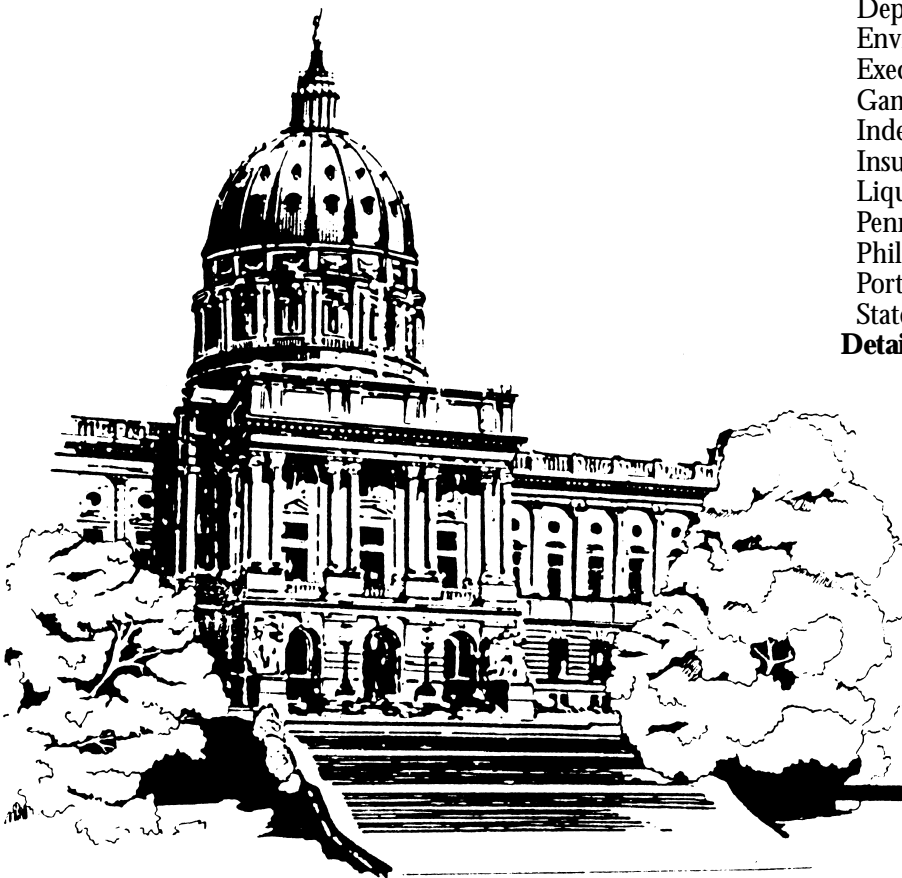


PENNSYLVANIA BULLETIN

Volume 33
Saturday, October 25, 2003 • Harrisburg, Pa.
Number 43
Pages 5285—5402

Agencies in this issue:

The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Environmental Quality Board
Executive Board
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Port of Pittsburgh Commission
State Board of Psychology
Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



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

No. 347, October 2003

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

published weekly by Fry Communications, Inc. for the

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2003 Commonwealth of Pennsylvania
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.

CONTENTS

THE COURTS

LOCAL COURT RULES

Beaver County

Transfer of function of all domestic relations matters from the office of clerk of courts to the office of the domestic relations; no. misc. 236..... 5295

Lawrence County

Local rules of judicial administration; administrative doc. no. 90047 of 2003, A. D. 5295

Northampton County

Administrative order 2003-6—criminal case pre-trial conferences; misc. 7-2003..... 5296

Administrative order 2003-7—vacation of administrative order 1995-5 “assignment of guilty plea judge”; misc. 7-2003..... 5296

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications..... 5326
Maximum lawful rate of interest for residential mortgages for the month of November 2003 5327

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Snowmobile and ATV Advisory Committee meeting . 5327

DEPARTMENT OF ENVIRONMENTAL PROTECTION

See also ENVIRONMENTAL QUALITY BOARD

Notices

Applications, actions and special notices..... 5328

DEPARTMENT OF GENERAL SERVICES

Notices

State contracts information..... 5398

DEPARTMENT OF HEALTH

Notices

Renal Disease Advisory Committee meeting 5385

DEPARTMENT OF REVENUE

Notices

Pennsylvania Dashing Through The Dough instant lottery game..... 5385
Pennsylvania Holiday Bucks instant lottery game... 5386
Pennsylvania Holiday Countdown instant lottery game..... 5388
Pennsylvania Stocking Stuffer Doubler instant lottery game 5390

ENVIRONMENTAL QUALITY BOARD

Rules and Regulations

Architectural and industrial maintenance coatings..... 5297

EXECUTIVE BOARD

Statements of Policy

Reorganizations:

Department of Agriculture..... 5322
Department of Environmental Protection..... 5322
Department of Labor and Industry..... 5322

GAME COMMISSION

Rules and Regulations

Hunter ID number..... 5314
Hunting and furtaking licenses; elk licenses 5319
Hunting and trapping:
Coyote 5316
Deer 5317
Elk 5318
Presque Isle State Park..... 5318
Lands and buildings 5315
Special permits 5320

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission..... 5392
Notice of filing of final rulemakings 5392

INSURANCE DEPARTMENT

Notices

Application for increase in underwriting authority of a domestic stock casualty insurance corporation .. 5392
Children’s Health Insurance Program; Advisory Council meeting 5393
Highmark Blue Shield; authority to increase rates for individual Medigap Blue plans E and I for central Pennsylvania; filing 1-MB/EI-03-HBS..... 5393
Highmark Blue Shield; nongroup special care medical/surgical, nongroup ClassicBlue major medical, nongroup ClassicBlue medical/surgical, special care hospital, nongroup comprehensive major medical, nongroup ClassicBlue hospital, MedigapBlue hospital plans A, B, C and H and MedigapBlue medical/surgical plans A, B, C and H and MedigapBlue hospital and medical/surgical plans E and I; rate hearing..... 5393
Independence Blue Cross (IBC) and Highmark Blue Shield; nongroup basic hospital, nongroup major medical, nongroup medical/surgical, Security 65 medical/surgical, special care medical/surgical; rate hearing..... 5393
Pennsylvania 2002 private passenger automobile data calls 5394

LIQUOR CONTROL BOARD

Notices

Expiration of leases..... 5394

Now Available Online at <http://www.pabulletin.com>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Gas service 5394
Natural gas service 5394
Service of notice of motor carrier applications..... 5395
Water service (2 documents)..... 5395

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 5396

PORT OF PITTSBURGH COMMISSION

Notices

Independent auditors' report..... 5396

STATE BOARD OF PSYCHOLOGY

Notices

Bureau of Professional and Occupational Affairs v.
Saundra Reichel; doc. no. 0171-63-00..... 5397

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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

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.

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

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

1 Pa. Code (General Provisions)		216	4393
Proposed Rulemaking		217	4393
301	3501	218	4393
303	3501	219	4393
305	3501	220	4393
307	3501	221	4393
309	3501	223	4393
311	3501	224	4393
		225	4393
		226	4393
		227	4393
		228	4393
		230	4393
		240	4393
		271	2880
		287	2880
4 Pa. Code (Administration)		Proposed Statements of Policy	
Adopted Rules		16	5202
1	1452, 3476, 4063, 4065		
5	3478, 3480, 3600		
6	4886, 5070		
7	3483, 3486, 3989		
Proposed Rulemaking			
243	892		
249	892		
Statements of Policy			
1 (with correction)	1624		
9	34, 760, 1722, 2984, 3510, 3615, 4178, 4689, 4787, 5083, 5322		
7 Pa. Code (Agriculture)		28 Pa. Code (Health and Safety)	
Adopted Rules		Adopted Rules	
21	1329	912	2865
59	4445	1101	4900
106	541	1103	4900, 5080
		1105	4900
		1107	4900
		1109	4900
		1113	4900
Statements of Policy		Proposed Rulemaking	
133	2172	25	2169
		1001	4450
		1003	4450
		1005	4450
		1007	4450
		1051	4450
17 Pa. Code (Conservation and Natural Resources)		Statements of Policy	
Adopted Rules		107	4789
23	21		
51	4669		
22 Pa. Code (Education)		31 Pa. Code (Insurance)	
Adopted Rules		Adopted Rules	
4	255, 283	115	346
403	2980	165	24
Proposed Rulemaking		Proposed Rulemaking	
4	1847	84d	4297
11	4300	146c	4917
14	4306		
73	2885		
215	882		
25 Pa. Code (Environmental Protection)		34 Pa. Code (Labor and Industry)	
Adopted Rules		Adopted Rules	
86	3608	65	25
93	1226, 1227	101	4674
130	5297		
Proposed Rulemaking		37 Pa. Code (Law)	
86	4554	Adopted Rules	
89	4554	11	4074
93 (with correction)	4165, 5190	13	4074
109 (with correction)	1234, 1239, 1350, 3609, 3730	14	4074
215	4393	21	4074
		31	4074
		33	4074

41 4074
 51 4074
 53 4074
 55 4074
 56 4074
 58 4074
 59 4074
 421 353
 431 1617

Proposed Rulemaking

203 1246

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

9 28
 36 358, 2476, 2869
 49 1346

Proposed Rulemaking

1 4685
 3 4685
 9 1116
 13 1358, 4569
 19 1124, 4687
 21 4462
 23 1118, 1120, 4464
 31 1359
 35 4571
 40 1715

Statements of Policy

27 5202

52 Pa. Code (Public Utilities)

Proposed Rulemaking

53 1106
 54 31
 57 (with correction) 2064, 4921, 5201
 59 2064

55 Pa. Code (Public Welfare)

Adopted Rules

183 4161
 1101 (with correction) 361
 4225 1051
 4226 1051

58 Pa. Code (Recreation)

Adopted Rules

51 1348
 53 1228
 61 1229
 63 1468, 4447
 65 1229, 3496, 4074
 69 1230, 3496
 71 4447
 73 4447
 75 3496
 77 3496
 91 1348, 3496, 3497
 93 1348
 109 3497
 111 1231, 3496
 117 3497
 131 5314
 135 2748, 2871, 5315
 137 (with correction) 1470, 1471
 139 2872, 2878
 141 (with correction) 1473, 2749, 2751, 2752, 2753, 2871, 5316, 5317, 5318

143 1475, 2753, 5314, 5319
 147 1714, 2748, 2754, 5314, 5320

Proposed Rulemaking

51 3126, 5081
 61 2757, 3992, 4076
 63 2757, 2762, 3126, 3992, 5081
 65 1479, 2757, 2760, 3127, 3992, 4076
 69 1479, 2757, 3127, 3992
 71 2762
 73 2762
 75 1479
 77 1479
 91 1482
 93 5081
 97 3127
 105 4077
 109 1482
 111 1479
 117 1482
 131 2589
 135 1350, 2763
 137 4680
 139 1098, 1103
 141 1103, 1351, 1353, 1355, 1357, 2590, 2591, 2881, 2882, 4680
 143 1357, 1484, 2589, 2883
 147 1350, 2589, 2884, 4682
 147b 4682
 147c 4682

Statements of Policy

57 3513

Proposed Statements of Policy

57 1487

61 Pa. Code (Revenue)

Adopted Rules

34 2756
 71 1842
 85 1842
 815 1845
 951 3124

64 Pa. Code (Securities)

Adopted Rules

102 (with correction) 3365, 3500
 202 (with correction) 3365, 3500
 203 (with correction) 3365, 3500
 204 (with correction) 3365, 3500
 207 (with correction) 3365, 3500
 305 (with correction) 3365, 3500
 606 (with correction) 3365, 3500

Proposed Rulemaking

102 884
 202 884
 203 884
 204 884
 207 884
 305 884
 606 884

67 Pa. Code (Transportation)

Adopted Rules

177 2479, 3608
 449 2378

Proposed Rulemaking

83 4171
 175 4175
 201 1930
 203 1930
 211 1930
 212 1930

Statements of Policy

102 1624
 204 1361

Proposed Statements of Policy

41 2889

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

3 2044
 7 634
 17 1926
 19 1711

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 4783, 5173
 83 4891
 85 967
 211 4784
 401 4430

Proposed Rulemaking

81 3306
 83 744, 2857
 401 2468

207 Pa. Code (Judicial Conduct)

Adopted Rules

4 3359
 51 3359
 121 1449

Proposed Rulemaking

4 2474
 51 745

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 2586
 21 1711, 2044, 2586
 35 2973, 5075
 65 5075
 67 2973

Proposed Rulemaking

15 2259
 17 3603
 19 4552
 21 4552
 33 3603

225 Pa. Code (Rules of Evidence)

Adopted Rules

IV 2973
 VII 4784

Proposed Rulemaking

IV 197, 2355
 VII 198

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 634, 748, 1712, 2356, 2974, 4071
 400 2974
 1000 748, 751, 1450, 1926, 2356, 2587, 2974
 1300 2359
 1910 4072, 4435, 5075
 1920 4072
 1930 13
 2120 751, 1450
 2150 751, 1450
 2170 751, 1450
 2350 1927
 2950 2974
 2970 2974
 3000 2974
 4000 748, 2974

Proposed Rulemaking

200 3361
 1000 5174, 5175
 1910 3490
 1930 1580
 2250 5175
 4000 3362

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1324, 4287
 4 969, 1324, 4289
 7 1927, 4436
 10 3363

Proposed Rulemaking

1 967, 1048, 2161
 2 2163
 6 1049, 2164
 7 2161

237 Pa. Code (Juvenile Rules)

Proposed Rulemaking

1 1581
 2 1581
 3 1581
 4 1581
 5 1581
 6 1581
 8 1581

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

100 2167
 200 4663
 300 3491, 4663
 400 4663
 500 4663

Proposed Rulemaking

200 4892
 300 4892
 400 4892, 5076
 500 4892
 600 753
 1000 753

249 Pa. Code (Philadelphia Rules)

Unclassified 532, 2269, 2360, 2655, 2656, 2745, 3606

252 Pa. Code (Allegheny County Rules)

Unclassified 757

255 Pa. Code (Local Court Rules)

Unclassified 14, 17, 200, 341, 540, 635, 758
873, 874, 875, 878, 879, 880, 1221, 1450, 1713,
1838, 1929, 2045, 2047, 2168, 2270, 2272, 2374,
2375, 2376, 2474, 2588, 2857, 2858, 2862, 2864,
2977, 2978, 3123, 3494, 3728, 3729, 4073, 4159,
4439, 4666, 4785, 4897, 5077, 5078, 5176, 5295, 5296

THE COURTS

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Transfer of Function of All Domestic Relations Matters from the Office of Clerk of Courts to the Office of the Domestic Relations; No. Misc. 236 of 2003

Order

October 6, 2003

In accordance with 23 Pa.C.S.A. § 4305(a)(5) and Pa.R.C.P. No. 1910.4, all papers relating to child and spousal support shall be filed with the Domestic Relations Section of the court and docketed by the Domestic Relations Section of the court. All such papers heretofore filed and docketed with the Clerk of Courts of Beaver County shall be transferred by the Clerk of Courts to the Domestic Relations Section of the court.

