a single span foot bridge over the Tioga River (CWF). The bridge will consist of a 110-foot clear span and have a width of 8 feet. The existing abutments and foundations shall be utilized to elevate the deck above the 100-year storm event. The existing ramps are to be lowered from the current elevations and that material shall be disposed in a location that does not have a floodway nor in a wetland. This project is west on McIntyre Street from the McIntyre Street and Main Street intersection.

E60-160. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 3002 Section 003 tributary to Whitehorn Run, bridge replacement in Hartley Township, **Union County**, ACOE Susquehanna River Basin District (Harleton, PA Quadrangle N: 1.05 inches; W: 13.08 inches).

To remove an existing concrete slab bridge and construct and maintain a 16-foot wide by 5-foot high concrete box culvert in an unnamed tributary to Whitehorn Run (CWF). The project is along SR 3002 Segment 0170, Offset 0161 in Hartley Township, Union County. The project proposes to permanently impact 0.014 acre of jurisdictional wetland. 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.

E02-1415. Borough of Baldwin, 3344 Churchview Road, Pittsburgh, PA 15227. Streets Run Sanitary Interceptor Sewer Line in Baldwin, Brentwood, West Mifflin and Whitehall Boroughs, **Allegheny County**, Pittsburgh ACOE District (Latitude: 40°21'29"—Longitude: 79°57'14") (Glassport, PA Quadrangle N: 17.3 inches; W: 14.1 inches). To rehabilitate, operate and maintain the existing Streets Run Sanitary Interceptor Sewer Line in, along and across Streets Run and an unnamed tributary to Streets Run. The project will include the replacement of some sections of the existing line and manholes, construction of new manholes, paint, repair and lining some sections of the existing line. The project begins along Streets Run Road, approximately 350 feet east from the intersection of Streets Run Road and Flamingo Drive, extends in the northeast direction along Streets Run Road and ends approximately 700 feet northeast from the intersection of Streets Run Road and Baldwin Road (Glassport, PA Quadrangle N: 22.5 inches; W: 9.4 inches). This permit also authorizes the construction and maintenance of a temporary diversion pipe.

E02-1427. Braddock Hills Borough, 1300 Brinton Road, Braddock Hills, PA 15221. Wilkins Avenue Culvert in Braddock Hills Borough, **Allegheny County**, Pittsburgh ACOE District (Latitude: 40°24'53"—Longitude: 79°51'51") (Braddock, PA Quadrangle N: 7.2 inches; W: 15.9 inches). To remove the existing structures, to construct and maintain approximately 359 feet of 54-inch diameter RCP culvert, to construct and maintain approximately 30 feet of grouted R-3 riprap outlet protection and to construct and maintain various outfall structures in and to an unnamed tributary to the Monongahela River (WWF). This project is to decrease the flooding to Wilkins Avenue. The project is on the east side of Wilkins Avenue approximately 1,400 feet north of its intersection with Woodstock and Hawkins Avenues. This project proposed to impact a total of 389 feet of an unnamed tributary to the Monongahela River.

E26-311. North Union Township Supervisors, 7 South Evans Station Road, Lemont Furnace, PA 15401. Junior Street Culvert in North Union Township, **Fayette County**, Pittsburgh ACOE District (Latitude: 39°52'39"—Longitude: 79°42'7") (Uniontown, PA Quadrangle N: 0.4 inch; W: 10.7 inches). To remove the existing structure and to construct and maintain an aluminum box culvert having a single waterway opening of 12.25 feet wide by 4.4 feet high (invert depressed 1 foot) and 27 feet long in Bennington Spring Run (WWF). The structure is on T-61 (Junior Street), approximately 400 feet east of SR 40.

E63-542. Peter Seirsdale c/o Ryan Homes, 300 Bilmar Drive, Suite 200, Pittsburgh, PA 15205. Seirsdale residential bridge in Amwell Township, **Washington County**, Pittsburgh ACOE District (Latitude: 40°05'8"—Longitude: 80°13'0") (Amity, PA Quadrangle N: 15.6 inches; W: 13.0 inches). To construct and maintain a bridge having a span of 20.0 feet with an underclearance of 5.0 feet across an unnamed tributary to Bane Creek (TSF) for the purpose of providing access to applicant's property. The project is on the west side of Headley Road, approximately 460.0 feet north from the intersection of Headley Road and Baker Station Road. The project will impact 50.0 feet of stream channel.

E65-822. Department of Transportation, P. O. Box 459, Uniontown, PA 15401. SR 0981 Bridge over Saxman Run in Derry Township, **Westmoreland County**, Pittsburgh ACOE District (Latitude: 40°19'28"—Longitude: 79°22'24") (Derry, PA Quadrangle N: 13.5 inches; W: 17.2 inches). To remove the existing structure and to construct and maintain a 55.0-foot long single span bridge having a normal span of 29.0 feet and an underclearance of 6.8 feet across Saxman Run (WWF) for the purpose of improving transportation safety and roadway standards. This permit also authorizes the construction and maintenance of a 95.0-foot long temporary roadway crossing consisting of four 30-inch pipe culverts in Saxman Run (WWF), the temporary placement of fill in 0.0418 acre of PEM wetland and the permanent placement and maintenance of fill in a de minimis area of PEM wetland equal to 0.0122 acre. The project is on SR 0981, Section E10, Station 67+47.5.

E65-824. David B. Scott and Tangi A. Scott, 177 17th Street, New Florence, PA 15944-0276. Scott Residence Bridge in St. Clair Township, **Westmoreland County**, Pittsburgh ACOE District (Latitude: 39°58'25"—Longitude: 79°11'37") (Rachelwood, PA Quadrangle N: 17.9 inches; W: 9.6 inches). To construct and maintain a bridge having a clear span of 19 feet and an underclearance of 4 feet in Shannon Run classified as a HQ CWF for the purpose of accessing the applicant's new home from SR 992.

SPECIAL NOTICES

Public Hearing for NPDES Permit No. PAI023903020

The Department of Environmental Protection (Department) will hold a public hearing to accept comment on Individual NPDES Permit Application No. PAI023903020 for the discharge of stormwater from construction activities at the proposed Vistas at Green Hills, South Whitehall and Upper Macungie Townships, Lehigh County.

The public hearing will be conducted on November 18, 2003, at 7 p.m. in the South Whitehall Township Municipal Building, 4444 Walbert Avenue, South Whitehall Township, Lehigh County. The hearing will be conducted by the Water Management Program, Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511. The hearing is in response to an application submitted by David Jandl, Jandl Land Company. The NPDES permit application proposes the discharge of stormwater from construction activities to Little Lehigh Creek Watershed.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to the David Jandl Public Hearing, Department of Environmental Protection, Water Management Program, 2 Public

Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to NPDES Permit Application No. PAI023903020. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski, (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Lehigh County Conservation District Office, Lehigh, PA, (610) 391-5583.

For further information, contact Mark Carmon, Northeast Regional Office, (570) 826-2511.

[Pa.B. Doc. No. 03-1847. Filed for public inspection September 19, 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.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2003.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Final Technical Guidance

DEP ID: 362-0300-007. Title: Alternate Systems Guidance. Description: The Alternate Systems Guidance applies to the siting, design and construction of alternate onlot sewage treatment systems proposed under the requirements of 25 Pa. Code § 73.72 (relating to alternate sewage systems). The purpose of this document is to

provide current technical standards for alternate onlot systems (and to update the existing technical standards). Effective Date: September 20, 2003. Note: The changes to this guidance resulted in the need for a minor amendment to DEP ID: 362-0300-008. Title: Experimental Systems Guidance which will also have an effective date of September 20, 2003. Contact: Karen Fenchak, (717) 787-8184, kfenchak@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1848. Filed for public inspection September 19, 2003, 9:00 a.m.]

Radiation Protection Advisory Committee Meeting Change

The October 1, 2003, meeting of the Radiation Protection Advisory Committee meeting has been rescheduled for November 13, 2003, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting can be directed to L. Ray Urciuolo, (717) 783-9730, lurciuolo@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact L. Ray Urciuolo at (717) 783-9730 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. 03-1849. Filed for public inspection September 19, 2003, 9:00 a.m.]

State Board for Certification of Water and Wastewater Systems Operators Meeting Change

The State Board for Certification of Water and Wastewater System Operators (Board) has made the following change to its 2003 meeting schedule.

The Board meeting scheduled for September 19, 2003, was canceled. This meeting is rescheduled for 9 a.m. on October 10, 2003, in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Persons with questions concerning this meeting should contact Lynn Rice, (717) 787-5236, mlrice@state.pa.us.