This Order is effective November 1, 2003. The Clerk of Courts shall submit seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court, one (1) certified copy with the Beaver County Law Library and one (1) with the Clerk of Courts and Director of the Domestic Relations Section to be kept for public inspection and copying.

By the Court

ROBERT E. KUNSELMAN,
President Judge

[Pa.B. Doc. No. 03-2063. Filed for public inspection October 24, 2003, 9:00 a.m.]

LAWRENCE COUNTY

Local Rules of Judicial Administration; Administrative Doc. No. 90047 of 2003, A. D.

Order of Court

September 26, 2003

Upon the recommendation of the Lawrence County Civil Procedural Rules Committee, the Court adopts the following Local Rules of Judicial Administration, which follow and are made a part hereof:

1. L5000.5 entitled Requests for Transcripts;
2. L5000.6 entitled Deposit of Partial Transcript Fee;
3. L5000.9 entitled Deadline for Delivery of Transcript;
4. L5000.11 entitled Delivery of Transcript; Payment of Balance; and
5. L5000.13 entitled Ownership of Notes; Safeguarding; Protection.

These Rules shall become effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

The Prothonotary shall process this Order in compliance with Pa.R.J.A. 103(c), and provide the appropriate number of certified copies to the various departments and agencies as provided in the Rule. The Rules shall be kept continuously available for public inspection and copying in the office of the Prothonotary and, upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the proposed Rule.

By the Court

RALPH D. PRATT,
President Judge

Rule L5000.5 Requests for Transcripts

No transcript shall be commenced or completed unless it is requested in writing in strict compliance to Pa.R.J.A. 5000.5. The request shall specifically designate the notes of testimony to be transcribed. Where necessary, an order of court granting the request shall accompany the request in filing and service.

Rule L5000.6 Deposit of Partial Transcript Fee

Except where the Commonwealth or a sub-division is liable for the cost, the party ordering the transcript shall be required to deposit one-half of the estimated fee for the transcript with the responsible court reporter as a condition precedent to starting transcription.

Rule L5000.9 Deadline for Delivery of Transcript

In cases not involving a transcript required for a pretrial proceeding or for a trial, all ordered transcripts shall be completed within a reasonable amount of time as determined by the President Judge. The District Court Administrator shall be responsible for monitoring the activities of the court reporter to assure compliance with this Rule and Pa.R.J.A. 5000.9.

Rule L5000.11 Delivery of Transcript; Payment of Balance

(a) Upon completion of the transcript, the court reporter shall notify the party requesting the transcript within two (2) days of its completion.

(b) Once the party ordering the transcript is notified of the transcript's completion, the party shall pay the balance due and owing within seven (7) days of the notice of completion, except where the Commonwealth or a sub-division thereof is liable for the fee.

(c) Failure of the party to pay the fee in full within seven (7) days of receiving notice shall result in a rule being issued to show cause why the party failing to timely pay should not be held in contempt of court for failing to comply with this Local Rule of Judicial Administration, which shall be incorporated by reference in all orders of court directing that a transcript be prepared under Rule L5000.5.

Rule L5000.13 Ownership of Notes; Safeguarding; Protection

Transcripts prepared by a court reporter, after being filed of record, shall not be duplicated in any manner or for any purpose except in accordance with these Rules and Pa.R.J.A. 5000.1 through 5000.13 or upon special order of court. This Rule shall not apply to cases on appeal, where the record needs to be reproduced to

comply with Chapter 21 of the Rules of Appellant Procedure.

[Pa.B. Doc. No. 03-2064. Filed for public inspection October 24, 2003, 9:00 a.m.]

NORTHAMPTON COUNTY

Administrative Order 2003-6—Criminal Case Pre-Trial Conferences; Misc. 7-2003

Order of Court

And Now, this 2nd day of October, 2003, it is hereby Ordered that there shall be a pre-trial conference as authorized by P.A.R.CRIM. P. 570 conducted at the time of arraignment. Attendance is mandatory for the defendant, the defendant's trial counsel, and a member of the district attorney staff authorized to discuss a trial date, a plea agreement and such other matters as may aid in the disposition of the case. The pre-trial conference shall be conducted even if there has been a waiver of appearance at arraignment.

This order is effective December 1, 2003.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 03-2065. Filed for public inspection October 24, 2003, 9:00 a.m.]

NORTHAMPTON COUNTY

Administrative Order 2003-7—Vacation of Administrative Order 1999-5 "Assignment of Guilty Plea Judge"; Misc. 7-2003

Order Of Court

And Now, this 2nd day of October, 2003, Administrative Order 1999-5, "Assignment of Guilty Plea Judge" is hereby vacated.

This order is effective December 1, 2003.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 03-2066. Filed for public inspection October 24, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 130]

Architectural and Industrial Maintenance Coatings

The Environmental Quality Board (Board) adopts Subchapter C (relating to architectural and industrial maintenance coatings) to read as set forth in Annex A.

The final-form rulemaking adds definitions in § 130.302 (relating to definitions) for terms that are used in the substantive sections of Chapter 130 (relating to standards for products). Section 130.301 (relating to applicability) will apply to persons who supply, sell, offer for sale, manufacture, blend, repackage, apply or solicit for application architectural and industrial maintenance (AIM) coatings for use in this Commonwealth. Sections 130.303—130.311 establish, among other things, standards for volatile organic compound (VOC) content limits for those coatings, labeling requirements, reporting requirements, procedures for applying for and obtaining variances, including procedures for a public hearing and test method compliance requirements.

This order was adopted by the Board at its meeting of July 15, 2003.

A. *Effective Date*

Subchapter C will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

B. *Contact Persons*

For further information contact Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-2030; or Kristen Campfield, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

The final-form rulemaking is being made under the authority of section 5 of the Air Pollution Control Act (35 P. S. § 4005), which grants the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. *Background*

When ground-level ozone is present in concentrations in excess of the Federal health-based standard, public health is adversely affected. The United States Environmental Protection Agency (EPA) has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory ailments, such as asthma. Further, although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respi-

ratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activities that involve physical exertion. Though the symptoms are often temporary, repeated exposure could result in permanent lung damage. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health.

The purpose of this final-form rulemaking is to reduce the VOCs emitted from AIM coatings. This final-form rulemaking is part of the Commonwealth's strategy to achieve and maintain the ozone standard throughout this Commonwealth. A Federal AIM coatings rule was promulgated in 1998. The Federal rule, however, did not provide the expected cost-effective and creditable VOC emission reductions originally anticipated by the Commonwealth and many other states. To capture additional emission reductions, the Commonwealth is adopting this final-form rulemaking, which is based on the Ozone Transport Commission (OTC) model rule, to reduce the allowable VOC content of AIM coatings. The Commonwealth has used the California Air Resources Board (CARB) Suggested Control Measure (SCM) and the OTC model rule and background material as a starting point and reviewed those documents, including specific emission reductions, for applicability in this Commonwealth. As a result, the Board's final-form rulemaking includes product categories covered in California, with limits effective at a date later than in California. To maximize consistency, VOC content limits for specific product categories in many cases are identical to those used in California.

This final-form rulemaking sets specific VOC content limits, in grams per liter, for 48 AIM coating categories and requires more stringent VOC content limits than the Federal rule. The limits are currently in effect in California and are known to be technologically feasible. The compliance date for the Commonwealth's limits is January 1, 2005. Manufacturers will ensure compliance with the limits by reformulating coatings and substituting coatings with compliant coatings that are already on the market.

Manufacturers producing AIM coatings will be responsible for developing and distributing compliant coatings for sale at the retail and wholesale levels. In addition, persons who sell, supply, offer for sale, blend or repackage AIM coatings will also be held accountable. Consumers should not be affected by this final-form rulemaking in that they should not notice any changes in the performance or quality of AIM coatings. Consumers may, however, experience a cost increase for certain paint products. Cost data developed by E. H. Pechan & Associates indicate the cost per ton of VOC reductions under the final-form AIM rulemaking to be approximately \$6,400 per ton of reductions. An analysis conducted by Aberdeen Proving Grounds, however, indicates that low VOC coatings are available that will result in average savings of approximately \$1.76 per gallon compared with higher VOC coatings.

The final-form rulemaking contains VOC content requirements for a wide variety of field-applied coatings, including graphic arts coatings, lacquers, primers and stains, to name a few. It also contains provisions for a variance from the VOC content limits, which can be issued only after public hearing and with conditions for achieving timely compliance. The final-form rulemaking

contains administrative requirements for labeling and reporting. There is a reporting requirement so that manufacturers may be required to submit information to the Commonwealth upon request. There are a number of test methods that must be used to demonstrate compliance with this final-form rulemaking. Some of these test methods include those promulgated by the EPA and the South Coast Air Quality Management District of California. Enforcement of the VOC content limits and other requirements will be done by the Commonwealth. Because the Commonwealth, in conjunction with other northeastern states, met over an 18-month period with representatives of National trade associations and related industries prior to proposing this final-form rulemaking, it is important that the final-form rulemaking be implemented consistently and uniformly.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of this final-form rulemaking. At its February 20, 2003, meeting, the AQTAC recommended adoption of this final-form rulemaking, with the deletion of proposed § 130.303(d) (relating to standards). The Committee recommended the deletion of § 130.303(d) because the Committee determined that the pollution prevention provisions contained in that section could result in potential enforcement inequities and inconsistencies.

The final-form rulemaking was also reviewed by the Small Business Compliance Advisory Committee (Committee) on April 23, 2003. The Committee supported the final-form rulemaking and endorsed the Department's determination that the final-form rulemaking should not include averaging provisions.

E. Summary of Regulatory Requirements and Major Changes Between Proposed and Final-Form Rulemakings

Section 130.301 states that Subchapter C is applicable to persons who supply, sell, offer for sale, manufacture, blend, repackage, apply or solicit for application an architectural or industrial maintenance (IM) coating for use in this Commonwealth.

Section 130.302 includes the following definitions of terms that will be used in the substantive provisions of Subchapter C: "adhesive," "aerosol coating product," "antenna coating," "antifouling coating," "appurtenance," "architectural coating," "bitumens," "bituminous roof coating," "bituminous roof primer," "bond breaker," "calcimine recoater," "clear brushing lacquers," "clear wood coatings," "coating," "colorant," "concrete curing compound," "concrete surface retarder," "conversion varnish," "dry fog coating," "exempt compound," "faux finishing coating," "fire-resistive coating," "fire-retardant coating," "flat coating," "floor coating," "flow coating," "form-release compound," "graphic arts coating or sign paint," "high-temperature coating," "impacted immersion coating," "industrial maintenance coating," "lacquer," "low-solids coating," "magnesite cement coating," "mastic texture coating," "metallic pigmented coating," "multicolor coating," "nonflat coating," "nonflat high gloss coating," "non-industrial use," "nuclear coating," "postconsumer coating," "pretreatment wash primer," "primer," "quick-dry enamel," "quick-dry primer, sealer and undercoater," "recycled coating," "residence," "roof coating," "rust-preventive coating," "sanding sealer," "sealer," "secondary coating (rework)," "shellac," "shop application," "solicit," "specialty primer, sealer and undercoater," "stain," "swimming pool coating," "swimming pool repair and maintenance coating," "temperature-indicator safety coating," "thermoplastic rubber coating and mastic," "tint base," "traffic marking

coating," "undercoater," "VOC—volatile organic compound," "VOC content," "varnish," "waterproofing concrete/masonry sealer," "waterproofing sealer" and "wood preservative."

Section 130.303 sets forth the quantity of VOC per liter that cannot be exceeded for coatings that are sold, supplied or offered for sale in this Commonwealth; manufactured, blended or repackaged for sale in this Commonwealth; or applied or solicited for application in this Commonwealth. VOC content limits are established for nonspecialty coating categories and specialty coatings. There are 48 coating categories regulated under this final-form rulemaking.

Section 130.304 (relating to container labeling requirements) requires that each manufacturer of coatings subject to this rule supply specific information on the coating container in which the coating is sold or distributed. Some of the information that must be displayed includes a date-code, VOC content and thinning recommendations.

Section 130.305 (relating to reporting requirements) requires that manufacturers submit reports to the Department, upon request by the Department, that specify the number of gallons sold in this Commonwealth and the methods used by the manufacturer to calculate sales in this Commonwealth.

Sections 130.306—130.310 were added at final-form rulemaking. They set forth the procedures that a person may use to apply for a variance of a limited duration with conditions for achieving compliance for AIM coating VOC content limits. The sections include a requirement for a public hearing prior to issuance, extension, modification or revocation of a variance order. When a complete variance application is received, the Department will hold the public hearing within 90 days.

Section 130.311 (relating to compliance provisions and test methods) sets forth the methods for calculating the VOC content of the coatings and the test methods, which are incorporated by reference, that are subject to the provisions of this final-form rulemaking. The test method that is current at the time the test is performed is the method that must be used.

The major changes that were made from the proposed rulemaking to the final-form rulemaking include: adding additional definitions in § 130.302 to ensure that each regulated category of coatings is clearly defined; deleting, at the AQTAC's request, proposed § 130.303(d), which would have required users to keep containers closed when not in use; adding VOC-per-liter content limits in § 130.303 for calcimine recoaters, conversion varnish, concrete surface retarders, impacted immersion coatings, lacquers (including lacquer sanding sealers), nuclear coatings and thermoplastic rubber coatings and mastic as a result of public comments received; adding §§ 130.306—130.310 to establish procedures for applying for a variance from VOC content limits, including a public hearing requirement, to allow time to comply with the limits in cases of technological infeasibility; clarifying in § 130.311 (proposed as § 130.306) that test methods used to test coatings subject to the final-form rulemaking must be the most current test method at the time testing is performed; and adding two new test methods in § 130.311 applicable to new categories added in the final-form rulemaking.