Persons with a disability who require accommodation to attend this meeting should contact Lynn Rice at the previous phone number or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1850. Filed for public inspection September 19, 2003, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property

Under section 510 of The Administrative Code of 1929 (71 P. S. § 190), the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
Backhoe	Case	184-6056	PennDOT—Lock Haven, PA
Backhoe	Case	269-6056	PennDOT—Mifflintown, PA
Backhoe	Case	284-6056	PennDOT—Hyde, PA
Backhoe	Case	289-6056	PennDOT—Ridgeway, PA
Backhoe	Case	290-6056	PennDOT—Lewistown, PA
Backhoe	Case	348-6056	PennDOT—Lock Haven, PA
Backhoe	Case	267-6056	PennDOT—Lock Haven, PA
Backhoe	John Deere	131-6040	PennDOT—Cyclone, PA
Backhoe	John Deere	096-6040	PennDOT—Shippensburg, PA
Belt Loader	Athey	107-5369	PennDOT—Chambersburg, PA
Belt Loader	Athey	154-5369	PennDOT—Hyde, PA
Rubber Tire Excavator	Gradall	083-6365	PennDOT—Lancaster, PA
Rubber Tire Excavator	Koehring	031-6368	PennDOT—Lewistown, PA
Grader	Champion	026-3682	PennDOT—Coudersport, PA
Grader	Champion	023-3682	PennDOT—Shippensburg, PA
Grader	John Deere	026-6678	PennDOT—Coudersport, PA
Grader	John Deere	046-6678	PennDOT—Ridgeway, PA
Grader	John Deere	065-6678	PennDOT—Hyde, PA
Grader w/Snowblower	Champion	007-1682	PennDOT—Bloomsburg, PA
Grader w/Wing	John Deere	019-1678	PennDOT—Coudersport, PA
Kettle	Crafco	065-5621	PennDOT—Bloomsburg, PA
Kettle	Crafco	087-5621	PennDOT—Wellsboro, PA
Kettle	Crafco	097-5621	PennDOT—Coudersport, PA
Kettle	Crafco	023-3617	PennDOT—Ridgeway, PA
Kettle	Crafco	021-3617	PennDOT—Lock Haven, PA
Rubber Tire Loader	Case	251-2056	PennDOT—Hyde, PA
Rubber Tire Loader	Case	328-2056	PennDOT—Lock Haven, PA
Rubber Tire Loader	Case	320-2056	PennDOT—Cyclone, PA
Rubber Tire Loader	Case	334-2056	PennDOT—Bellefonte, PA
Rubber Tire Loader	Case	336-2056	PennDOT—Coudersport, PA
Rubber Tire Loader	Case	327-2056	PennDOT—West Chester, PA
Rubber Tire Loader	Caterpillar	052-1387	PennDOT—Mifflintown, PA
Rubber Tire Loader	John Deere	074-2040	PennDOT—Coudersport, PA
Rubber Tire Loader	John Deere	173-2040	PennDOT—Bloomsburg, PA
Rubber Tire Loader	John Deere	159-2040	PennDOT—Lancaster, PA
Rubber Tire Loader	John Deere	214-2040	PennDOT—Honesdale, PA
Rubber Tire Loader	John Deere	253-2040	PennDOT—Cyclone, PA
Rubber Tire Loader	Yale	032-8043	PennDOT—Mifflintown, PA
Rubber Tire Loader	John Deere	163-2040	PennDOT—Lewistown, PA
Maintainer	Huber	128-5683	PennDOT—Chambersburg, PA
Roller	Galion	738-3435	PennDOT—Towanda, PA
Roller	Galion	831-9435	PennDOT—Wellsboro, PA
Three-Wheel Roller	Galion	705-3435	PennDOT—Lock Haven, PA
Three-Wheel Roller	Galion	708-3435	PennDOT—Towanda, PA
Rubber Tire Roller	Brothers	161-2440	PennDOT—Gettysburg, PA
Stone Chipper	Rosco	023-5815	PennDOT—Bellefonte, PA
Stone Chipper	Etnyre	046-5808	PennDOT—Gettysburg, PA

The items will be sold to the highest responsible bidder by sealed bid sale. Political subdivisions interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, 2221 Forster Street, Rm. G-12, Harrisburg, PA 17125, (717) 787-4085. Requests need to be made prior to the bid opening on October 3, 2003, at 1 p.m. to receive a bid packet.

DONALD T. CUNNINGHAM, Jr.,
Secretary

[Pa.B. Doc. No. 03-1851. Filed for public inspection September 19, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Bradford Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bradford Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, 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 previously listed.

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, 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. 03-1852. Filed for public inspection September 19, 2003, 9:00 a.m.]

Application of Hanover Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hanover Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.1.c (relating to facility access).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, 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 previously listed.

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, 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. 03-1853. Filed for public inspection September 19, 2003, 9:00 a.m.]

Application of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.3 (relating to notification).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, 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 previously listed.

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, 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. 03-1854. Filed for public inspection September 19, 2003, 9:00 a.m.]

Application of Lewistown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lewistown Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, 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 previously listed.

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, 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. 03-1855. Filed for public inspection September 19, 2003, 9:00 a.m.]

The Committee will finalize the research priorities for the formula and nonformula funds. This meeting is open to the public. No reservations are required. The meeting is not a public hearing and therefore public testimony and/or comments are not part of the meeting agenda.

For additional information, contact Patricia W. Potrzebowski, Director, Bureau of Health Statistics and Research or Robin C. Cohick, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17120, (717) 783-2548.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Patricia W. Potrzebowski or Robin Cohick at (717) 783-2548, for speech and/or hearing impaired persons, 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. 03-1856. Filed for public inspection September 19, 2003, 9:00 a.m.]

Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee), established under section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a public meeting on December 3, 2003, from 9:30 a.m. to 4:30 p.m. in Room 812, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

Patient Share of Cost Table

The Patient Share of Cost Table is revised each year based on the release of HHS Federal poverty guidelines by the United States Department of Health and Human Services. These figures were published 68 FR 6456—6458.

**Bureau of Family Health
Division of Program Support and Coordination
Patient Share of Cost (PSC) Table**

Effective April 1, 2003

PSC	\$0	\$0	\$50	\$250	\$400	\$550	\$700	\$850	\$1,000	\$1,150
% of Poverty	0 to 100%	>100 to 185%	>185 to 225%	>225 to 250%	>250 to 275%	>275 to 300%	>300 to 325%	>325 to 350%	>350 to 375%	>375 to 400%
Size of Family Unit	Income Ranges						Use these columns only for clients who were in DSHCP programs prior to January 1, 1997, and have continuous participation without a lapse in eligibility.			
1	0	8,981	16,614	20,206	22,451	24,696	26,941	29,186	31,431	33,676
	8,980	16,613	20,205	22,450	24,695	26,940	29,185	31,430	33,675	35,920
2	0	12,121	22,423	27,271	30,301	33,331	36,361	39,391	42,421	45,451
	12,120	22,422	27,270	30,300	33,330	36,360	39,390	42,420	45,450	48,480
3	0	15,261	28,232	34,336	38,151	41,966	45,781	49,596	53,411	57,226
	15,260	28,231	34,335	38,150	41,965	45,780	49,595	53,410	57,225	61,040
4	0	18,401	34,041	41,401	46,001	50,601	55,201	59,801	64,401	69,001
	18,400	34,040	41,400	46,000	50,600	55,200	59,800	64,400	69,000	73,600
5	0	21,541	39,850	48,466	53,851	59,236	64,621	70,006	75,391	80,776
	21,540	39,849	48,465	53,850	59,235	64,620	70,005	75,390	80,775	86,160
6	0	24,681	45,659	55,531	61,701	67,871	74,041	80,211	86,381	92,551
	24,680	45,658	55,530	61,700	67,870	74,040	80,210	86,380	92,550	98,720
7	0	27,821	51,468	62,596	69,551	76,506	83,461	90,416	97,371	104,326
	27,820	51,467	62,595	69,550	76,505	83,460	90,415	97,370	104,325	111,280
8	0	30,961	57,277	69,661	77,401	85,141	92,881	100,621	108,361	116,101
	30,960	57,276	69,660	77,400	85,140	92,880	100,620	108,360	116,100	123,840
9	0	34,101	63,086	76,726	85,251	93,776	102,301	110,826	119,351	127,876
	34,100	63,085	76,725	85,250	93,775	102,300	110,825	119,350	127,875	136,400

PSC	\$0	\$0	\$50	\$250	\$400	\$550	\$700	\$850	\$1,000	\$1,150
% of Poverty	0 to 100%	>100 to 185%	>185 to 225%	>225 to 250%	>250 to 275%	>275 to 300%	>300 to 325%	>325 to 350%	>350 to 375%	>375 to 400%
Size of Family Unit	Income Ranges						Use these columns only for clients who were in DSHCP programs prior to January 1, 1997, and have continuous participation without a lapse in eligibility.			
10	0	37,241	68,895	83,791	93,101	102,411	111,721	121,031	130,341	139,651
	37,240	68,894	83,790	93,100	102,410	111,720	121,030	130,340	139,650	148,960
11	0	40,381	74,704	90,856	100,951	111,046	121,141	131,236	141,331	151,426
	40,380	74,703	90,855	100,950	111,045	121,140	131,235	141,330	151,425	161,520
12	0	43,521	80,513	97,921	108,801	119,681	130,561	141,441	152,321	163,201
	43,520	80,512	97,920	108,800	119,680	130,560	141,440	152,320	163,200	174,080
13	0	46,661	86,322	104,986	116,651	128,316	139,981	151,646	163,311	174,976
	46,660	86,321	104,985	116,650	128,315	139,980	151,645	163,310	174,975	186,640
14	0	49,801	92,131	112,051	124,501	136,951	149,401	161,851	174,301	186,751
	49,800	92,130	112,050	124,500	136,950	149,400	161,850	174,300	186,750	199,200
15	0	52,941	97,940	119,116	132,351	145,586	158,821	172,056	185,291	198,526
	52,940	97,939	119,115	132,350	145,585	158,820	172,055	185,290	198,525	211,760
16	0	56,081	103,749	126,181	140,201	154,221	168,241	182,261	196,281	210,301
	56,080	103,748	126,180	140,200	154,220	168,240	182,260	196,280	210,300	224,320
17	0	59,221	109,558	133,246	148,051	162,856	177,661	192,466	207,271	222,076
	59,220	109,557	133,245	148,050	162,855	177,660	192,465	207,270	222,075	236,880
18	0	62,361	115,367	140,311	155,901	171,491	187,081	202,671	218,261	233,851
	62,360	115,366	140,310	155,900	171,490	187,080	202,670	218,260	233,850	249,440
19	0	65,501	121,176	147,376	163,751	180,126	196,501	212,876	229,251	245,626
	65,500	121,175	147,375	163,750	180,125	196,500	212,875	229,250	245,625	262,000
20	0	68,641	126,985	154,441	171,601	188,761	205,921	223,081	240,241	257,401
	68,640	126,984	154,440	171,600	188,760	205,920	223,080	240,240	257,400	274,560

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

[Pa.B. Doc. No. 03-1857. Filed for public inspection September 19, 2003, 9:00 a.m.]

Request for Exception; Long-Term Care Nursing Facilities

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

Westwood Nursing and Rehabilitation Center
909 West Street
Pittsburgh, PA 15221

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us.

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

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

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address or phone number, 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. 03-1858. Filed for public inspection September 19, 2003, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application Receipt for Section 5310 Program

The Department of Transportation (Department), Bureau of Public Transportation (Bureau), under the author-

ity contained in section 5310 of the Federal Transit Laws (49 U.S.C.A. § 5310), gives notice that it will receive applications for the State-administered Section 5310 Program (program) (formerly known as Section 16 Program). Under this program, private nonprofit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers. A Guidelines and Procedures package

containing all application forms can be obtained by calling the Bureau at (717) 787-7540. The initial filing deadline for the program is November 3, 2003. Questions, comments or suggestions should be directed to Ben Brosius, Section 5310 Program Manager, P. O. Box 3151, Harrisburg, PA 17105-3151, (717) 787-1211.

ALLEN D. BIEHLER, P. E.
Secretary

[Pa.B. Doc. No. 03-1859. Filed for public inspection September 19, 2003, 9:00 a.m.]

FISH AND BOAT COMMISSION

Commission Approved Boating Safety Education Courses for Residents and Nonresidents 2003

The Deputy Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education), may designate, by notice, organizations that offer boating safety education courses that are acceptable for residents, nonresidents, or both. The following boating safety education courses are Commission approved courses for residents and nonresidents. Commonwealth residents are reminded that under 58 Pa. Code § 91.6 (relating to Boating Safety Education Certificates), they are required to possess a Boating Safety Education Certificate that is issued by the Commission. Upon proper application and payment of the appropriate fee, the Commission will issue a Boating Safety Education Certificate to a resident of this Commonwealth who successfully completes one of the following courses.

Commission Approved Boating Safety Education Courses for Residents and Nonresidents

<i>Course Provider</i>	<i>Name of Course</i>
A B Seas Boat School	The A B Seas of Recreational Boating Basics
Alabama Traffic Safety Center	Alabama Boating Basics—A Guide to Responsible Boating
University of Montevallo	
American Power Boating Association	Boating Fundamentals
American Sailing Association	Basic Keelboat Sailing
Berberie Marine	Corky's Boating Basics
BOATCLASS.COM	Boater & PWC Safety Course
Boat Safe Martha's Vineyard	Boating Safety Basics—Boat Safe Martha's Vineyard
Boating Safety Institute of America	Boating/PWC Basics
Boatwise	Boatwise Boating Basics
Canadian Power & Sail Squadrons	Boating Course
Canadian Power & Sail Squadrons	The Boat Pro Manual
CaptainForHire.com	Boating Education
Charles F. Chapman School of Seamanship	Florida Boating Basics Course
Charles F. Chapman School of Seamanship	PWC Basic Course
City of Bridgeport Harbor Master's Office	Boating Basics: Guide to Responsible Boating
Coast Boating School	Safe Boating Course
Coastal Yachting Academy	Practical Boating Safety, Seamanship & Navigation
Connecticut Boating Education	Safe Boating Course/PWC
Connecticut Coastal Safe Boating	Connecticut Safe Boating
Connecticut Safe Boating, LLC	Basic Boating Safety
Connecticut Safe Boating, LLC	Basic Boating Safety & PWC
Don Fleming Yacht Services	Basic Safe Boating Course—CT
Dyno Time	Dyno Time Performance Boating Basics
Empire Safety Council	Boating Safety Course
Florida Sailing & Cruising School	Basic Powerboat Handling
Florida Sailing & Cruising School	Powerboat First Mate
Green Marine Services	Basic Safe Boating

<i>Course Provider</i>	<i>Name of Course</i>
International Jet Boat Safety Association	PWC Safety and Anti-Collision Training Top Gun Safety Course
Lighthouse Marine Service	Boat America: A Course on Responsible Boating for North Carolina
Lighthouse Marine Service	Boating Course for South Carolina
Longshore Sailing School & Greenwich Community Sailing	Boat Connecticut—A Course on Responsible Boating
Lytekeeper Marine Services	Basic Safe Boating/PWC Certification
Marine Resource Center	Boating Safety and Practical Seamanship
MMOC Safe Boating Instruction	SBC & PWCO Certification, Connecticut
Mystic Safe Boating	Safe Boating Basics Course
New England School of Boating	Connecticut Safe Boating
Northeast Marine Services	Safe Boating Course
Rhode Island Maritime School	Toward Safer Boating
Safety Resources	Connecticut Basic Boating Safety and PWC
Safe-Sea Marine Services	Basic Seamanship & Boat Handling
Sea Coast Boating Safety	Safe Boating and Personal Watercraft Course—Sea Coast Boating
Sound Environment Associates	Learn from the Dolphins
Sound Sailing Center	Basic Keelboat
US Coast Guard Auxiliary	Boating Skills/Seamanship (12th Edition)
US Coast Guard Auxiliary	Boating Safely
USFWS Aquatic Resources Training	Motorboat Operator Certification Course, U. S. Dept. of Interior
US Sailing Association	Small Boat Sailing Instructor Level 1 Instructor Course
US Sailing Association	Basic Keelboat Instructor Course
US Sailing Association	Basic Keelboat Student Course
US Power Squadrons	USPS Boating Course for Power & Sail (video)
US Power Squadrons	Boat Smart
US Power Squadrons	Squadron Boating Course
Vineyard Maritime	Safe Boating Course
Watercraft Training Center	Watercraft Training Center Boat Safe Training Manual
Alabama	Alabama Boating Basics
Alaska	Alaska Water Wise—A Course for Alaskan Boaters
Arizona	Boat Arizona
Arkansas	Arkansas Boating Education—A Guide to Responsible Boating
Arkansas	Boat Arkansas
California	AquaSmart Boating: Check It Out
Colorado	Boating Safely in Colorado
Connecticut	Boat Connecticut—A Course on Responsible Boating
Delaware	Delaware Boating Basics
Delaware	Boat Delaware—A Course on Responsible Boating
District of Columbia	DC Boating Basics
Florida	How to Boat Smart—Florida Boating Safety Course
Georgia	Boat Georgia—A Course on Responsible Boating
Hawaii	Hawaii Boating Basics
Idaho	Boat Idaho—A Course on Responsible Boating
Illinois	Boating Basics
Indiana	Indiana Boating Basics