The final-form rulemaking will be submitted to the EPA as an amendment to the State Implementation Plan (SIP).

F. *Summary of Comments and Responses on the Proposed Rulemaking*

Several commentators indicated that many of the proposed VOC limits are not technologically feasible for the wide-ranging substrates, application environments and conditions for which a particular category of coating will be used and that the final-form rulemaking should contain revised VOC content limits for "exterior flat coatings," "nonflat coatings," "nonflat high gloss coatings," "floor coatings," "lacquers," "quick-dry coatings," "sanding sealers," "stains" and "varnishes." The Board disagrees. Although each manufacturer may not make all coatings in each category, compliant coatings are available in each category. The Board has not revised the VOC content limits in the final-form rulemaking. However, provisions have been added to the final-form rulemaking in §§ 130.306—130.310 that provide a mechanism for a person to obtain a variance from the VOC content limits if the person can demonstrate that compliance cannot be achieved because of technological infeasibility.

One commentator stated that the proposed VOC limits for flat coatings would eliminate currently available low VOC waterborne flat coatings that can be applied in cooler months when ozone is not a problem. The Board disagrees. Exterior flat coatings are currently available and are being marketed that meet the proposed limits and that are designed for application at temperatures as low as 35°F. Exterior coatings are designed for application on a variety of substrates including finished and unfinished siding, stucco, masonry, hardboard siding and similar surfaces. Interior flat coatings are available for application at temperatures above 50°F and may be applied to new or previously painted interior wallboard, plaster, ceilings and masonry, as well as primed or previously painted wood and metal.

Two commentators on behalf of the same organization indicated that the proposed VOC content limits would require that the coatings be transported and stored in heated environments to prevent freezing and destruction of the product. The Board disagrees. Numerous low VOC products have been introduced into the northeast market, including ultra-low VOC products, and there is no data to support the claim that these products experience increased damage because of freezing during storage and shipping.

Two commentators said that the testing and studies that were relied upon by CARB in setting the SCM, on which the limits in the final-form rulemaking are based, were not adequately performed or were laboratory tests that cannot be relied on for determining coating efficacy. The Board disagrees. The coating testing, coupled with actual field experience and consumer use and acceptance, indicates adequate performance of the coatings.

Two commentators on behalf of the same organization stated that the proposed rulemaking would confine virtually all exterior and unheated interior painting to the warmer months, reducing the livelihoods of painters and increasing the application of coating during the ozone season. The Board disagrees. Low VOC coatings are currently available that are formulated to provide for interior and exterior application at temperatures as low as 35°F. These coatings allow extension of the coating application period well beyond the ozone season.

Several commentators stated that the proposed VOC content limitations would result in the elimination of cost effective, durable and scrub resistant interior and exterior wall and trim coatings used for high traffic/usage/impact

or extreme exposure environments. The Board agrees that certain coatings presently marketed for these uses may not comply with the proposed rulemaking. However, low VOC replacement products are presently being marketed that provide similar performance characteristics to the higher VOC coating materials. In the event that a manufacturer cannot produce complying products because of technological infeasibility, the manufacturer may apply in writing to the Department for a variance under § 130.306 (relating to application for variance) of the final-form rulemaking.

Two commentators suggested that the definitions of "bituminous roof coating" and "bituminous roof primer" be revised by deleting the reference to "roofing" from the terms and definitions. The commentators indicated that the definitions in the proposed rulemaking, requiring labeling and formulation exclusively for roofing, would cause substantial confusion among manufacturers because some of the products are formulated for multiple purposes. The Board disagrees. The definitions of the terms in the proposed rulemaking clarified that the terms and VOC content limits apply to materials formulated and labeled exclusively for roofing application. "Bituminous roof primer" materials formulated and labeled for multiple types of uses would be limited by the "nonflat" category VOC content limit of 150 grams per liter. The Board has not revised the definitions of the terms "bituminous roof coating" and "bituminous roof primer" in the final-form rulemaking.

Two commentators commented that the proposed VOC content limit of 350 grams per liter for "bituminous roofing primer" materials may result in increased VOC emissions because at lower temperatures more low VOC content material may be required to cover the same area than would be required of higher VOC content materials. The Board agrees that the viscosity of the "bituminous roofing primer" materials may increase at lower temperatures and that under some circumstances material use may increase slightly. However, if this slight increase in material use does occur, it will be outside of the ozone season (May to September) and should not negatively impact the Commonwealth's ozone reduction efforts.

Several commentators suggested that the final-form rulemaking should contain revised VOC content limits for "interior wood clear and semi-transparent stains," "interior wood varnishes," "interior wood sanding sealers," "exterior wood primers" and "floor coatings." The Board disagrees. Coatings are available and are being marketed that meet the VOC content limits in the rulemaking, indicating the technological feasibility of the limits and consumer acceptance of the products. In the event that a manufacturer cannot formulate complying materials because of technological infeasibility, the manufacturer may apply for a variance under § 130.306 of the final-form rulemaking. The Board has not revised the VOC content limits in the final-form rulemaking.

Several commentators stated that the proposed limits for "interior wood stains," "varnishes" and "sanding sealers" are based on the assumption that complying coatings are available that meet the performance requirements for the subcategories and that the use of coatings formulated to comply with the proposed VOC content limits will result in unacceptable performance issues, including "grain raising," "lapping" and "panelization." These commentators suggested that the limits in the rulemaking should be revised. The Board does not agree that the proposed limits will produce unacceptable performance characteristics. Grain raising can be addressed with a

light sanding between coating applications. Lapping of finish materials can be addressed by proper application techniques. Complying products are being produced and marketed, indicating that the products meet customer acceptance and performance expectations and that the issues of grain raising and lapping are not significant to consumers. The most common cause of panelization is reportedly the failure of the owner to maintain the floor or the indoor environment properly. There is no indication that water-based products are not appropriate, only that the finisher should be aware and use proper procedures. In the event that a manufacturer cannot formulate complying materials because of technological infeasibility, the manufacturer may apply for a variance under § 130.306 of the final-form rulemaking. The Board has not revised the VOC content limits for the products in the final-form rulemaking.

One commentator stated that the proposed VOC content limit for "primers, sealers and undercoaters" assumes that complying products are available or that suitable substitutes can be developed for the categories. Numerous manufacturers produce complying formulations in this coating category and there is no indication in the product literature that these coatings are inadequate. Many of the coatings are marketed with claims of exceptional performance. In the event that a manufacturer cannot formulate complying materials because of technological infeasibility, the manufacturer may apply for a variance under § 130.306 of the final-form rulemaking. The Board has not changed the limits in the final-form rulemaking.

One commentator recommended that the Department revise the VOC content limit for the "floor coating" category from 250 to 400 grams of VOC per liter. The commentator indicated that reliance on testing done in California was not appropriate because testing in California has been done only on concrete and not on wood floors such as there are in the northeast. According to the commentator, coatings for wood floors need the penetrating qualities of solvent-borne floor paints. The Board does not agree that the VOC content limit should be changed for floor coatings. Floor coatings are presently available and are being marketed that meet the limits in the final-form rulemaking. In the event that a manufacturer cannot formulate complying materials because of technological infeasibility, the manufacturer may apply for a variance under § 130.306 of the final-form rulemaking. The Board has not changed the VOC content limit for floor coatings in the final-form rulemaking.

One commentator suggested that the VOC content limit for "bituminous roof primer" should be changed to 550 grams per liter to achieve necessary application properties. The Board disagrees. Information contained in the CARB "Staff Report for the Proposed Suggested Control Measure for Architectural Coatings" indicates that bituminous roofing primers meeting the limit of 350 grams currently account for in excess of 50% of the market share in California. This strongly indicates that materials that meet the limit of 350 grams per liter are readily available. The Board has not revised the VOC content limit for bituminous primers in the final-form rulemaking.

One commentator recommended the addition of a separate category for "exterior wood primers, sealers and undercoaters" with a VOC content limit of 350 grams per liter, or, as an alternative, a revision to the definition of "specialty primer" to include coatings "recommended for application to exterior wood surfaces." The commentator indicated that this change would be necessary to allow the use of solvent-borne primers on hardboard products to

prevent water penetration. The Board does not agree that this revision is necessary. A number of coating manufacturers produce complying products in the "primer, sealer and undercoater" category, including products for professional use. Certain of these complying products are for use on new or unpainted wood/wood-based products. The commentator has not provided any evidence to indicate that complying formulations that provide acceptable performance are not feasible. The Board has not made this revision in the final-form rulemaking.

One commentator indicated that many coatings will take longer to dry and cure in humid or colder weather leaving the coating more vulnerable to dirt pickup and complete failure. The Board disagrees that this is a concern. Typically, the time required for the drying of water-based coatings is significantly less than the drying time for solvent based materials. When the materials are applied according to manufacturers' specifications, the finish quality and durability are satisfactory.

One commentator questioned why the Board proposed a VOC content limit of 340 grams per liter for IM coatings instead of the limit of 250 grams per liter limit in the OTC model rule. The OTC model rule contained the option for the states to set the VOC content limit for IM coatings at 340 grams per liter. This limit is also an optional limit in certain areas of California, such as San Francisco, where cooler, damper weather conditions exist. The Board proposed the limit and retained it in the final-form rulemaking because of the need for IM coatings that can be applied in cooler and damper weather conditions as might be experienced in this Commonwealth.

Two commentators on behalf of the same organization commented that the proposed solvent content restrictions would result in poorer performing, less durable coatings and in some cases would compromise effective lower solvent waterborne coatings that have been developed to replace higher solvent coatings. The Board disagrees. Although the coatings industry has provided some information concerning performance and durability of low VOC coatings, the information is subjective and does not empirically demonstrate that the reformulated coatings do not perform adequately. Numerous coating manufacturers produce complying coatings that are described in the manufacturers' product literature and in trade publications as providing exceptional film durability, having high hiding power, resistance to fading and other desirable characteristics.

Several commentators indicated that the proposed VOC content limits would result in the need for more frequent application of coatings or the application of several coats of finish material when a single application of a coating formulated at a higher VOC content might have been satisfactory. The commentators suggested that this could result in increased VOC emissions rather than reducing emissions. The Board disagrees that the proposed VOC content limits will result in increased VOC emissions resulting from the need for more frequent application of coatings due to inadequate coating performance. Information available for products currently available that meet the proposed VOC content limits indicates that the products have application and performance characteristics equivalent to high VOC content products. The commentators have not provided technical data supporting the contention that complying coatings will result in increased VOC emissions.

Two commentators on behalf of the same organization indicated that many coatings would be difficult to apply

because of the dry time, composition and increased vulnerability to slight environmental changes. The Board disagrees that the level of difficulty of coating application and other factors will be adversely affected by the proposed VOC content limitations. Product literature supports this. When the complying products are used according to manufacturers' specifications, the user/consumer should not notice differences.

The same commentators indicated that the rulemaking would result in the elimination of small volume specialty coatings that are designed to meet special needs, such as antigraffiti coatings. The Board disagrees. Water-based, complying coatings are available in all of the categories for which standards are established in Table 1. Although some manufacturers may be required to reformulate products to meet the VOC content standards, the reformulations are feasible. For every category of coatings for which limits are established in Table 1, complying formulations are available. The VOC content limits in Table 1 have not been changed in the final-form rulemaking.

These commentators also indicated that the proposed rulemaking will result in the reduction of availability of colors for interior and exterior coatings and gloss levels. The Board disagrees. Coatings that meet the VOC content limits are available in all coating categories. The commentators have not provided data that indicates that a broad range of coating colors and sheens will not be available to meet the limits in Table 1. Information does indicate that complying products are available in interior and exterior finishes in a variety of gloss levels and a full range of colors.

One commentator indicated that the VOC content limits for interior wood sealers would result in inferior products and increased costs for consumers. The Board disagrees. A review of product data sheets indicates that there are latex sealers suitable for use on interior wood substrates, all of which would comply with the proposed VOC limit for primers, sealers and undercoaters. Compliance is technologically feasible through the use of water-based technology. The Board has not changed the VOC content limits for interior wood sealers in the final-form rulemaking.

One commentator indicated that the VOC content limit for semitransparent stains should be maintained at the current Federal limit of 550 grams per liter to assure that the level of performance of the materials is maintained. The Board disagrees. The commentator has provided no data showing that reducing the VOC content limit for semitransparent stains is not technologically feasible. The commentator has not provided data to the Department demonstrating that maintaining the VOC content limit for semitransparent stains is necessary to assure adequate performance for these materials. In the event that formulation of a specific product is determined to be technologically infeasible, the manufacturer may request a variance for the product under § 130.306.

One commentator questioned how low VOC content requirements might impact the quality of the products. Specifically, the commentator questions whether reformulation of products to meet the low VOC content might result in lower quality products that would require more frequent refinishing and, consequently, increased emissions. Based on product technical literature available for low VOC content products, the Department does not expect an increase in repainting as a result of the requirements. Manufacturer claims regarding the performance of the low VOC content materials generally indi-

cate that the reformulated products perform as well as, or better than, high VOC content products.

A commentator supported the proposed rulemaking because it will result in reduction of VOC emissions and ground level ozone. In addition, the commentator indicated that the final-form rulemaking will reduce exposure of the citizens of this Commonwealth to hazardous air pollutants (HAP). The Board agrees that the emission reductions that will result from the VOC content limits will result in reduced exposure of the citizens of this Commonwealth to HAPs and unhealthy ground-level ozone.

Several commentators suggested that the Department adopt a revised Table of Standards for coatings and other regulatory provisions that the commentator believes would achieve approximately 70% of the reductions predicted by the Department to result from the proposed rulemaking. The Board agrees that the revised Table of Standards and other suggested revisions may result in emission reductions of approximately 70% of the VOC reductions predicted for the final-form rulemaking. However, this lower level of emission reductions would be inadequate to satisfy the emission reduction requirements necessary for this Commonwealth to achieve and maintain the health-based ozone air quality standards. Furthermore, compliant coatings are available and are currently being marketed which meet the proposed limitations. The Board has not revised the Table of Standards in the final-form rulemaking to incorporate the suggested limits.