<i>Course Provider</i>	<i>Name of Course</i>
Iowa	Iowa Boating Basics
Kansas	Kansas Boating Basics
Kentucky	The Kentucky Boating Safety Manual
Louisiana	Louisiana Boating Basics
Louisiana	Boat Louisiana—A Course on Responsible Boating
Maine	Boating Basics
Maryland	Maryland Boating Basics
Massachusetts	Massachusetts Boating Basics
Michigan	BoatEd Inc: Boat Michigan
Minnesota	Boating & Water Safety
Mississippi	Boat Mississippi (Dept. Wildlife/Fisheries & Parks)
Mississippi	Mississippi Boating Basics (Dept. Marine Resources)
Missouri	Boat Missouri: A Course on Responsible Boating
Montana	Montana Safe Boating Manual
Nebraska	Nebraska Boating Basics
Nebraska	Nebraska Boating Basics for PWC
Nevada	Boat Nevada—A Course on Responsible Boating
New Hampshire	Boat New Hampshire—A Course on Responsible Boating
New Jersey	New Jersey Boating Basics
New Mexico	New Mexico Boating Basics
New York	New York Safe Boating
North Carolina	Boat North Carolina—A Course on Responsible Boating
North Dakota	Boating Basics
Ohio	Ohio Boating Education Course (OBEC)
Oklahoma	Boat Oklahoma—A Course on Responsible Boating
Oregon	Boat Oregon—A Course on Responsible Boating
Pennsylvania	Basic Boating
Pennsylvania	Boating & Water Safety Awareness
Pennsylvania	Boat PA: A Course on Responsible Boating
Puerto Rico	A Course on Responsible Navigation
Rhode Island	Boat Rhode Island
South Carolina	Boat South Carolina—A Course for Responsible Boating
South Dakota	South Dakota Boating Basics
Tennessee	Boat Tennessee—A Course on Responsible Boating
Texas	Boat Texas: A Course for Responsible Boating
Utah	Utah's Boating Course
Utah	Utah's Personal Watercraft Education Course
Vermont	Boat Vermont—A Course on Responsible Boating
Vermont	Vermont Boating Basics
Virgin Islands	Boating Smart Virgin Islands
Virginia	Boat Virginia—A Course on Responsible Boating
Virginia	PWC in Virginia
Washington	Boating Basics
West Virginia	West Virginia Boating Basics
Wisconsin	Wisconsin Boating Basics
Wyoming	Wyoming Boating Basics

Additional Commission Approved Boating Safety Education Courses for Nonresidents Only*Course Provider*

BoatEd
 BoatUS
 CEERI (Florida)
 Code 4 Public Safety Education Association
 Delaunay Communications
 International Sail & Power Academy
 Nautical Know How, Inc.
 Nautical Know How, Inc.
 New England Maritime
 Outdoor Empire Publishing, Inc
 US Power Squadrons

Name of Course

Boat America: A Course on Responsible Boating
 On-line Boating Safety Course
 Boater 101
 Code 4 Boating Ed Internet Course
 PWCSafetySchool.com
 Safe Boating CD-Rom
 Boating Basics Online.Com
 Boat Safe.Com
 New England Maritime Boating Safety Course
 Boating Basics—A Guide to Responsible Boating
 America's Boating Course

DENNIS T. GUISE,
Deputy Executive Director

[Pa.B. Doc. No. 03-1860. Filed for public inspection September 19, 2003, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Request for Proposals

The Health Care Cost Containment Council (Council), an independent State agency that collects, analyzes and disseminates health care cost and quality-related information, seeks to obtain legal services on a retainer basis. Interested parties are requested to contact the Council office by writing the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, or by calling or e-mailing Cherie Elias, (717) 232-6787, celias@phc4.org, for copies of the Request For Proposal. A preproposal conference will be held on September 24, 2003, at 10 a.m. at the Council office at the address listed previously. Proposals are due to the Council office by 5 p.m. on October 24, 2003. The Council will make the award at the public Council meeting on November 6, 2003, at 10 a.m. at the Council office.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 03-1861. Filed for public inspection September 19, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for a Domestic Certificate of Authority

Positive Physicians Insurance Exchange has applied for a Certificate of Authority to operate as a domestic reciprocal exchange in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—999). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail

and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1862. Filed for public inspection September 19, 2003, 9:00 a.m.]

Renee Bender, D.O.; Prehearing

Appeal of Renee Bender, D.O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-08-063

On or before September 30, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for her disagreement with MCARE's July 22, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for October 21, 2003, at 1 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 14, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 7, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before October 14, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1863. Filed for public inspection September 19, 2003, 9:00 a.m.]

Charles E. Coates; Fact Finding Review

License Denial; Doc. No. AG03-07-005

A pre-review telephone conference initiated by this office is scheduled for October 2, 2003, at 10:30 a.m. A fact finding review in accordance with parties' stipulation will be held on October 14, 2003 at 1 p.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

No pre-review submissions are required of the parties.

Persons with a disability who wish to attend the administrative hearing who require an auxiliary aid, service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1864. Filed for public inspection September 19, 2003, 9:00 a.m.]

Conseco Senior Health Insurance Company; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 19% for the long term care policy form 10955 and the associated riders. The Transport Life Insurance Company originally issued these forms. The average premium will increase from \$1,305 to \$1,518 and will affect 913 policyholders in this Commonwealth.

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 James Laverty, 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. 03-1865. Filed for public inspection September 19, 2003, 9:00 a.m.]

Great Northern Insurance Company; Homeowners Insurance Rate and Rule Revision

On September 5, 2003, the Insurance Department (Department) received from Great Northern Insurance Company a filing for a proposed rate level and rule change for homeowners insurance.

The Great Northern Insurance Company requests an overall 6.3% increase amounting to \$2.458 million annually, to be effective upon Department approval.

Unless formal administrative action is taken prior to November 4, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1866. Filed for public inspection September 19, 2003, 9:00 a.m.]

Highmark Inc. d/b/a Highmark Blue Cross Blue Shield; Revised Rating Methodology for Clients with 50 or Fewer Contracts; Rate Filing

By filing no. 2-DEM-03-HBCBS, Highmark Inc. d/b/a Highmark Blue Cross Blue Shield requests approval of a revised rating methodology for small group clients (that is, 50 or fewer contracts). The revisions include a client level age/sex factor calculated from age/sex factors at the contract-holder level and expanded ranges for that demographic factor. Highmark also requests approval to include a measure of health status in its demographic rating formula by implementing the use of Prospective Relative Risk Scores.

The requested effective date of the change is July 1, 2004.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices Harrisburg and Pittsburgh.

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. 03-1867. Filed for public inspection September 19, 2003, 9:00 a.m.]

Keystone Health Plan West; Rate Filing

On August 29, 2003, Keystone Health Plan West (KHPW) submitted filing no. 1-DEM-03-KHPW to revise the rating methodology for clients with 50 or fewer contracts. The filing proposes adjustments to the approved demographic rating methodology and seeks to replace the current client-level average age factor with a client level age/sex factor calculated from age/sex factors at the contract-holder level (as approved by the Insurance

Department (Department) for Highmark Inc. for its business in the central part of this Commonwealth) and an expansion of the capped range for these factors from the current 0.65—1.35 range to an adjusted 0.65—1.75 range. Additionally, KHPW requests approval to include a measure of health status risk in its demographic rating formula by implementing the use of Prospective Relative Risk Scores. The requested effective date of these changes is for associations or pools renewing July 1, 2004.

Copies of the filing will be available for public inspection, by appointment, during normal working hours 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. 03-1868. Filed for public inspection September 19, 2003, 9:00 a.m.]