Several commentators indicated that the Department has not considered the increased emissions that will result from increased painting required because of the reduced performance of complying coatings. The Board does not agree that there will be increased emissions resulting from the use of complying coatings. Surveys in California, where restrictive coating VOC requirements have been in place for several years, indicate no increase in per capita coating use resulting from the implementation of the low VOC requirements. Furthermore, product literature for complying coatings indicates that the materials exhibit exceptional durability and performance characteristics.

One commentator suggested that the proposed rulemaking is unreasonably stringent and unnecessary for the protection of the public health, welfare and safety. The Board does not agree that the proposed rulemaking is unreasonably stringent or unnecessary. The emission reductions that will result from the regulation are necessary to satisfy SIP commitments for achievement and maintenance of the health-based ozone National Ambient Air Quality Standard (NAAQS) in the southeast Pennsylvania ozone nonattainment area and for the achievement and maintenance of the 8-hour ozone NAAQS throughout this Commonwealth.

One commentator indicated that the record does not support the emission reduction claims of the proposed rulemaking and the proposed rulemaking is arbitrary and capricious. The Board disagrees. The emission reduction estimates for the rulemaking are based on an analysis conducted for the OTC by E. H. Pechan and reported in "Control Measure Development Support Analysis of Ozone Transport Commission Model Rules" (March 31, 2001). This analysis is based on the best available information regarding AIM coating use and formulation data available to the OTC member states regarding AIM coatings. The VOC content limits in the final-form rulemaking are

based on CARB's extensive analysis of AIM coatings and reflect coating technologies that are available.

A commentator expressed concern that certain exceptions in the rulemaking could negatively impact the VOC emission reductions anticipated from the AIM program. The commentator indicated that the effectiveness of the final-form rulemaking would be enhanced if the exceptions in § 130.303(b) were to be eliminated. The Board disagrees. The exceptions to the most restrictive VOC content limits provided for in § 130.303 are necessary to allow the use of specialized coatings where high performance characteristics are important. These exceptions are retained in the final-form rulemaking.

Two commentators on behalf of the same organization suggested that the definition of "nonflat high gloss coating" should be revised. The Board disagrees. There is no functional distinction between the definition of "nonflat high gloss coating" in the proposed rulemaking and the language submitted by the commentator. The Board has not revised the definition in the final-form rulemaking.

Several commentators suggested that the definition of "specialty primer" should be revised to include wording that would include additional coatings in this category, including coatings used to "... block odors or efflorescence..." and coatings that are "... recommended for application to exterior wood or wood-based surfaces, or for highly alkaline cement, plaster, and other cementitious surfaces." The suggested change would increase the number of coatings included under the term, including all coatings recommended for exterior wood applications. This would result in an increase in the allowable VOC content for exterior wood coatings from 100 g/l for flat coatings to 350 g/l; for nonflat coatings from 150 g/l to 350 g/l; and for nonflat high gloss coatings from 250 g/l to 350 g/l. The Board does not agree that all of the suggested changes to the definition are necessary. Complying coatings are available that perform the functions recommended by the commentators without changing the definition. Changing the definition as suggested by the commentators would allow a significant number of coatings available in low VOC formulations to be regulated at higher VOC content limits. This would result in fewer emission reductions from the rulemaking than predicted and would jeopardize achievement of the Commonwealth's necessary emission reductions. The Board has revised the definition in the final-form rulemaking by adding the phrase "... or efflorescence..." following "... to block stains..." in the first sentence.

Two commentators on behalf of the same organization suggested that the rulemaking be revised to include three additional specialty coatings categories: "conversion varnish," "thermoplastic rubber coatings" and "impacted immersion coatings." The Board agrees and has added definitions for these materials in § 130.302 and VOC content limits for these three specialty coatings categories in § 130.303 of the final-form rulemaking.

A number of commentators suggested the addition of definitions and product categories with VOC content limits for "calcimine recoaters," "conversion varnish," "concrete surface retarders," "impacted immersion coatings," "nuclear coatings" and "thermoplastic rubber coatings." The Board agrees and has added the terms and definitions for these materials in § 130.302 and VOC content limits in § 130.303 to the final-form rulemaking.

One commentator suggested that the rulemaking should contain a coating definition and VOC content limit specifically for "nuclear coatings." The commentator indi-

cated that if coating reformulation is required to meet a VOC content limit lower than the Federal AIM limit, the cost of recertifying the coatings to meet Nuclear Regulatory Commission requirements would be prohibitive. The Board agrees that there should be a separate coating definition and limit for "nuclear coatings" consistent with the Federal requirements and has made these changes to the final-form rulemaking. The Board has added a definition of "nuclear coatings" to § 130.302 and has added a VOC content limit for these materials in § 130.303 of the final-form rulemaking.

One commentator indicated that the Department should develop a separate category of products to address concerns regarding professional applications. This category should contain products labeled as "professional semi-transparent wood stain," "professional varnish" and "professional sanding sealer." The commentator suggested that the materials should be labeled "For Professional Use Only" and that these "professional" coatings should be formulated at VOC content levels higher than those in the proposed rulemaking for the "nonprofessional" materials. The Board disagrees that the final-form rulemaking should contain special categories for "professional" AIM coating materials. There is no practical way to assure that these products would be sold only to "professionals" and no practical way to enforce sales only to "professionals." Therefore, there is no assurance that any of the coatings in the product categories would be produced at "nonprofessional" coating VOC content compliance levels in Table 1 and there is no assurance that the Commonwealth would meet the required emission reductions. The Board has not added the coating categories and VOC content limits suggested by the commentator to the final-form rulemaking.

One commentator recommended that the Department revise the definition of "low solids coating" to include low solids content semitransparent stains that do not meet the proposed definition. Another commentator recommended that the definition be revised to include waterborne clear or semitransparent stain. The Board disagrees that the definition should be revised as suggested by the commentators. The changes suggested would lessen the stringency of the VOC content limitation requirements for semitransparent stains. This would reduce the emission reduction benefits of the final-form rulemaking and would jeopardize this Commonwealth's ability to meet emission reduction requirements necessary to achieve and maintain the ozone air quality standard. Semitransparent stain formulations that meet the limits in the final-form rulemaking are available in the market. The Board has not changed the definition in the final-form rulemaking. In the event that a manufacturer cannot formulate complying materials because of technological infeasibility, the manufacturer may apply for a variance under § 130.306 of the final-form rulemaking.

One commentator suggested that the Department should add a definition of "shellac" to the final-form rulemaking. The Board agrees. A definition of "shellac," a regulated category of coatings, has been added to § 130.302.

Several commentators suggested that the Department include provisions in the final-form rulemaking regarding variances consistent with the provisions in the Commonwealth's recently promulgated consumer products rulemaking published at 32 Pa.B. 4824 (October 5, 2002). The commentators believe that these provisions are necessary to provide equity and fairness by granting the same regulatory flexibility provided for consumer products. The

Board agrees that there may be situations where a person may not be able to comply with the coating VOC content requirements because of technological infeasibility. The Board has added variance provisions in §§ 130.306—130.310 in the final-form rulemaking to allow producers to apply for limited variances from VOC content requirements.

Several commentators suggested that the Department revise the rulemaking to include averaging provisions to allow coating manufacturers to utilize credits for coatings formulated below compliance levels to allow the marketing of coatings that do not comply with the regulatory limits. The Board disagrees that averaging provisions are necessary for manufacturers to achieve compliance with the VOC content requirements in the rulemaking. Complying coatings are available in each category for which VOC content limits are specified. An averaging provision is not necessary for manufacturers to comply with the proposed limits. One of the commentators who supports averaging indicates in the comments that an averaging provision “. . . would have to ensure the availability of a sufficient amount of below compliance VOC product such that there would be no *net increase* in VOC emissions from his products as a whole.” (Emphasis added.) The purpose of this final-form rulemaking is to assure VOC emission reductions, not to maintain the status quo as suggested by the commentator. In addition, adding averaging provisions to the final-form rulemaking can be extremely disadvantageous for coating manufacturers that have a limited product line with few coatings to use to generate credits for averaging. Coating manufacturers with a broad product line, especially those producing large volumes of those flat coatings that are easily formulated below the compliance levels, could generate a large quantity of credits to be used to avoid having to reformulate smaller volume coatings. This could be extremely disadvantageous for a smaller coating supplier with fewer product lines to average because the manufacturer would have to incur reformulating expenses. This competitive disadvantage could result in economic hardship and business failure of the smaller companies. The final-form rulemaking does not contain averaging provisions.

One commentator indicated that inclusion of an averaging provision in the consumer products rulemaking and not in the AIM rulemaking is arbitrary and capricious and places an unreasonable and unequal burden on the architectural coating industry. The Board disagrees. Unlike the AIM rulemaking, the consumer products rulemaking is technology-forcing. For this reason, it is appropriate to incorporate averaging provisions as a compliance option for consumer product manufacturers. The VOC content limits in the AIM rulemaking are not “technology-forcing.” Complying products are currently in the market for the regulated product categories. There is no need for averaging to meet the VOC content limits for AIM coatings. In the event that a manufacturer cannot formulate complying materials because of technological infeasibility, the manufacturer may apply for a variance under § 130.306 of the final-form rulemaking. The Board has not added averaging provisions to the final-form rulemaking.

One commentator questioned why the Department was not included in the rulemaking the averaging provisions and the variance provisions that are contained in the OTC model rule on which the rulemaking is based. The OTC model does contain provisions for averaging. The Board agrees that the OTC Model Rule does contain averaging provisions; however, the language of the OTC

model rule regarding averaging provisions indicates that the averaging provisions “. . . shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.” The averaging provisions in the OTC model rule are intended to apply only if compliance with the low VOC content limits in the OTC model rule is required before January 1, 2005. The final-form rulemaking does not require compliance with the low VOC content limits until January 1, 2005, so the averaging provisions are not necessary. The Board has not included averaging provisions in the final-form rulemaking.

One commentator supported the proposed rulemaking “as is” without an averaging provision. The Board agrees that an averaging provision is not appropriate. The VOC content limits for the regulated coating categories are not “technology-forcing.” Coatings are presently being marketed at VOC content levels equal to or lower than the limits in the proposed rulemaking. The final-form rulemaking does not contain an averaging provision.

Two commentators on behalf of the same organization suggested that the Department include provisions in the final-form rulemaking regarding innovative technology consistent with the provisions in the Commonwealth’s recently promulgated consumer products rulemaking. The commentators believe that these provisions are necessary to provide equity and fairness by granting the same regulatory flexibility that is provided for consumer products. The Board disagrees. The innovative technology provisions of Subchapter B (relating to consumer products) are necessary because the VOC content limitations for the products regulated in Subchapter B are technology-forcing requirements. The VOC content limitations in the proposed AIM requirements are not technology-forcing requirements. Products that meet the proposed VOC content limits for AIM coatings are presently available. The final-form rulemaking does not contain innovative technology provisions.

Several commentators indicated that the rulemaking should be revised to include a technology assessment provision to determine the appropriateness of the VOC limits in the rulemaking. The Board disagrees. Available information indicates that there are complying formulations available in each of the regulated categories. Based on the current availability of complying formulations, there is no need for future assessments unless plans are developed to implement additional coating VOC limitations. If these plans are developed, a technology assessment will be appropriate.

One commentator questioned whether the Department thought it necessary to have the information required in the annual report to the Department and the criteria that the Department will use to determine when the information will be requested. The reporting requirements in § 130.305 are necessary to provide the basis for the Department to monitor coating formulation and to determine the emission impacts of the AIM regulatory program. The Department is required periodically to prepare emission inventory data for use in the development of SIPs and tracking of SIP emission reduction commitments. The frequency of the data requests and the content of the reports will be determined based on the need and/or intended use of the reported information. Reporting requirements are retained in the final-form rulemaking.

One commentator suggested that the annual reporting requirements specified in § 130.305 would not provide an accurate database of bituminous roof primers used in this Commonwealth. The commentator stated that, for ex-

ample, many who purchase these products in this Commonwealth are not direct end users, but distributors of private label accounts and that, therefore, manufacturers of these products would have no means of knowing how much of the products that they sell either inside or outside of this Commonwealth are used within this Commonwealth. The Board disagrees that manufacturers or producers will not be able to provide data regarding product sales in this Commonwealth. While there may be certain products for which it may be difficult to track sales, generally distribution and marketing systems can provide data with a level of quality for the Commonwealth to track product use and determine emissions. Section 130.305 have not been revised in response to this comment.

One commentator suggested that the reliance, by the Ozone Transport Region (OTR), on information developed by CARB regarding coating performance is not appropriate given the dissimilar climatic conditions in California and the northeast. The Board disagrees that the climatic conditions between the two areas are so dissimilar that use of CARB's data is inappropriate. Although there are areas in California where weather conditions are generally hot and dry, there are areas that experience temperature and precipitation conditions similar to those in the northeast.

Two commentators suggested that the reliance, by the OTR, on information developed by the CARB regarding coating availability and cost is not appropriate. The Board disagrees that it is inappropriate to use information developed by CARB regarding product availability and costs. Complying products developed for sale in the California market, which includes areas with weather conditions and product application and durability requirements similar to those in this Commonwealth, are suitable for use in this Commonwealth. The use of the cost data developed by CARB in assessing the economic impact of the SCM should not unrealistically represent the cost of compliance for this Commonwealth. In fact, the cost estimates for complying with the requirements in this Commonwealth may be lower than the costs estimated for meeting the limits proposed in the CARB SCM in California. Inasmuch as the limits in the CARB SCM will be implemented in the South Coast Air Quality Management District and numerous other jurisdictions in California in 2003, prior to the compliance deadline in this Commonwealth, much of the research and development work will have been completed and the costs absorbed, absent any requirements in this Commonwealth.

One commentator questioned how the cost data developed by CARB is applicable to this Commonwealth. The use of the cost data developed by CARB in assessing the economic impact of the SCM represents the upper bounds of the cost of compliance for this Commonwealth. In fact, the cost estimates for complying with the requirements in this Commonwealth may be lower than the costs estimated for meeting the limits proposed in the CARB SCM. Inasmuch as the limits in the CARB SCM will be implemented in the South Coast Air Quality Management District and approximately 18 other jurisdictions in California in 2003, much of the research and development work will have been completed and the costs absorbed prior to implementation of any requirements in this Commonwealth.