Notice to Companies Writing Private Passenger Auto Insurance in Pennsylvania; Notice No. 2003-07

Calculation of Limited Tort Differential

In Section 19 of Act of 1990, Act of February 7, 1990, 75 Pa.C.S. § 1799.7, the Pennsylvania General Assembly recognized that insurers writing private automobile insurance in Pennsylvania would realize substantial savings in their overall loss costs if their insureds were given the option of electing limited tort coverage in their policies. Because this option reduces insurers' potential liability, auto insurers have indeed experienced significant reciprocal savings since Act 6 was passed. These savings, in turn, have resulted in lower insurance rates for many Pennsylvania policyholders, which was clearly the legislature's intent.

Following the enactment of Act 6, the Insurance Department ("Department") initially required a minimum differential of 13.3% between full tort and limited tort rates. In 1991, the Department then determined that a minimum 15.3% differential between the full tort and limited tort rates was appropriate to ensure that rates adequately reflected the reciprocal savings that insurers would realize as a result of the limited tort option. Now, with the availability of sufficient, credible data reflecting the actual historical loss experience that has resulted since the enactment of Act 6, the Department has determined that it is an appropriate and preferred actuarial methodology to apply the loss cost differential for full versus limited tort on a per-coverage basis so that insurer expenses, losses and income are allocated according to the coverages that generate the same under the provisions of Act 6. See 75 Pa.C.S. § 1799.7(g). That is, the premium rates charged for auto insurance coverage in Pennsylvania should be adjusted to reflect the differing impact that the reciprocal limited tort loss cost savings has on each form of affected coverage—specifically, bodily injury, first party benefits, and uninsured/underinsured motorist coverage.

The Department has obtained and analyzed data indicating that selection of the limited tort option results in

reduced loss costs of approximately 40% for bodily injury, first party benefits, and uninsured/underinsured motorist coverages over full tort selectors. Therefore, effective immediately, private passenger auto rate filings must apply the limited tort differential on a coverage-by-coverage basis and apply a minimum differential of 40% on bodily injury, first party benefits, and uninsured/underinsured motorist coverages unless an insurer is able to provide sufficient, credible data to demonstrate that a different limited tort differential is appropriate for those coverages.

All private passenger auto insurers must submit new rate filings applying the limited tort differential on a coverage-by-coverage basis on or before December 1, 2003, to become effective for all policies issued or renewed after 60 days following approval of the filing by the Department or notification of receipt of the filing if made on a "file and use" basis. Insurers submitting rate filings that apply the standard 40% limited tort differential for the affected coverages and make no other changes to their existing, approved rates can do so on a "file and use" basis. Insurers submitting rate filings that do not apply the standard 40% differential for the affected coverages must provide sufficient, credible data to support their proposed differential and otherwise demonstrate to the Department's satisfaction that the filing appropriately applies the limited tort premium differential on a coverage-by-coverage basis.

Because the failure to apply an appropriate limited tort differential may result in excessive, inadequate or unfairly discriminatory rates, any private passenger auto insurer that fails to submit a filing reflecting the appropriate limited tort differential by the required date may be subject to appropriate regulatory action by the Department, including the possible disapproval of any rates currently in effect.

Data Call

Within the next few weeks the Department will be conducting a data call requiring all insurance companies writing private passenger automobile insurance in Pennsylvania to collect certain information and submit it to the Department within 90 days.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1869. Filed for public inspection September 19, 2003, 9:00 a.m.]

Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Insurance Department (Department) for insureds who are subject to The Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P.S. §§ 1303.101—1303.5108). Organizations and physicians that self-insure their medical malpractice exposures are also required to report this claims information. These reports are required under section 743 of the act (40 P.S. § 1303.473).

The claims information must be reported to the Medical Care Availability and Reduction of Error Fund (Fund) and to the Department. The following calendar year 2002 claims information is due to the Fund and to the Department by October 15, 2003:

- The aggregate amount of premium earned.
- The aggregate amount of losses paid.
- The aggregate amount of losses incurred.
- The aggregate amount of loss reserves outstanding.
- The aggregate amount of loss adjustment expenses paid.
- The aggregate amount of loss adjustment expenses incurred.
- The aggregate amount of loss adjustment expense reserves outstanding.
- A table showing separately by accident year and county the number of claims first reported (or arising) in 2002.
- A table showing separately by accident year and disposition (that is, judgement of arbitration panel, judgement of court, settlement or other) the number of claims closed (or disposed) in 2002.
- A separate table for each type of disposition previously identified showing for claims closed (or disposed) in 2002 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; and the basic coverage premiums collected.

Reports must be submitted in electronic form as an Excel spreadsheet. A letter has been mailed instructing medical malpractice carriers to submit their 2002 data.

Medical malpractice carriers who have not received a letter should contact Brenna Murphy, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2114, brmurphy@state.pa.us. Questions concerning the information contained in this notice should be directed to Brenna Murphy.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1870. Filed for public inspection September 19, 2003, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and 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 Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Vincent J. Robinson; file no. 03-265-03908; Rutgers Casualty Insurance Company; doc. no. PH03-08-075; November 19, 2003, 9 a.m.

Appeal of Andrea Tamayo; file no. 03-280-04090; State Farm Fire and Casualty Company; doc. no. PH03-08-074; November 20, 2003, 3 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Brian J. Nolton; file no. 03-303-71539; Mutual Benefit Insurance Company; doc. no. P103-08-073; November 5, 2003, 1 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. 03-1871. Filed for public inspection September 19, 2003, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.21—Commonwealth Child Care Program, Revision No. 1, Dated August 6, 2003.

Management Directive No. 315.17—Direct Deposit of Pay Program, Revision No. 1, Dated August 22, 2003.

Administrative Circular No. 03-19—Revenue Estimates, 2004-05 Fiscal Year, Dated July 29, 2003.

Administrative Circular No. 03-20—2004-05 Budget Instructions, Dated August 15, 2003.

Administrative Circular No. 03-21—Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Lackawanna County, Dated August 20, 2003.

Administrative Circular No. 03-22—Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Venango County, Dated August 20, 2003.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 03-1872. Filed for public inspection September 19, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Montgomery County, Wine & Spirits Shoppe #4603, 416 Old York Road, Jenkintown, PA 19046-2809.

Lease Expiration Date: September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,500 net useable square feet of new or existing retail commercial space within a 1-mile radius of West Street and Old York Road, Jenkintown.

Proposals due: October 10, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 03-1873. Filed for public inspection September 19, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Amended Reliability Benchmarks and Standards for Electric Distribution Companies; Doc. No. M-00991220

Under the Energy Association of Pennsylvania's letter petition dated September 5, 2003, requesting an initial 30-day extension of the deadline of September 10, 2003, within which time to file comments to the Tentative Order regarding Amended Reliability Benchmarks and Standards for Electric Distribution Companies at M-00991220, the deadline for comments to be filed with the Commission has been extended to October 10, 2003. In the event that no comments are filed by October 10, 2003, the Tentative Order shall become a Final Order by

operation of law under the Commission's Tentative Order, Ordering Paragraph No. 3.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1874. Filed for public inspection September 16, 2003, 9:00 a.m.]

Gas Service

A-122300F0006. PECO Energy Company. Application of PECO Energy Company for a Certificate of Public Convenience that reaffirms its authority to offer, render, furnish or supply gas service to the public in three municipalities in Delaware County: Chadds Ford Township (formerly Birmingham Township), Edgemont Township and Thornbury Township.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 6, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PECO Energy Company

Through and by Counsel: Kent D. Murphy, Assistant General Counsel, 2301 Market Street, S23-1, P. O. Box 8699, Philadelphia, PA 19101-8699.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1875. Filed for public inspection September 19, 2003, 9:00 a.m.]

Gas Service

A-122300F0007. PECO Energy Company. Application of PECO Energy Company for a Certificate of Public Convenience that reaffirms its authority to offer, render, furnish or supply gas service to the public in five municipalities in Bucks County: Bedminster Township, Bridgeton Township, Borough of Dublin, Tincum Township and Upper Makefield Township.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 6, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PECO Energy Company

Through and by Counsel: Kent D. Murphy, Assistant General Counsel, 2301 Market Street, S23-1, P. O. Box 8699, Philadelphia, PA 19101-8699.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1876. Filed for public inspection September 19, 2003, 9:00 a.m.]

Gas Service

A-122300F0008. PECO Energy Company. Application of PECO Energy Company for a Certificate of Public Convenience that reaffirms its authority to offer, render, furnish or supply gas service to the public in 15 municipalities in Chester and Lancaster Counties: East Brandywine Township, East Nantmeal Township, Borough of Elverson, Highland Township, London Britain Township, Borough of Modena, Newlin Township, South Coventry Township, Wallace Township, Warwick Township, West Bradford Township, West Fallowfield Township, West Nantmeal Township and West Vincent Township, Chester County; and Salisbury Township, Lancaster County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 6, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PECO Energy Company

Through and by Counsel: Kent D. Murphy, Assistant General Counsel, 2301 Market Street, S23-1, P. O. Box 8699, Philadelphia, PA 19101-8699.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1877. Filed for public inspection September 19, 2003, 9:00 a.m.]

Gas Service

A-123100F0030. UGI Utilities, Inc. Application of UGI Utilities, Inc. for approval to begin to offer, render, furnish or supply gas utility service to the public in additional territories of Leacock and Paradise Townships, Lancaster County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 6, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: UGI Utilities, Inc.

Through and by Counsel: Thomas M. Jackal, Esquire, P. O. Box 858, Valley Forge, PA 19482-0858.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1878. Filed for public inspection September 19, 2003, 9:00 a.m.]

Gas Service

A-123100F0031. UGI Utilities, Inc. Application of UGI Utilities, Inc. for approval to begin to offer, render, furnish or supply gas utility service to the public in additional territories of Riegelsville, Durham, Haycock and Nockamixon Townships, Bucks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 6, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: UGI Utilities, Inc.

Through and by Counsel: Thomas M. Jackal, Esquire, P. O. Box 858, Valley Forge, PA 19482-0858.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1879. Filed for public inspection September 19, 2003, 9:00 a.m.]

**Railroad
With Hearing**

A-00119874. Department of Transportation. Application of the Department of Transportation for approval of the suspension of the crossing (DOT 516 167 P) by the removal of the siding track and by paving over the crossing where State Road (S.R. 2002) crosses, at-grade, the tracks formerly operated by Consolidated Rail Corporation located in Bensalem Township, Bucks County, and the allocation of costs incident thereto.

An initial hearing on this matter will be held on Thursday, November 13, 2003, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1880. Filed for public inspection September 19, 2003, 9:00 a.m.]

**Railroad
With Hearing**

I-00030098 and M-00021613. Shade Township, Somerset County. Investigation upon the Pennsylvania Public Utility Commission's own motion into matters pertaining to the proper service, accommodation, convenience and safety of the traveling public using the at-grade crossing that intersects State Road 1021 (School House Road, 003 305*) and the below-grade crossing that intersects Monument Road (T-657) in Shade Township, Somerset County.

An initial hearing on this matter will be held on Friday, October 31, 2003, at 10 a.m. in an available hearing room, 11th Floor, Pittsburgh State Office Building, 300

Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1881. Filed for public inspection September 19, 2003, 9:00 a.m.]

Rescission Order

Public Meeting held
September 5, 2003

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr., statement follows; Glen R. Thomas; Kim Pizzingrilli

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff (2003.0034) v. Allegheny Coin Company,
Inc.; Doc. No. C-20039886; A-310296*

Rescission Order

By the Commission:

On June 27, 2003, the Commission entered a Default Order at C-20039886 and A-310296 against Allegheny Coin Company, Inc. (Allegheny Coin or Respondent), an interexchange reseller, for failure to pay its monthly Universal Service Fund (USF) assessments in violation of 52 Pa. Code §§ 63.161—63.171 and 66 Pa.C.S. §§ 3001—3009. The Respondent filed a Petition for Rescission on July 8, 2003, under 66 Pa.C.S. § 703(f) and (g) and 52 Pa. Code § 5.572, informing the Commission that it had paid the entire amount owed, \$2,975.78, as well as its USF assessment for July 2003, and late fees. Respondent also pledged to make all future USF assessment payments in a timely and responsible fashion. The Default Order was published in the *Pennsylvania Bulletin* on July 12, 2002, at 33 Pa.B. 3453, and specifically recognized that the Commission may impose a penalty if Respondent seeks relief from the Default Order. *Id.* We shall grant the subject Petition for Rescission contingent upon the payment of a civil penalty.

Background

The Respondent's history of compliance with regulatory requirements is abysmal. Law Bureau Prosecutory Staff (Prosecutory Staff) has repeatedly been forced to take action against Allegheny Coin to bring the Respondent into compliance with the Public Utility Code and Commission regulations. On April 7, 1999, Prosecutory Staff filed a complaint at C-00992315 in response to Respondent's failure to pay its General Assessment for Fiscal Year 1996-1997 in the amount of \$4,624 and its General Assessment for Fiscal Year 1998-1999 in the amount of \$1,987, both amounts which Respondent subsequently paid by check on June 24, 1999. On January 16, 2001, Prosecutory Staff filed a complaint at C-00014690 for the Respondent's failure to pay its General Assessment for Fiscal Year 2000-2001 in the amount of \$4,277, which the Respondent subsequently paid by several checks received by the Commission from November 28, 2000, through May 5, 2001. On May 23, 2002, Prosecutory Staff filed a complaint at C-20027846 for Respondent's failure to file its 2000 Annual Report, which was subsequently filed on June 26, 2002. On January 17, 2003, Prosecutory Staff filed a complaint at C-20039304 for Respondent's failure to file its 2001 Annual Report, which the Respondent

subsequently filed on February 3, 2003, accompanied by the \$250 civil penalty for late filing.

On April 3, 2003, Prosecutory Staff instituted the current proceeding by filing a complaint against Allegheny Coin alleging that Respondent's monthly USF assessments were more than 90 days past due. The complaint charged that the Respondent's failure to pay these assessments violates 52 Pa. Code §§ 63.161—63.171 and 66 Pa.C.S. §§ 3001—3009. Prosecutory Staff's complaint sought an order from the Commission canceling the Respondent's certificate of public convenience for failure to pay its USF assessments. The complaint was sent by certified mail by the Secretary's Bureau on April 22, 2003, and, according to the postal return receipt, service was perfected on April 24, 2003. Since no answer to the complaint was filed, the Commission issued a Default Order on June 27, 2003.

Discussion

Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a) and (b), authorizes the Commission to impose a maximum civil penalty of \$1,000 per day for violations of the statute, regulations and orders. In addition, the Commission has adopted certain standards that must be applied when imposing a civil penalty for violations of the Commission's orders and regulations. *Joseph A. Rosi v. Bell Atlantic-Pennsylvania, Inc. and Sprint Communications Company (Rosi)*, C-00992409 (March 16, 2000). In *Rosi*, the Commission adopted standards to be applied to determine the amount of the civil penalty in litigated slamming cases. These standards, however, have also been considered when evaluating settlement agreements in nonlitigated slamming cases. *Pennsylvania Public Utility Commission v. PEPCO Energy Services*, M-00001432 (November 9, 2000). Furthermore, the Commission has determined that the *Rosi* factors are generic in nature and are applicable in determining the amount of a civil penalty for all violations of the Public Utility Code and Commission regulations. *Pennsylvania Public Utility Commission v. NCIC Operator Services*, M-00001440 (December 21, 2000). Therefore, the *Rosi* standards must be used in all cases when determining the appropriate amount of a civil penalty for all types of violations for all categories of public utilities. *Id.*

The standards for developing a civil penalty that are set forth in *Rosi* are as follows:

1. Whether the violation was intentional or negligent. If the violation is intentional, the Commission should start with the presumption that the penalty will be in the range of \$500 to \$1,000 per day. If the violation is negligent, the Commission should start with the presumption that the penalty will be in the range of zero dollars to \$500 per day. The precise penalty amount per day will be arrived at by applying the following additional standards, while recognizing that the Commission retains broad discretion in determining a total civil penalty amount that is reasonable on an individual case basis.
2. Whether the regulated entity promptly and voluntarily took steps to return the customer to the appropriate carrier and credited the customer's account.
3. Whether the regulated entity initiated procedures to prevent future slamming.
4. The number of customers affected and the duration of the violation.
5. Whether the penalty arises from a settlement or a litigated proceeding.

6. The compliance history of the regulated entity which committed the violation.
7. Whether the regulated entity cooperated with the Commission.
8. The amount necessary to deter future violations.
9. Past Commission decisions in similar situations.
10. Other relevant factors.

In this case, the following *Rosi* factors are applicable for determining the appropriate amount of the civil penalty to impose on Allegheny Coin: the nature of the violation (intentional or negligent), whether the penalty arises from a settlement or litigated proceeding, the extent of cooperation by the regulated entity and the compliance history of the utility.

The first standard raises the question as to whether Respondent's disregard of its USF assessment was intentional or negligent. Since Respondent ignored the Commission's dunning efforts and Formal Complaint, we must assume the action was intentional, although attributable perhaps to financial difficulties.