One commentator indicated that the economic analysis used in the development of the rulemaking is inaccurate. The commentator stated that it is not appropriate to use

CARB's cost data to estimate costs for this Commonwealth's requirements because low coating VOC requirements have been in place in California for a number of years. The commentator suggested that the Commonwealth should conduct its own independent assessment of the compliance costs for the program. The Board disagrees. The cost data for the rulemaking is based on an analysis conducted for the OTC by E. H. Pechan and reported in "Control Measure Development Support Analysis of Ozone Transport Commission Model Rules." This analysis is based on the best available information regarding costs available to the OTC member states regarding AIM coatings.

One commentator indicated that the Department should not rely on the results of the National Technical Systems (NTS) Study carried out in California to assess the performance of coatings. The commentator cites a number of differences between the NTS Study protocols and "the generally accepted procedure," including the method of coating application and the size of the test panels. The Board agrees that there may be differences between the NTS Study protocols and evaluation methods used in other circumstances. However, the commentator has not provided information refuting the validity of the NTS Study. In fact, the protocols used for the NTS Study were agreed upon, in advance, by a group representing, among others, the coating industry.

A commentator indicated that the rulemaking should not include small manufacturer exemptions or delayed implementation dates for any manufacturers. The commentator indicated that the final-form rulemaking should provide a level playing field for all manufacturers. The Board agrees that there should not be small manufacturer exemptions or specific delayed implementation dates. The final-form rulemaking does, however, include a variance provision if a manufacturer can show that compliance by the January 1, 2005, deadline is not technologically feasible. The Board has not added provisions regarding small manufacturer exemptions or delayed implementation dates to the final-form rulemaking.

Several commentators indicated that the rulemaking should provide an indefinite "sell-through" provision for coatings manufactured prior to the compliance deadline and that requiring disposal of coating materials after 3 years, as would be required by the proposed rulemaking, is not environmentally acceptable. The Board agrees. The Board has revised § 130.303(c) to allow indefinitely after January 1, 2005, the sale and use of AIM material so long as the material was formulated in compliance at the time of its manufacture.

One commentator suggested that the sell-through provisions in § 130.303(c) should be revised to assure that parties do not stockpile large quantities of high VOC content coatings in advance of the compliance deadline. The Board disagrees that there will be significant "stockpiling" of high VOC content products. Maintenance of high levels of inventory would be expensive. In addition, many manufacturers indicate that the low VOC content formulations perform equally as well, or better, than high VOC content formulations, so there is no real incentive for obtaining significant inventories of high VOC content products.

Several commentators indicated that the rulemaking should provide for a technology assessment to confirm the technological feasibility of the VOC content limits in the rulemaking. The Board disagrees. A technology assessment is not necessary in the rulemaking. Complying formulations are currently available for all coating categories.

ries. If complying with the VOC content limits is technologically infeasible, the manufacturer may apply to the Department for a variance under § 130.306 of the final-form rulemaking. The Board has not revised the final-form rulemaking to include provisions for a technology assessment.

Several commentators suggested that the rulemaking should be revised to eliminate unnecessary and burdensome reporting requirements. The Board disagrees. The reporting requirements in the rulemaking are not burdensome. The requirements do not require ongoing reporting, but rather provide the authority for the Department to obtain information from coating manufacturers when necessary. The Board has not substantively revised the reporting requirements in the final-form rulemaking.

One commentator, an AIM coatings manufacturer, indicates that the rulemaking will have a significant adverse impact on the manufacturer and that the Department should use its discretionary authority to issue a rule that achieves substantial VOC emission reductions beyond the National AIM rule without causing serious adverse impact on potential sales of certain products. The Board added § 130.306 to the final-form rulemaking to provide the opportunity for a manufacturer to request a variance from the VOC content limits for products for which the manufacturer can show that compliance is technologically infeasible. By obtaining a variance, a manufacturer may continue to manufacture and market those products for which the manufacturer demonstrates that there are no viable alternatives.

A commentator indicated that the Department should consider adding provisions for a technology assessment to determine the appropriateness of maintaining future VOC limits. The Board disagrees. A technology assessment is not necessary in the final-form rulemaking. Complying formulations are currently available for all coating categories. If complying with the VOC content limits is technologically infeasible, the manufacturer may apply to the Department for a variance under § 130.306 of the final-form rulemaking.

One commentator indicated support for the VOC content requirements in the proposed rulemaking and indicated that the rulemaking provides adequate time (until January 1, 2005) for manufacturers to reformulate coatings to meet the VOC content limits. The Board appreciates the commentator's support and agrees that the time provided for achieving compliance should be adequate for manufacturers to reformulate coatings to compliance levels.

One commentator questioned how other states in the OTR regulate AIM coatings and if the Commonwealth's requirements are more restrictive than those in other states. Delaware has adopted a final AIM rulemaking. The Delaware rulemaking has been approved by the EPA as a SIP revision. The National Paint and Coating Association and several coating manufacturers appealed the rulemaking to the Delaware Environmental Appeals Board (DEAB). By a unanimous vote, the DEAB upheld the Delaware AIM rulemaking. As is the case with the Commonwealth, New York, Maryland and New Jersey are in the process of adopting AIM rulemakings with VOC content limits consistent with those in this final-form rulemaking and the final SIP-approved Delaware rulemaking. States outside of the OTR, other than California, have not developed additional AIM rulemakings.

The commentator questioned how the restriction of VOC content in coatings would affect businesses that

utilize these products. The Board does not anticipate any significant adverse impacts on users of the complying formulations. The low VOC content limits may require that certain users change their work practices to use the reformulated coatings properly. However, these changes should not be significant. It is anticipated that the use of reformulated coatings may improve productivity because the shorter drying time for many water-based formulations will allow quicker recoating and less time at a job site or fewer return trips to the site for professional painters. Because of the lower VOC content of the coatings, workers and occupants of structures being painted will experience reduced exposure to hazardous pollutants and VOCs.

A commentator requested that, in addition to the commentator's testimony, summary of concerns and "Recommended Changes to Proposed Rulemaking of the Environmental Quality Board [25 Pa. Code Ch. 130] Architectural and Industrial Maintenance Coatings [31 Pa.B. 6807]," the Department "consider the August 30, 2001, submission to Delaware concerning Delaware's proposed adoption of the OTC AIM Coatings Model Rule." The Department has reviewed and considered the commentator's submission to Delaware, which the Department understands to have been submitted to the Board as background material and not as official comments on this final-form rulemaking. The commentator makes most, if not all, of the same comments on this final-form rulemaking. Although the Department has reviewed and considered the comments on the Delaware rulemaking, the Department is not providing specific responses to them. The Department has provided specific responses throughout this Comment and Response document to the comments of the commentator that are submitted specifically on this final-form rulemaking.

G. *Benefits, Costs and Compliance*

Benefits—Overall, the citizens of this Commonwealth will benefit from this final-form rulemaking because the changes will result in improved air quality by reducing ozone precursor emissions from AIM coatings and encourage new technologies and practices, which will reduce emissions. The final-form rulemaking will also result in reduced levels of HAPs throughout this Commonwealth. In addition, the final-form rulemaking will reduce citizen exposure to a variety of VOCs, including HAPs, that are used in a variety of AIM coatings.

Compliance Costs—Under this final-form rulemaking, E. H. Pechan, a contractor to the OTC estimated that the reduction of VOC content of the affected AIM coatings will cost approximately \$6,400 per ton of VOC emissions reduced. An analysis conducted by Aberdeen Proving Grounds, however, indicates that low VOC coatings are available that will result in average savings of approximately \$1.76 per gallon compared with higher VOC coatings.

Compliance Assistance Plan—The Department plans to educate and assist the public and regulated community with understanding the new requirements and how to comply with them. This will be accomplished through the Department's compliance assistance program by direct contact and meetings with manufacturers as appropriate.

Paperwork Requirements—The final-form rulemaking will not increase the paperwork that is already generated by the normal course of business practices.

H. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the

Department to determine whether the final-form rulemaking effectively fulfills the goals for which it was intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 29, 2001, the Department submitted a copy of the notice of proposed rulemaking, published at 31 Pa.B. 6807 (December 15, 2001), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate 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 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 September 11, 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 September 12, 2003, and approved the final-form rulemaking.

J. *Findings*

The Board finds that:

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

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

(3) This rulemaking do not enlarge the purpose of the proposed rulemaking published at 31 Pa.B. 6807.

(4) This rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) This rulemaking is necessary for the Commonwealth to achieve and maintain ambient air quality standards.

(6) This rulemaking is necessary for the Commonwealth to avoid sanctions under the Federal Clean Air Act.

K. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 130, are amended by adding §§ 130.301—130.311 to read as set forth in Annex A.

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

(c) The Chairperson of the Board 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 Chairperson of the Board 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 immediately upon publication in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 4865 (September 27, 2003).)

Fiscal Note: Fiscal Note 7-371 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 130. STANDARDS FOR PRODUCTS

Subchapter C. ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Sec.	
130.301.	Applicability.
130.302.	Definitions.
130.303.	Standards.
130.304.	Container labeling requirements.
130.305.	Reporting requirements.
130.306.	Application for variance.
130.307.	Variance orders.
130.308.	Termination of variance.
130.309.	Extension, modification or revocation of variance.
130.310.	Public hearings.
130.311.	Compliance provisions and test methods.

§ 130.301. Applicability.

This subchapter applies to a person who supplies, sells, offers for sale, manufactures, blends or repackages an architectural or industrial maintenance coating for use within this Commonwealth, as well as a person who applies or solicits the application of an architectural or industrial maintenance coating within this Commonwealth except for:

(1) An architectural or industrial maintenance coating that is sold or manufactured for use outside of this Commonwealth or for shipment to other manufacturers for reformulation or repackaging.

(2) An aerosol coating product.

(3) An architectural or industrial maintenance coating that is sold in a container with a volume of 1 liter (1.057 quart) or less.

§ 130.302. Definitions.

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

Adhesive—A chemical substance that is applied for the purposes of bonding two surfaces together other than by mechanical means.

Aerosol coating product—A pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant and is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic marking applications.

Antenna coating—A coating labeled and formulated exclusively for application to equipment and associated

structural appurtenances that are used to receive or transmit electromagnetic signals.

Antifouling coating—A coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating shall be registered with the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C.A. §§ 136–136y).

Appurtenance—An accessory to a stationary structure coated at the site of installation, whether installed or detached. The term includes:

- (i) Bathroom and kitchen fixtures.
- (ii) Cabinets.
- (iii) Concrete forms.
- (iv) Doors.
- (v) Elevators.
- (vi) Fences.
- (vii) Hand railings.
- (viii) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools.
- (ix) Lampposts.
- (x) Partitions.
- (xi) Pipes and piping systems.
- (xii) Rain gutters and downspouts.
- (xiii) Stairways.
- (xiv) Fixed ladders.
- (xv) Catwalks and fire escapes.
- (xvi) Window screens.

Architectural coating—A coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements or to curbs. Coatings applied in shop applications or to nonstationary structures such as airplanes, ships, boats, railcars and automobiles, and adhesives are not considered architectural coatings for the purposes of this subchapter.

Bitumens—Black or brown materials including asphalt, tar, pitch and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

Bituminous roof coating—A coating that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bituminous roof primer—A primer that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bond breaker—A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

Calcimine recoater—A flat solvent-borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

Clear brushing lacquers—

- (i) Clear wood coatings formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without

chemical reaction and to provide a solid protective film, which are intended exclusively for application by brush and which are labeled as required in § 130.304(a)(5) (relating to container labeling requirements).

- (ii) The term excludes clear lacquer sanding sealers.

Clear wood coatings—Clear and semitransparent coatings applied to wood substrates to provide a transparent or translucent film, including clear brushing lacquers, clear lacquer sanding sealers, sanding sealers other than clear lacquer sanding sealers and varnishes.

Coating—An architectural or industrial maintenance coating or a material applied onto or impregnated into a substrate for protective, decorative or functional purposes. The materials include paints, varnishes, sealers and stains.

Colorant—A concentrated pigment dispersion in water, solvent or binder that is added to an architectural coating after packaging in sales units to produce the desired color.

Concrete curing compound—A coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

Concrete surface retarder—A mixture of retarding ingredients such as extender pigments, primary pigments, resin and solvent that interact chemically with cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

Conversion varnish—A clear acid-curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two-component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. Conversion varnish film formation is the result of an acid-catalyzed condensation reaction, effecting a transesterification at the reactive ethers of the amino resins.

Dry fog coating—A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

Exempt compound—A compound identified as exempt under the definition of VOC in this section. Exempt compounds content of a coating shall be determined by EPA Reference Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91, incorporated by reference in § 130.311(e)(10) (relating to compliance provisions and test methods).

Faux finishing coating—A coating labeled and formulated as a stain or glaze to create artistic effects including dirt, old age, smoke damage and simulated marble and wood grain.

Fire-resistive coating—An opaque coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been fire tested and rated by a testing agency and approved by building code officials for use in bringing building and construction materials into compliance with Federal, State and local building code requirements. The fire-resistive testing agency must be approved by building code officials and test the coating in accordance with ASTM E 119-98, incorporated by reference in § 130.311(e)(2).

Fire-retardant coating—A coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with Federal, State and local building code requirements.

(i) The fire-retardant coating and the testing agency shall be approved by building code officials.

(ii) The fire-retardant coating shall be tested in accordance with ASTM E 84-99, incorporated by reference in § 130.311(e)(1).

Flat coating—A coating that is not defined under any other definition in this subchapter and that registers gloss less than 15 on an 85° meter or less than 5 on a 60° meter according to ASTM D 523-89, incorporated by reference in § 130.311(e)(3).

Floor coating—An opaque coating that is labeled and formulated for application to flooring, including decks, porches, steps and other horizontal surfaces, which may be subjected to foot traffic.

Flow coating—A coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

Form-release compound—A coating labeled and formulated for application to a concrete form to prevent freshly poured concrete from bonding to the form. The form may consist of wood, metal or material other than concrete.

Graphic arts coating or sign paint—A coating labeled and formulated for hand application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including letter enamels, poster colors, copy blockers and bulletin enamels.

High-temperature coating—A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

Impacted immersion coating—A high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high-energy impact damage caused by floating ice or debris.

Industrial maintenance coating—A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions and labeled as specified in § 130.304(a)(4) (relating to container labeling requirements):

(i) Immersion in water, wastewater or chemical solutions (aqueous and nonaqueous solutions), or chronic exposure of interior surfaces to moisture condensation.