The next standard we shall consider is the nature of the proceeding, that is, whether the penalty arises from a settlement or litigated proceeding. Unfortunately, the Respondent has again wasted the Commission's resources through its repeated failure to make monthly USF payments in a timely manner, which in turn has required Prosecutory Staff to take formal action.

The remaining standards we shall consider are Respondent's cooperation and compliance history. The Respondent ignored its USF obligation until the Default Order was issued, indicating a complete lack of cooperation. Furthermore, Allegheny Coin has not been forthcoming about any reasons for neglecting its USF financial obligation. Finally, given the Respondent's previous history of noncompliance, detailed herein, the reason expressed by Allegheny Coin for why the Commission should grant its petition, payment of past due and current assessments, is particularly unpersuasive.

Based on our review of these specific *Rosi* standards, we conclude that the failure to pay its contribution in a timely manner is intentional, that this is a litigated proceeding, Respondent has not cooperated with Prosecutory Staff, and its compliance history is poor. Clearly, the presumption is that the penalty will be in the range of \$500 to \$1,000 per day and that there are no mitigating factors to warrant a penalty at the lower end of the range. However, the Commission retains broad discretion in determining a total civil penalty amount that is reasonable on an individual case basis. *Rosi* at 10.

The Commission's Universal Service regulations have a built-in penalty provision under 52 Pa. Code § 63.167(4) that provides for the assessment of late-payment charges (1.5%) on contributions that are 30 days or more past due. In addition, the regulation requires the Administrator to refer all accounts more than 90 days past due to the Commission for enforcement. 52 Pa. Code § 63.167(b). The enforcement contemplated by the Universal Service regulations for failure to pay in a timely manner is prohibition against providing service and other penalties as are authorized under law. 52 Pa. Code § 63.171.

Accordingly, we will assess a civil penalty in the amount of \$1,000 for generally failing to pay the USF assessments in a timely manner rather than calculate the penalty as a continuous violation. Respondent has already paid a late-payment penalty and this amount is four

times the amount in civil penalties the Respondent was assessed in response to its annual report violation in February 2003, and within the range contemplated by the standard. We hope that this amount is large enough to deter future violations of these regulations by Allegheny Coin given the following warning: if the Respondent again fails to comply with Commission regulations, we will not be so favorably disposed and will revoke the Respondent's certificate of public convenience, absent extreme extenuating circumstances; *Therefore,*

It Is Ordered That:

1. The Petition to Rescind the Commission's June 27, 2003, Default Order is granted, consistent with this Rescission Order.

2. The Default Order entered June 27, 2003, is hereby rescinded subject to the Respondent's compliance with Ordering Paragraph No. 4, within 20 days.

3. A copy of this Rescission Order be published in the *Pennsylvania Bulletin*, and served on the Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, the Department of General Services, the Department of Corrections and the Attorney General's Bureau of Consumer Protection.

4. Allegheny Coin Company, Inc. is ordered to pay a civil penalty in the amount of \$1,000, under sections 3301 and 3315 of the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315, by sending a certified check or money order within 20 days after entry of this Order to Pennsylvania Public Utility Commission, Secretary's Bureau, P. O. Box 3265, Harrisburg, PA 17105-3265. The docket numbers for this Order should be referenced in the check or money order.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1882. Filed for public inspection September 19, 2003, 9:00 a.m.]

Rescission Order

Public Meeting held
September 5, 2003

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson Jr., statement follows; Glen R. Thomas; Kim Pizzingrilli

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff (2002.0294) v. Association
Administrator, Inc.; Doc. No. C-20039877; A-310527*

Rescission Order

On April 1, 2003, Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Association Administrator, Inc. (AAI or Respondent), a telecommunications interexchange reseller certificated at A-310527, for failure to pay its 5th semiannual Telephone Consumer Education Program 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 AAI that sustained the complaint and set forth a process to cancel Respondent's certificate of public convenience.

This is the second violation that has led to initiation of complaint proceedings to cancel AAI's certificate of public convenience since its issuance in 1997. Respondent's certificate was cancelled on April 4, 2002, for failure to

file its 1999 Annual Report and a Petition for Reinstatement was filed on June 13, 2002. In the August 8, 2002, Order granting Respondent's request for reinstatement of its certificate, we cautioned that all future Commission correspondence must be answered in a timely manner.

In this matter, the Respondent submitted a letter dated July 1, 2003, to Prosecutory Staff requesting that the Commission rescind the June 27, 2003, Default Order revoking its certificate of public convenience. Prosecutory Staff filed the letter with the Secretary's Bureau on July 9, 2003. Although the letter included enclosed payment for the 5th and 6th installments, \$30 and \$19, respectively, no explanation was given for the delinquency.

Based on the fact that AAI made all required payments including its 5th and 6th semiannual Telephone Consumer Education Program Fund Contribution and that the delinquencies involved minimal amounts, we shall grant AAI's request for rescission of the Default Order. However, in accord with our prior warning about ignoring Commission correspondence directed to AAI in the August 8, 2002, Order, we believe that a civil penalty is warranted in this matter.

Accordingly, we shall assess a civil penalty in the amount of \$250 for failing to pay the 5th semiannual Telephone Consumer Education Program Fund Contribution in a timely manner. Although no explanation was provided for the delinquency and failure to respond to the complaint, upon being informed that payments were due through service of the Default Order, Respondent immediately took action to pay the installments and sought rescission of the Default Order. Therefore, we find that this action on the part of the Respondent indicates negligent rather than intentional conduct. Based on the standards set forth in *Joseph A. Rosi v. Bell-Atlantic Pennsylvania, Inc. and Sprint Communications Company, L.P.*, C-00992409 (March 16, 2000), the presumption is that the penalty will be in the range of zero dollars to \$500 per day and we believe that Respondent's quick action, along with the small amount of the delinquency, are mitigating factors to warrant a penalty at the lower end of the range. Given that the Commission retains broad discretion in determining a total civil penalty amount that is reasonable on an individual basis, *Rosi* at 10, we believe that this amount based on a "per occurrence" violation is large enough to deter future violations of Commission regulations by AAI given the following warning: if the Respondent again fails to comply with Commission regulations, we will not be so favorably disposed and will revoke the Respondent's certificate of public convenience, absent extreme extenuating circumstances; *Therefore*,

It Is Ordered That:

1. The Default Order entered June 27, 2003, is hereby rescinded subject to the Respondent's compliance with Ordering Paragraph No. 3.
2. A copy of this Rescission Order be published in the *Pennsylvania Bulletin* and served on the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate.
3. Association Administrators, Inc. is ordered to pay a civil penalty in the amount of \$250 under sections 3301 and 3315 of the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315, by sending a certified check or money order within 20 days after entry of this Order to Pennsylvania Public Utility Commission, Secretary's Bureau, P. O. Box 3265, Harrisburg, PA 17105-3265. The docket numbers for

this Order should be referenced in the check or money order.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1883. Filed for public inspection September 19, 2003, 9:00 a.m.]

Rescission Order Statement

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Association Administrator, Inc.	Public Meeting September 5, 2003 SEP-2003-L-0087R Docket No. C-20039877
Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Allegheny Coin Company, Inc.	Public Meeting September 5, 2003 SEP-2003-L-0100* Docket No. C-20039886 A-310296

Statement of Commissioner Aaron Wilson, Jr.

I applaud the Commission's willingness to impose penalties on telecommunications carriers that violate our regulations, fail to pay their assessments, or fail to timely comply with our obligations regarding universal service support. This approach is long overdue in the telecommunications area.

However, I do not support application of any mitigation criteria under *Joseph A. Rosi v. Bell-Atlantic Pennsylvania, Inc. and Sprint Communications, L.P.*, Docket No. C-00992409 (March 16, 2000) (*Rosi*). The use of a "mitigation" criteria is disturbing because it legitimizes the potential for discrimination in the application of the penalty provisions of our Public Utility Code. Mitigation is premised on a largely subjective view of a utility, a utility's counsel, or a utility's reputation. I have not supported, and do not support, use of criteria that institutionalizes discriminatory and subjective treatment.

DR. AARON WILSON, Jr.,
Commissioner

[Pa.B. Doc. No. 03-1884. Filed for public inspection September 19, 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, on or before October 14, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00120112. Eazy Cabs, Inc. (1819 C. Paxton Street, Harrisburg, Dauphin County, PA 17104), a corporation of the Commonwealth—persons, upon call or demand in the Counties of Dauphin, Cumberland, York and Perry.

A-00120111. Mellinnium Transportation, Inc. (P. O. Box 12426, City and County of Philadelphia, PA 19151), a corporation of the Commonwealth—persons, in paratransit service, from points in the City and County of Philadelphia, to all State and Federal correctional institutions in Pennsylvania, and return.