(ii) Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions.

(iii) Repeated exposure to temperatures above 121°C (250°F).

(iv) Repeated (frequent) heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleansers or scouring agents.

(v) Exterior exposure of metal structures and structural components.

Lacquer—A clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film.

Low-solids coating—A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material.

Magnesite cement coating—A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

Mastic texture coating—A coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

Metallic pigmented coating—A coating containing at least 48 grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in § 130.311(e)(4).

Multicolor coating—A coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.

Nonflat coating—A coating that is not defined under any other definition in this subchapter and that registers a gloss of 15 or greater on an 85° meter and 5 or greater on a 60° meter according to ASTM D 523-89, incorporated by reference in § 130.311(e)(3).

Nonflat high gloss coating—A nonflat coating that registers a gloss of 70 or above on a 60° meter according to ASTM D 523-89, incorporated by reference in § 130.311(e)(3).

Nonindustrial use—The use of architectural coatings except in the construction or maintenance of the following:

(i) Facilities used in the manufacturing of goods or commodities.

(ii) Transportation infrastructure, including highways, bridges, airports and railroads.

(iii) Facilities used in mining activities, including petroleum extraction.

(iv) Utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.

Nuclear coating—A protective coating formulated and recommended to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure as determined by ASTM Method D 4082-89, incorporated by reference in § 130.311(e)(14), relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed as determined by ASTM Method D 3912-80, incorporated by reference in § 130.311(e)(15).

Postconsumer coating—

(i) A finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer.

(ii) The term does not include manufacturing wastes.

Pretreatment wash primer—A primer that contains a minimum of 0.5% acid, by weight, when tested in accordance with ASTM D 1613-96, incorporated by reference in

§ 130.311(e)(5), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent top-coats.

Primer—A coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.

Quick-dry enamel—A nonflat coating that is labeled as specified in § 130.304(a)(8) and that is formulated to have the following characteristics:

(i) Is capable of being applied directly from the container under normal conditions with ambient temperatures between 16° and 27°C (60° and 80°F).

(ii) When tested in accordance with ASTM D 1640-95, incorporated by reference in § 130.311(e)(6), sets to touch in 2 hours or less, is tack-free in 4 hours or less, and dries hard in 8 hours or less by the mechanical test method.

(iii) Has a dried film gloss of 70 or above on a 60° meter according to ASTM D 523-89.

Quick-dry primer, sealer and undercoater—A primer, sealer or undercoater that is dry to the touch in 30 minutes and can be recoated in 2 hours when tested in accordance with ASTM D 1640-95, incorporated by reference in § 130.311(e)(6).

Recycled coating—An architectural coating formulated so that at least 50% of the total weight consists of secondary and postconsumer coating, with at least 10% of the total weight consisting of postconsumer coating.

Residence—An area in which people reside or lodge, including a single or multiple family dwelling, condominium, mobile home, apartment complex, motel or hotel.

Roof coating—A nonbituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings, which qualify as metallic pigmented coatings, will not be considered in this category, but will be considered to be in the metallic pigmented coatings category.

Rust-preventive coating—A coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in § 130.304(a)(6).

Sanding sealer—

(i) A clear wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent application of coatings.

(ii) The term does not include a sanding sealer that meets the definition of a lacquer.

Sealer—A coating labeled and formulated for application to a substrate to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

Secondary coating (rework)—

(i) A fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value.

(ii) The term does not include excess virgin resources of the manufacturing process.

Shellac—A clear or opaque coating formulated solely with the resinous secretions of the Lac Beetle (lacifer

lacca), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

Shop application—The application of a coating to a product or a component of a product in or on the premises of a factory or shop as part of a manufacturing, production or repairing process, such as original equipment manufacturing coatings.

Solicit—To require for use or to specify, by written or oral contract.

Specialty primer, sealer and undercoater—A coating labeled as specified in § 130.304(a)(7) and that is formulated for application to a substrate to seal fire, smoke or water damage; to condition excessively chalky surfaces; or to block stains or efflorescence. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM D 4214-98, incorporated by reference in § 130.311(e)(7).

Stain—A clear, semitransparent or opaque coating labeled and formulated to change the color of a surface, but not to conceal the grain pattern or texture.

Swimming pool coating—A coating labeled and formulated to coat the interior of a swimming pool and to resist swimming pool chemicals.

Swimming pool repair and maintenance coating—A rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

Temperature-indicator safety coating—A coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

Thermoplastic rubber coating and mastic—A coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40% by weight of thermoplastic rubbers in the total resin solids that may also contain other ingredients including fillers, pigments and modifying resins.

Tint base—An architectural coating to which colorant is added after packaging in sale units to produce a desired color.

Traffic marking coating—A coating labeled and formulated for marking and striping streets, highways or other traffic surfaces including curbs, berms, driveways, parking lots, sidewalks and airport runways.

Undercoater—A coating labeled and formulated to provide a smooth surface for subsequent coatings.

VOC—Volatile organic compound—For the purposes of this subchapter, the term means any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates and ammonium carbonate, and:

(i) Excluding the following:

(A) Methane.

(B) Methylene chloride (dichloromethane).

(C) 1,1,1-trichloroethane (methyl chloroform).

(D) Trichlorofluoromethane (CFC-11).

(E) Dichlorodifluoromethane (CFC-12).

(F) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113).

(G) 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114).

- (H) Chloropentafluoroethane (CFC-115).
 - (I) Chlorodifluoromethane (HCFC-22).
 - (J) 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123).
 - (K) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124).
 - (L) 1,1-dichloro-1-fluoroethane (HCFC-141b).
 - (M) 1-chloro-1,1-difluoroethane (HCFC-142b).
 - (N) Trifluoromethane (HFC-23).
 - (O) Pentafluoroethane (HFC-125).
 - (P) 1,1,2,2-tetrafluoroethane (HFC-134).
 - (Q) 1,1,1,2-tetrafluoroethane (HFC-134a).
 - (R) 1,1,1-trifluoroethane (HFC-143a).
 - (S) 1,1-difluoroethane (HFC-152a).
- (T) Cyclic, branched or linear, completely methylated siloxanes.

(ii) Excluding the following classes of perfluorocarbons:

- (A) Cyclic, branched or linear, completely fluorinated alkanes.
- (B) Cyclic, branched or linear, completely fluorinated ethers with no unsaturations.
- (C) Cyclic, branched or linear, completely fluorinated tertiary amines with no unsaturations.
- (D) Sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine.

(iii) Excluding the following low-reactive organic compounds which have been exempted by the United States EPA:

- (A) Acetone.
- (B) Ethane.
- (C) Parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene).
- (D) Perchloroethylene.
- (E) Methyl acetate.

VOC content—The weight of VOC per volume of coating, calculated according to the procedures specified in § 130.311(a).

Varnish—A clear wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnish may contain small amounts of pigment to color a surface or to control the final sheen or gloss of the finish.

Waterproofing concrete/masonry sealer—A clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light and staining.

Waterproofing sealer—A coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

Wood preservative—A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act.

§ 130.303. Standards.

(a) *VOC content limits*. Except as provided in subsections (b), (c) and (g), a person after January 1, 2005, may not:

(1) Manufacture, blend or repackage for sale within this Commonwealth a coating subject to this subchapter with a VOC content in excess of the corresponding limit specified in Table 1.

(2) Supply, sell or offer for sale within this Commonwealth a coating subject to this subchapter with a VOC content in excess of the corresponding limit specified in Table 1.

(3) Solicit for application or apply within this Commonwealth, a coating subject to this subchapter with a VOC content in excess of the corresponding limit specified in Table 1.

(b) *Most restrictive VOC limit*. If on the container of an architectural or industrial maintenance coating, or a label or sticker affixed to the container, or in sales, advertising or technical literature supplied by a manufacturer or a person acting on their behalf, a representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Table 1, then the most restrictive VOC content limit applies. This provision does not apply to the following coating categories:

- (1) Lacquer coatings (including lacquer sanding sealers).
- (2) Metallic pigmented coatings.
- (3) Shellacs.
- (4) Fire-retardant coatings.
- (5) Pretreatment wash primers.
- (6) Industrial maintenance coatings.
- (7) Low-solids coatings.
- (8) Wood preservatives.
- (9) High-temperature coatings.
- (10) Temperature-indicator safety coatings.
- (11) Antenna coatings.
- (12) Antifouling coatings.
- (13) Flow coatings.
- (14) Bituminous roof primers.
- (15) Specialty primers, sealers and undercoaters.
- (16) Calcimine recoaters.
- (17) Impacted immersion coatings.
- (18) Nuclear coatings.
- (19) Thermoplastic rubber coatings and mastic.

(c) *Sell-through of architectural or industrial maintenance coatings*. An architectural or industrial maintenance coating manufactured prior to January 1, 2005, may be sold, supplied, offered for sale or applied after January 1, 2005, so long as the architectural or industrial maintenance coating complied with the standards in effect at the time the coating was manufactured.

(d) *Thinning*. A person may not apply or solicit the application of an architectural and industrial maintenance coating that is thinned to exceed the applicable VOC limit specified in Table 1.

(e) *Rust-preventive coatings*. A person may not apply or solicit the application of a rust-preventive coating for industrial use, unless the rust-preventive coating complies with the industrial maintenance coating VOC limit specified in Table 1.

(f) *Coatings not listed in Table 1.* For an architectural or industrial maintenance coating that does not meet the definitions for the specialty coatings categories listed in Table 1, the VOC content limit shall be determined by classifying the coating as a flat coating or a nonflat coating, based on its gloss as defined in § 130.302 (relating to definitions), and the corresponding flat or nonflat coating limit applies.

(g) *Lacquers.* Notwithstanding the provisions of subsection (a), a person or facility may add up to 10% by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than 70% and temperature below 65°F, at the time of application, provided that the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.

Table 1

VOC Content Limits for Architectural and Industrial Maintenance Coatings

The VOC content limits are effective on January 1, 2005, and are expressed in grams of VOC per liter¹ of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to tint bases. "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

<i>Coating Category</i>	<i>VOC Content Limit</i>
<i>Nonspecialty Coatings</i>	
Flat Coatings	100
Nonflat Coatings	150
Nonflat High Gloss Coatings	250
<i>Specialty Coatings</i>	
Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350
Bond Breakers	350
Calcimine Recoaters	475
Clear Wood Coatings	
—Clear Brushing Lacquers	680
—Conversion Varnish	725
—Sanding Sealers (other than Lacquer Sanding Sealers)	350
* Varnishes	350
Concrete Curing Compounds	350
Concrete Surface Retarders	780
Dry Fog Coatings	400
Faux Finishing Coatings	350
Fire-Resistive Coatings	350
Fire-Retardant Coatings	
—Clear	650
—Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High-Temperature Coatings	420
Impacted Immersion Coatings	780
Industrial Maintenance Coatings	340

<i>Coating Category</i>	<i>VOC Content Limit</i>
Lacquers (including Lacquer Sanding Sealers)	550
Low-Solids Coatings	120 ²
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Nuclear Coatings	450
Pretreatment Wash Primers	420
Primers, Sealers, and Undercoaters	200
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust-Preventive Coatings	400
Shellacs	
—Clear	730
—Opaque	550
Specialty Primers, Sealers and Undercoaters	350
Stains	250
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Thermoplastic Rubber Coatings and Mastic	550
Traffic Marking Coatings	150
Waterproofing Sealers	250
Waterproofing Concrete/Masonry Sealers	400
Wood Preservatives	350

§ 130.304. Container labeling requirements.

(a) Effective January 1, 2005, each manufacturer of architectural or industrial maintenance coatings subject to this subchapter shall display the information listed in paragraphs (1)—(9) on the coating container (or label) in which the coating is sold or distributed.

(1) *Date code.* The date the architectural or industrial maintenance coating was manufactured, or a date code representing the date, shall be indicated on the label, lid or bottom of the container. If the manufacturer uses a date code for a coating, the manufacturer shall file an explanation of each code with the Department by November 24, 2003, or the date on which the date code will first be used, whichever is later.

(2) *Thinning recommendations.* A statement of the manufacturer's recommendation regarding thinning of the architectural or industrial maintenance coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural or industrial maintenance coatings with water. If thinning of the coating prior to use is not necessary, the recommendation shall specify that the coating is to be applied without thinning.

(3) *VOC content.* Each container of a coating subject to this subchapter shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed in grams of VOC per liter of coating. VOC content displayed shall be calculated

¹ Conversion factor: 1 pound VOC per gallon (U.S.) = 119.95 grams per liter.

² Including water and exempt solvents

using product formulation data, or shall be determined using the test methods in § 130.311 (relating to compliance provisions and test methods). The equations in § 130.311(a)(1) and (2) shall be used to calculate VOC content.

(4) *Industrial maintenance coatings.* Each manufacturer of an industrial maintenance coating shall display on the label or the lid of the container in which the coating is sold or distributed one or more of the following descriptions:

- (i) "For industrial use only."
- (ii) "For professional use only."
- (iii) "Not for residential use."
- (iv) "Not intended for residential use."

(5) *Clear brushing lacquers.* The labels of clear brushing lacquers shall prominently display the statements, "For brush application only," and, "This product must not be thinned or sprayed."

(6) *Rust-preventive coatings.* The labels of rust-preventive coatings shall prominently display the statement, "For Metal Substrates Only."

(7) *Specialty primers, sealers and undercoaters.* The labels of specialty primers, sealers and undercoaters shall prominently display one or more of the following descriptions:

- (i) For blocking stains.
- (ii) For fire-damaged substrates.
- (iii) For smoke-damaged substrates.
- (iv) For water-damaged substrates.
- (v) For excessively chalky substrates.

(8) *Quick-dry enamel.* The labels of quick-dry enamels shall prominently display the words, "Quick Dry" and the dry-hard time.

(9) *Nonflat high gloss coatings.* The labels of nonflat high gloss coatings shall prominently display the words, "High Gloss."

§ 130.305. Reporting requirements.

Upon request of the Department, each manufacturer of an architectural or industrial maintenance coating subject to this subchapter shall, on or before April 1 of each calendar year beginning in the year 2006, submit an annual report to the Department. The report shall specify the number of gallons of coating sold in this Commonwealth during the preceding calendar year and shall describe the method used by the manufacturer to calculate sales within this Commonwealth.

§ 130.306. Application for variance.

(a) A person who cannot comply with § 130.303(a) (relating to standards) may apply in writing to the Department for a variance. The variance application shall set forth:

- (1) The specific grounds upon which the variance is sought.
- (2) The proposed date by which compliance with § 130.303(a) will be achieved.
- (3) A compliance report detailing the methods by which compliance will be achieved.

(b) No later than 90 days after receipt of a complete variance application containing the information required

in this section, the Department will hold a public hearing in accordance with § 130.310 (relating to public hearings) to determine the following:

- (1) Whether a variance from the requirements in § 130.303(a) is necessary.
- (2) Under what conditions a variance from the requirements in § 130.303(a) is necessary.
- (3) To what extent a variance from the requirements in § 130.303(a) is necessary.

(c) The Department will not grant a variance unless the applicant demonstrates in writing the following to the Department's satisfaction that:

- (1) It is technologically infeasible for the applicant to comply with the requirements of § 130.303(a).
- (2) The public interest in issuing the variance would outweigh the public interest in avoiding increased emissions of air contaminants that would result from issuing the variance.

(3) The compliance program proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

§ 130.307. Variance orders.

(a) A variance order will specify a final compliance date by which the requirements of § 130.303 (relating to standards) must be achieved. A variance order will contain a condition that specifies increments of progress necessary to assure timely compliance and other conditions that the Department determines to be necessary, in consideration of the testimony received at the public hearing held in accordance with § 130.310 (relating to public hearings), written comments and other information available to the Department.

(b) The Department will submit each variance order to the United States Environmental Protection Agency for approval as a State Implementation Plan revision.

§ 130.308. Termination of variance.

A variance will cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

§ 130.309. Extension, modification or revocation of variance.

The Department may, for good cause, including air quality considerations, extend, modify or revoke a variance from the requirements of § 130.303(a) (relating to standards) after holding a public hearing in accordance with § 130.310 (relating to public hearings).

§ 130.310. Public hearings.

(a) Prior to issuance, extension, modification or revocation of a variance order, the Department will hold a public hearing to take public comment on the application for a variance or on the proposed extension, modification or revocation of a variance order.

(b) The Department will publish notice of the time, place and purpose of the hearing in newspapers of general circulation and in the *Pennsylvania Bulletin* not less than 30 days prior to the hearing.

(c) Not less than 30 days prior to the hearing, the Department will make available to the public the following:

- (1) The application for the variance or, if the hearing is for an extension, modification or revocation, the variance order.

(2) The proposed order for issuing, extending, modifying or revoking the variance.

§ 130.311. Compliance provisions and test methods.

(a) *Calculation of VOC content.* For the purpose of determining compliance with the VOC content limits in § 130.303 Table 1 (relating to VOC content limits for architectural and industrial maintenance coatings), the VOC content of a coating shall be determined by using the procedures described in this subsection or subsection (b), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured.

(1) With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of water and exempt compounds. Determine the VOC content using Equation 1 as follows:

$$\text{Equation 1: VOC Content} = \frac{(Ws - Ww - Wec)}{(Vm - Vw - Vec)}$$

Where:

VOC content = grams of VOC per liter of coating

Ws = weight of volatiles, in grams

Ww = weight of water, in grams

Wec = weight of exempt compounds, in grams

Vm = volume of coating, in liters

Vw = volume of water, in liters

Vec = volume of exempt compounds, in liters

(2) For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using Equation 2 as follows:

$$\text{Equation 2: VOC Content (ls)} = \frac{(Ws - Ww - Wec)}{(Vm)}$$

Where:

VOC Content (ls) = the VOC content of a low solids coating in grams of VOC per liter of coating

Ws = weight of volatile, in grams

Ww = weight of water, in grams

Wec = weight of exempt compounds, in grams

Vm = volume of coating, in liters

(b) *VOC content of coatings.* To determine the physical properties of a coating to perform the calculations in subsection (a), the reference method for VOC content is EPA Reference Method 24, except as provided in subsections (c) and (d). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91, incorporated by reference in this section. The exempt compounds content shall be determined by SCAQMD Method 303-91, incorporated by reference in subsection (e). To determine the VOC content of a coating, the manufacturer may use EPA Reference Method 24, or an alternative method, as provided in subsection (c), formulation data, or another reasonable means for predicting that the coating has been formulated as intended—for example, quality assurance checks and recordkeeping. If there are inconsistencies between the results of a Reference Method 24 test and another means for determining VOC content, the Reference Method 24 results will

govern, except when an alternative method is approved as specified in subsection (c). The Department may require the manufacturer to conduct a Reference Method 24 analysis.

(c) *Alternative test methods.* Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection (b) may be used if approved in writing by the Department and the EPA.

(d) *Methacrylate traffic coating markings.* Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of EPA Reference Method 24 (found at 40 CFR 59, Subpart D, Appendix A), incorporated by reference in subsection (e)(13). This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

(e) *Test methods.* The following test methods are incorporated herein by reference and the most up-to-date version of the test method shall be used to test coatings subject to of this subchapter:

(1) *Flame spread index.* The flame spread index of a fire-retardant coating shall be determined by ASTM E 84-99, "Standard Test Method for Surface Burning Characteristics of Building Materials."

(2) *Fire-resistance rating.* The fire-resistance rating of a fire-resistive coating shall be determined by ASTM E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials."

(3) *Gloss determination.* The gloss of a coating shall be determined by ASTM D 523-89, "Standard Test Method for Specular Gloss."

(4) *Metal content of coatings.* The metallic content of a coating shall be determined by SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples."

(5) *Acid content of coatings.* The acid content of a coating shall be determined by ASTM D 1613-96, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products."

(6) *Drying times.* The set-to-touch, dry-hard, dry-to-touch and dry-to-recoat times of a coating shall be determined by ASTM D 1640-95, "Standard Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature," (see § 130.302 (relating to definitions) for definitions of "quickdry enamel" and "quick-dry primer, sealer and undercoater"). The tack-free time of a quick-dry enamel coating shall be determined by the mechanical test method of ASTM D 1640-95.

(7) *Surface chalkiness.* The chalkiness of a surface shall be determined using ASTM D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films."

(8) *Exempt compounds—siloxanes.* Exempt compounds that are cyclic, branched or linear, completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with this section by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," Bay Area Air Quality Management District (BAAQMD) Manual of Procedures, Volume III.

(9) *Exempt compounds—parachlorobenzotrifluoride (PCBTF)*. The exempt compound parachlorobenzotrifluoride shall be analyzed as an exempt compound for compliance with this section by BAAQMD Method 41, "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," found in BAAQMD Manual of Procedures, Volume III.

(10) *Exempt compounds*. The content of compounds exempt under EPA Method 24 shall be analyzed by SCAQMD Method 303-91, "Determination of Exempt Compounds," found in SCAQMD "Laboratory Methods of Analysis for Enforcement Samples."

(11) *VOC content of coatings*. The VOC content of a coating shall be analyzed by EPA Method 24 found in "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings."

(12) *Alternative VOC content of coatings*. The VOC content of coatings may be analyzed by either EPA Reference Method 24 or SCAQMD Method 304-91, "Determination of Volatile Organic Compounds (VOC) in Various Materials," found in "SCAQMD Laboratory Methods of Analysis for Enforcement Samples."

(13) *Methacrylate traffic marking coatings*. The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings."

(14) *Radiation resistance*. The radiation resistance of a nuclear coating shall be determined by ASTM Method D 4082-89, "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants."

(15) *Chemical resistance*. The chemical resistance of nuclear coatings shall be determined by ASTM Method D 3912-80, "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants."

[Pa.B. Doc. No. 03-2067. Filed for public inspection October 24, 2003, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 131, 143 AND 147]

Hunter ID Number

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

Amend §§ 131.2, 143.202 and 147.701 (relating to definitions; application; and general) to define and implement the issuance of a "hunter ID number."

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

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

Notice of proposed rulemaking was published at 33 Pa.B. 2589 (May 31, 2003).

1. Introduction

The Commission defined and implemented the issuance of a "hunter ID number" by amending §§ 131.2, 143.202 and 147.701.

2. Purpose and Authority

Formerly, regulations allowed an applicant for an elk license or bobcat permit to submit a Social Security number or "some other appropriate form of individual identification" to provide a unique identifier in the database for each individual and to permit crosschecks for duplicates. The Commission has implemented a system whereby it assigns each applicant an individualized "hunter ID number" whenever that applicant does not have a Social Security number. The purpose of this system is to clearly articulate what will be considered an appropriate form of individual identification when a Social Security number is not available. The Commission will use this "hunter ID number" for identification and cross-referencing purposes.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 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 . . ." Section 2102(a) of the code (relating to regulations) provides "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth . . ." These provisions provide the statutory basis for the final-form rulemaking.

3. Regulatory Requirements

The final-form rulemaking defines and implements the issuance of a "hunter ID number" to be used in the application process for elk licenses or bobcat permits whenever the applicant does not have a Social Security number.

4. Persons Affected

Persons who wish to apply for an elk license or bobcat permit and do not have a Social Security number will be affected by the final-form rulemaking.

5. Comment and Response Summary

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

6. Cost and Paperwork Requirements

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

7. Effective Date

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

8. Contact Person

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 131, 143 and 147, are amended by amending §§ 131.2, 143.202 and 147.701 to read as set forth at 33 Pa.B. 2589.

(b) The Executive Director of the Commission shall certify this order and 33 Pa.B. 2589 and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-164 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 03-2068. Filed for public inspection October 24, 2003, 9:00 a.m.]

[58 PA. CODE CH. 135]
Lands and Buildings

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

Amend §§ 135.81 and 135.121—135.123 to ensure recently promulgated regulations apply to Commission administrative lands.

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

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

Notice of proposed rulemaking was published at 33 Pa.B. 2763 (June 14, 2003) and corrected at 33 Pa.B. 2871 (June 21, 2003).

1. *Introduction*

The Commission amended §§ 135.81 and 135.121—135.123 to ensure recently promulgated regulations apply to Commission administrative lands.

2. *Purpose and Authority*

Since the new State game lands (SGLs) regulations were promulgated, many of the unlawful acts pertaining to SGLs were listed in § 135.41 (relating to State game lands). To ensure these prohibitions applied to Commission administrative lands, the Commission added a reference to § 135.41 in § 135.81 (relating to Commission administrative lands). Additionally, since § 135.41 was intended for SGLs and Commission administrative lands, the reference to § 135.41 in §§ 135.121—135.123 (relating to Federal-owned lands; State-owned lands; and po-

litical subdivision-owned lands) was eliminated since the language in § 135.41 is inapplicable on Federal, State and political subdivision-owned lands under Commission lease or control.

Section 721(a) of the code (relating to control of property) provides that “The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The proposed rulemaking was made under this authority.

3. *Regulatory Requirements*

The final-form rulemaking does not impose any additional restrictions, but rather clarifies the application of regulations in § 135.2 (relating to unlawful actions) and § 135.41.

4. *Persons Affected*

Persons wishing to use SGLs or leased areas and other areas under agreement with the Commission will be affected by this final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending §§ 135.81 and 135.121—135.123 are to read as set forth at 33 Pa.B. 2763 and 2871.

(b) The Executive Director of the Commission shall certify this order and 33 Pa.B. 2763 and 2871 and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-169 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 03-2069. Filed for public inspection October 24, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Coyote

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

Amend § 141.4 (relating to hunting hours) to permit the taking of coyotes at any hour, day or night, even during the legal hunting hours of the spring gobbler season.

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

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

Notice of proposed rulemaking was published at 33 Pa.B. 2881 (June 21, 2003).

1. Introduction

The Commission amended § 141.4(2) to permit the taking of coyotes at any hour, day or night, even during the legal hunting hours of the spring gobbler season.

2. Purpose and Authority

Section 139.4 (relating to seasons and bag limits for the license year) presently contains language permitting the taking of coyotes during the spring gobbler turkey season by persons who have a valid spring turkey tag and meet fluorescent and shot size requirements. However, § 141.4 concurrently contains language forbidding the hunting of coyotes during the legal hunting hours of the spring gobbler season (1/2 hour before sunrise to 12 p.m.). To make the regulations more consistent, the Commission amended § 141.4 to permit the taking of coyotes during legal hunting hours of the spring gobbler season.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(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 final-form rulemaking.

3. Regulatory Requirements

The final-form rulemaking permits hunters to harvest a coyote during the legal hunting hours of the spring gobbler season.

4. Persons Affected

Persons wishing to take a coyote during the spring gobbler season will be affected by this final-form rulemaking.

5. Comment and Response Summary

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

6. Cost and Paperwork Requirements

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

7. Effective Date

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

8. Contact Person

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.4 to read as set forth in Annex A.

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

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-168 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter 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.

(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.

(2) Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be taken any hour, day or night, except during restricted periods in paragraph (1), and woodchuck, opossum, skunk and weasel may not be hunted prior to 12 noon during the spring gobbler season.

(3) Turkey hunting hours are 1/2 hour before sunrise to 12 noon during the spring gobbler season.

(4) Mourning doves may be hunted from 12 noon to sunset from the first season opening date through the first season closing date.

[Pa.B. Doc. No. 03-2070. Filed for public inspection October 24, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Deer

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

Amend § 141.43(g) (relating to deer) to permit the cooperation of hunters who are properly licensed to hunt during a particular deer season.

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

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

Notice of proposed rulemaking was published at 33 Pa.B. 2590 (May 31, 2003).

1. *Introduction*

The Commission amended § 141.43(g) to permit the cooperation of any hunters who are properly licensed to hunt during a particular deer season.

2. *Purpose and Authority*

Formerly, regulations permitted properly licensed hunters to cooperate and drive deer for each other when deer seasons ran concurrently. However, all hunters were required to have a doe license from the county in which they were hunting to drive deer for other hunters who were hunting doe in that county. In light of the recently adopted larger deer management units, this provision is no longer practical. For example, former regulations permitted an archery hunter to drive deer for a rifle hunter or muzzleloader hunter and vice versa during the concurrent October seasons. However, the same archery hunter who did not have an antlerless license could not drive deer for a rifle or muzzleloader hunter who could only hunt doe in that early season. The former concurrent

buck/doe seasons only added to this type confusion over cooperation between archery, muzzleloader and rifle hunters.