A-00120113. Michael Odell Pettus t/d/b/a Pettus Taxi Service (239 Edgewood Avenue, Pittsburgh, Allegheny County, PA 15218)—persons, upon call or demand in the City of Pittsburgh, the Township of Mt. Lebanon and the Boroughs of Green Tree, Dormont, Edgewood, McKees Rocks, Etna, Sharpsburg, Aspinwall, Crafton, Mt. Oliver, Homestead, Swissvale, Wilkinsburg, Forest Hills, Rankin and Churchill, all located in Allegheny County.

A-00120114. Galen H. and Barbara B. Martin, Tenants by Entirety t/d/b/a Martin's (6004 Mast Road, Narvon, Lancaster County, PA 17555)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Lancaster and Chester, and from points in said counties, to points in Pennsylvania, and return.

A-00120108. Northern Car & Truck Rental, Inc. (626 W. Lackawanna Avenue, Scranton, Lackawanna County, PA 18503), a corporation of the Commonwealth—persons, in limousine service, between points in the Counties of Lackawanna, Luzerne, Wayne, Monroe, Carbon, Pike, Wyoming and Susquehanna, and from points in said counties, to points in Pennsylvania, and return.

Application of the following for the approval of the transfer of stock as described under the application.

A-00108173, Folder 5001. D's Limousine Service, Ltd. (P. O. Box 296, Orefield, Lehigh County, PA 18069), a limited liability company of the Commonwealth, for the approval of transfer of 50 shares of issued and outstanding shares held by Barbara Ianovale to John Lakis. *Attorney:* Irene A. Belot-Pave, 766 Bridgeview Road, Langhorne, PA 19053.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1886. Filed for public inspection September 19, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project 03-092.0, Condition Survey of Container Cranes until 2 p.m. on Thursday, October 9, 2003. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on Tuesday, September 23, 2003. PRPA is an equal opportunity employer. Offerors must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-1886. Filed for public inspection September 19, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

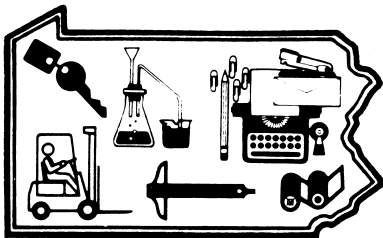
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

090301 Complete rebuild of 4 Westinghouse Air Circuit Breakers. 150 DH 150A, 1200 AMP.

Department: Public Welfare
Location: Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg, PA 15931
Contact: Cora Davis, Purchasing Agent, (814) 472-0288

1500-19008 Duralux Tray, 16"L x 11"W x 1.5"D, 24/case. Color: Cinnabar T-6-1.5

Department: Corrections
Location: SCI Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Contact: Michelle L Ryan, (717) 975-5267

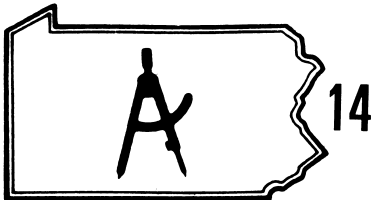
44-931595 Contractor shall supply One (1) 1,000 Gallon Aboveground Concrete Vaulted, Double Walled Storage Tank for District 2, Keewaydin Stockpile, SR 879, Clearfield County. Tank shall be constructed with a minimum of 3/16" thick carbon steel in accordance with UL Listed Standard 142 and meeting the requirements of NFPA 30 and fitted for grounding requirements of NFPA 78. Site preparation and tank installation will not be covered under this contract and will be furnished through a separate contract. Contract shall include freight to site only and does not include offloading. Offloading will be furnished through a separate contract and will be coordinated with the delivery of the tank. Steel Products Procurement Act shall apply to this contract. All requests for bid packages must be requested by fax (814) 768-0735 or e-mail: dswank@state.pa.us or telephone (814) 765-0403. Attention: Debbie Swank, Purchasing Agent. PA Prevailing Wage Act does not apply.

Department: Transportation
Duration: One year contract
Contact: Debbie Swank, (814) 765-0403

SU-03-01 CATV/SMATV Broadcast Signal Services. Shippensburg University is seeking proposals for a Contractor to provide CATV/SMATV broadcast signal services to this site—Shippensburg, PA. Contract for a three year period, with the option to renew for 2 additional years, but not to exceed five years total. Requests for the proposal package should be faxed to Deborah K. Martin at FAX: (717) 477-4004 or emailed to DKMART@wharf.ship.edu.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: Three year contract with option to renew for 2 additional years.
Contact: Deborah K. Martin, (717) 477-1121

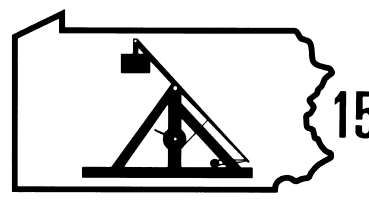
SERVICES



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.

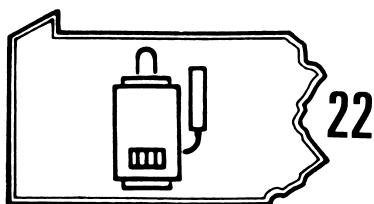
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

AMD 65(1183)102.1 Acid Mine Drainage Abatement Project, Keystone. The principal items of work and approximate quantities include 2,850 cubic yards of grading, 521 cubic yards of ditch excavation, 725 square yards of R-4 rock lining, 120 tons of R-4 rock embankment, 3,800 square yards of impervious lining (PVC), 1,460 square yards of roadway surface material, 55 linear feet of corrugated polyethylene pipe, 2,252 tons of aggregate (high CaCO3 content), 2,690 linear feet of polyvinyl chloride (PVC) pipe, 5 gate valves, 18 ball valves, 1 flume, 1 concrete vault with siphon, 400 cubic yards of spent mushroom compost and 3 acres of seeding. This project issues on September 19, 2003, and bids will be opened on October 16, 2003 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Funding for this project is available from the \$24.7 million for Pennsylvania's 2002 AML Grant.

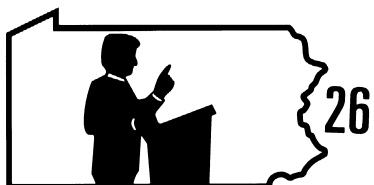
Department: Environmental Protection
Location: Derry Township, Westmoreland County, PA
Duration: 330 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



HVAC Services

925715 Maintenance of gas fired/fueled heating systems.

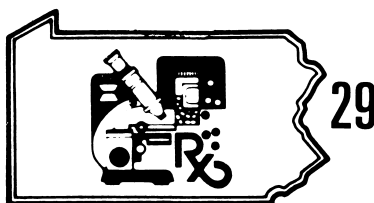
Department: Transportation
Location: 101 Bennett Ave., PO Box 1509, Milford, PA 18337
Duration: 3 Years, (36 months) from effective date of contract.
Contact: Chuck Dellert, (570) 296-7193



Legal Services & Consultation

0903-1 The Pennsylvania Health Care Cost Containment Council, an independent state agency that collects, analyzes, and disseminates health care cost and quality-related information, seeks to obtain legal services on a retainer basis. Interested parties are requested to contact the Council Office by writing the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, or by calling or e-mailing Cherie Elias at (717) 232-6787; celias@phc4.org, for copies of the Request for Proposal. A pre-proposal conference will be held on September 24, 2003 at 10:00 a.m. at the Council Office at the address listed above. Proposals are due to the Council Office no later than 5 p.m. on October 24, 2003. The Council will make the award at the public Council meeting on November 6, 2003 at 10:00 a.m. at the Council Office.

Department: PA Health Care Cost Containment Council
Location: 225 Market Street, Suite 400, Harrisburg, PA 17101
Duration: 8 months with option to renew for 2 additional years
Contact: Cherie Elias, (717) 232-6787



Medical Services

CN00005150 Autopsy Service.

Department: Public Welfare
Location: POLK CENTER, P. O. Box 94, Polk, PA 16342
Duration: November 1, 2003 through June 30, 2006
Contact: Marty DuPont, 814-432-0423

CN00005151 Services of an Optician for Eyeglasses (Lenses and Frames) and Eyeglass Repairs

Department: Public Welfare
Location: POLK CENTER, P. O. Box 94, Polk, PA 16342
Duration: November 1, 2003 through June 30, 2006
Contact: Marty DuPont, (814) 432-0423

[Pa.B. Doc. No. 03-1887. Filed for public inspection September 19, 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