The amendment to § 141.43(g) will permit any hunter who is properly licensed to hunt in a specific deer season to cooperate with other hunters who are also properly licensed to hunt in a specific deer season. For example, archery hunters, muzzleloader hunters and those entitled to use rifles during the October season will be permitted to drive deer for other hunters even if the archery hunters among them does not have a doe license. It will also allow any hunter who is properly licensed to hunt during the concurrent deer season to drive deer for another hunter who is also properly licensed to hunt during the concurrent deer season, even if either has only an antlerless tag from a different deer management unit and one or both hunter has already harvested a buck.

Section 2102(a) of the code (relating to regulations) provides "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.43(g) was proposed under this provision.

3. *Regulatory Requirements*

The final-form rulemaking permits the cooperation of hunters who are properly licensed to hunt during a particular deer season.

4. *Persons Affected*

Persons wishing to hunt deer cooperatively during open seasons will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.43 to read as set forth at 33 Pa.B. 2590.

(b) The Executive Director of the Commission shall certify this order and 33 Pa.B. 2590 and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-163 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 03-2071. Filed for public inspection October 24, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Elk

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

Amend § 141.47 (relating to elk) to make it unlawful to drive or herd elk.

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

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

Notice of proposed rulemaking was published at 33 Pa.B. 2882 (June 21, 2003).

1. *Introduction*

The Commission amended § 141.47 to make it unlawful to drive or herd elk.

2. *Purpose and Authority*

Recently the Commission has experienced a number of problems with elk hunters and guides driving elk from one management zone to another or out of safety zones. This final-form rulemaking makes driving or herding elk unlawful.

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 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." This provision provides the statutory authority for the final-form rulemaking.

3. *Regulatory Requirements*

The final-form rulemaking makes it unlawful to drive or herd elk.

4. *Persons Affected*

Persons wishing to hunt elk or provide guide services to hunt elk will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.47 to read as set forth at 33 Pa.B. 2882.

(b) The Executive Director of the Commission shall certify this order and 33 Pa.B. 2882 and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-166 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 03-2072. Filed for public inspection October 24, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Presque Isle State Park

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

Delete § 141.17 (relating to Presque Isle State Park) to remove the regulations pertaining to hunting deer in Presque Isle State Park.

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

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

Notice of proposed rulemaking was published at 33 Pa.B. 2591 (May 31, 2003).

1. *Introduction*

The Commission deleted § 141.17 to remove the regulations pertaining to hunting deer in Presque Isle State Park.

2. *Purpose and Authority*

The Department of Conservation and Natural Resources (Department) submitted a request that regulation pertaining to hunting deer in Presque Isle State Park be removed. The Department has determined that the present deer population in Presque Isle State Park can be properly controlled and maintained using the existing, Statewide deer management plan. By deleting § 141.17, hunters will be permitted to hunt deer in Presque Isle State Park during the open seasons for hunting deer in accordance with remaining laws and regulations.

Section 2102(d) of the code (relating to regulations) states that "The commission shall promulgate regulations stipulating . . . the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the seasons when the devices may be used." 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." The deletion of § 141.17 was proposed under these provisions.

3. *Regulatory Requirements*

The final-form rulemaking will remove the regulations pertaining to hunting deer in Presque Isle State Park.

4. *Persons Affected*

Persons wishing to hunt deer in Presque Isle State Park will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by deleting § 141.17 to read as set forth at 33 Pa.B. 2591.

(b) The Executive Director of the Commission shall certify this order and 33 Pa.B. 2591 and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-162 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 03-2073. Filed for public inspection October 24, 2003, 9:00 a.m.]

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Elk Licenses

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

Amend § 143.203 (relating to drawing) to eliminate the 10% cap on the number of nonresident elk licenses that can be issued and to establish and implement a preference system for all current applicants who have been unsuccessful in having their applications drawn in previous years.

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

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

Notice of proposed rulemaking was published at 33 Pa.B. 2883 (June 21, 2003).

1. *Introduction*

The Commission amended § 143.203 to eliminate the 10% cap on the number of nonresident elk licenses that can be issued and to establish and implement a preference system for all current applicants who have been unsuccessful in having their application drawn in previous years.

2. *Purpose and Authority*

Formerly, regulations required a 10% yearly cap on the number of nonresident elk licenses that could be issued in a given year. This cap was determined by the percentage of nonresident general licenses that were sold in the

current year. The Commission eliminated the cap on the number of nonresident elk licenses that could be issued to establish a preference system for all current applicants who have been unsuccessful in having their applications drawn in previous years. Under this preference, those current applicants who have applied in the 2003-2004 license year and any subsequent years will have their applications that have not been drawn remain in the pool of applications from which successful applicants are drawn, thus accruing preference and increasing their chances of being successfully drawn for a license.

Section 2705(15) of the code (relating to classes of licenses) provides that "To ensure sound management of this Commonwealth's wild elk population, the commission may promulgate regulations to establish a limited number of licenses." Section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) authorizes the Commission to "promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting . . ." These provisions provide the statutory basis for the final-form rulemaking.

3. *Regulatory Requirements*

The final-form rulemaking eliminates the 10% cap on the number of nonresident elk licenses that could be issued to establish and implement a preference system for all current applicants who have been unsuccessful in having their application drawn in previous years.

4. *Persons Affected*

Persons who wish to apply for an elk license will be affected by this final-form rulemaking.

5. *Comment and Response Summary*

There were six official comments received regarding this final-form rulemaking. All were in opposition to the removal of the cap on the number of nonresident elk licenses that could be issued in a given year.

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending § 143.203 to read as set forth in Annex A.

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

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-165 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter K. ELK LICENSES

§ 143.203. Drawing.

(a) The Executive Director will set the date and location for the random drawing of applications for the issuance of elk licenses. Incomplete, illegible or duplicate applications will not be included in the drawing.

(b) Applications from current applicants who have applied in the 2003-2004 license year and subsequent years will be included in the drawing until the applicant is successfully drawn and issued a license.

(c) An applicant issued an antlered elk license is not permitted to apply for another elk license for 5 license years.

(d) Qualified applicants and alternates drawn for an elk license shall be required to obtain a regular hunting license prior to attending an orientation session sponsored by the Commission before the elk license is issued. Persons who are eligible for license and fee exemptions and meet the requirements in section 2706 of the act (relating to resident license and fee exemptions) are not required to purchase a regular hunting license.

(e) The number of licenses shall be limited to a number set by the Commission.

[Pa.B. Doc. No. 03-2074. Filed for public inspection October 24, 2003, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits

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

Amend § 147.222 (relating to permits for dog trials on Commission controlled lands) to clarify that permits for dog trials other than bird dog trials may be issued for State game lands (SGLs).

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

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

Notice of proposed rulemaking was published at 33 Pa.B. 2884 (June 21, 2003).

1. *Introduction*

The Commission amended § 147.222 to clarify that permits for dog trials other than bird dog trials may be issued for SGLs.

2. *Purpose and Authority*

Two sections provide for permits to hold dog trials: § 147.222 applies to trials held on SGLs and § 147.223 (relating to permits for dog trials on privately-owned lands) applies to privately owned lands. Although the Commission issues permits for many types of dog trials on SGLs, the language in § 147.222 refers to permits for only "bird" dog trials. However, § 147.223 refers to dog trials with no reference to "bird." By removing the reference "bird" from the section heading and § 147.222(a), this confusion is eliminated. This final-form rulemaking clarifies that permits for dog trials other than bird dog trials may be issued for SGLs.

Section 2901(b) of the code (relating to authority to issue permits) provides that "The commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." 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 protection, preservation and management of game or wildlife and game or wildlife habitat . . ." These provisions provide the statutory authority for the final-form rulemaking.

3. *Regulatory Requirements*

This final-form rulemaking clarifies that permits for dog trials other than bird dog trials may be issued for SGLs by eliminating the word "bird" from § 147.222.

4. *Persons Affected*

Persons wishing to apply for a permit to hold dog trials on SGLs will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.222 to read as set forth at 33 Pa.B. 2884.

(b) The Executive Director of the Commission shall certify this order and 33 Pa.B. 2884 and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-167 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 03-2075. Filed for public inspection October 24, 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 Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective October 3, 2003.

The organization chart at 33 Pa.B. 5323 (October 25, 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. 03-2076. Filed for public inspection October 24, 2003, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of Environmental Protection

The Executive Board approved a reorganization of the Department of Environmental Protection effective October 1, 2003.

The organization chart at 33 Pa.B. 5324 (October 25, 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. 03-2077. Filed for public inspection October 24, 2003, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

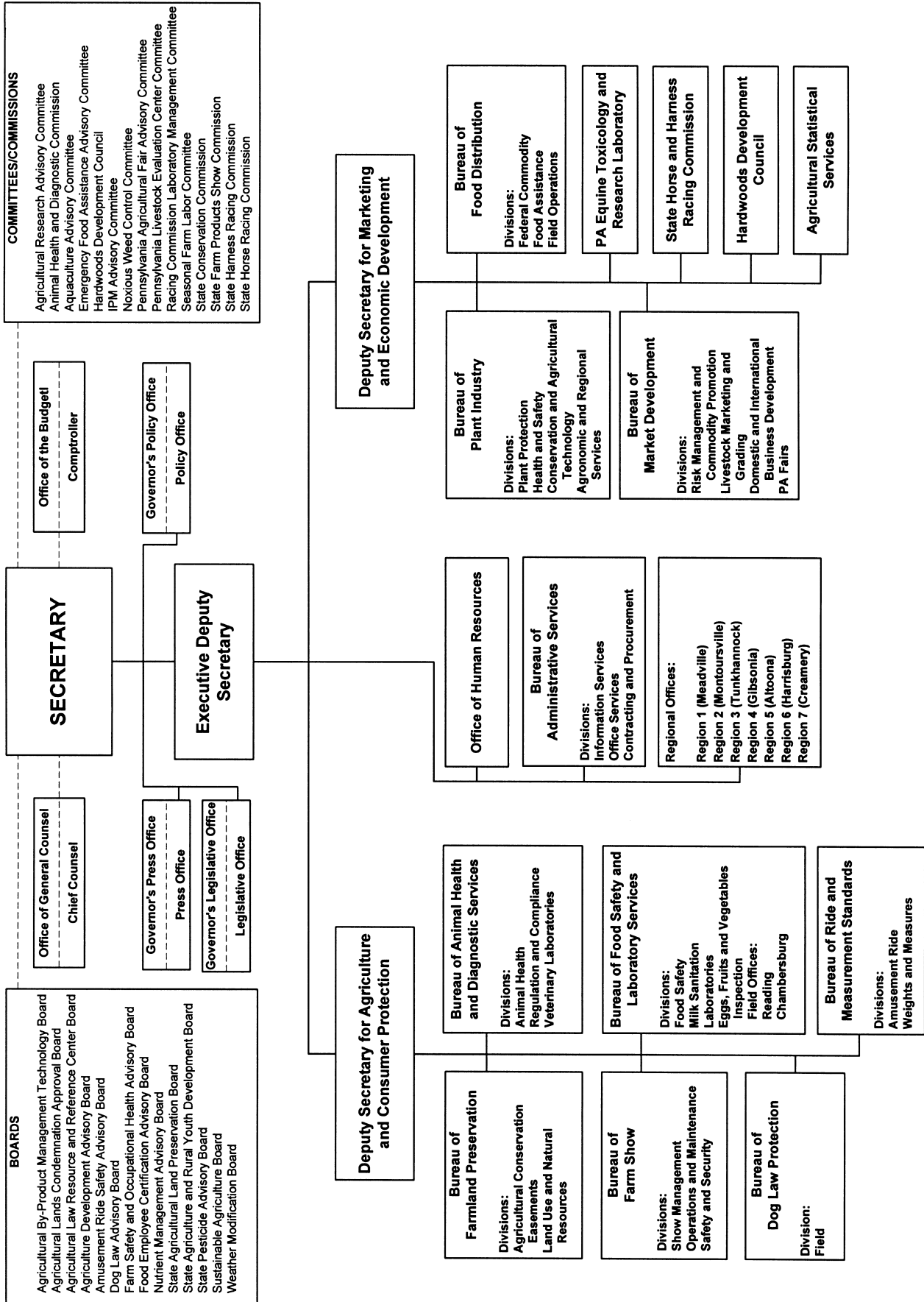
The Executive Board approved a reorganization of the Department of Labor and Industry effective October 8, 2003.

The organization chart at 33 Pa.B. 5325 (October 25, 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. 03-2078. Filed for public inspection October 24, 2003, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE



DEPARTMENT OF ENVIRONMENTAL PROTECTION

SECRETARY

- Boards/Commissions/Committees**
- Agricultural Advisory Board
 - Air Quality Technical Advisory Committee
 - Cleanup Standards Scientific Advisory Board
 - Coal and Clay Mine Subsidence Insurance Fund
 - Coastal Zone Advisory Committee
 - Diesel-Powered Equipment Technical Advisory Committee
 - Environmental Quality Board
 - Laboratory Accreditation Advisory Committee
 - Low Level Waste Advisory Committee
 - Mining and Reclamation Advisory Board
 - Oil and Gas Technical Advisory Board
 - Radiation Protection Advisory Committee
 - Recycling Fund Advisory Committee
 - Sewage Advisory Committee
 - Small Business Compliance Advisory Committee
 - Solid Waste Systems Technical Assistance Center Board
 - State Board for Certification of Sewage Enforcement Officers
 - State Board for Certification of Sewage Treatment Plant and Waterworks Operators
 - State Conservation Commission
 - Storage Tank Advisory Committee

- Office of General Counsel**
- Chief Counsel
- General Law Division
 - Regional Offices (6)
 - Bureau of Investigation
 - Bureau of Regulatory Counsel

Governor's Policy Office

Executive Deputy Secretary

Policy Office
Office of Communications
Legislative Office

Special Deputy Secretary

Office of Environmental Advocate

Deputy Secretary for Community Revitalization and Local Government Support

Office of the Budget
Comptroller

Citizens Advisory Council

Deputy Secretary for Field Operations

- Regional Offices
 - Southeast (Conshohocken)
 - Northeast (Wilkes-Barre)
 - Northcentral (Harrisburg)
 - Southwest (Pittsburgh)
 - Northwest (Meadville)
- Bureau of Regional Coordination and Program Evaluation
- Bureau of Laboratories
 - Divisions: Organic, Radiation and Biological Services
 - Inorganic Services
 - Technical Support Services

Deputy Secretary for Energy and Technology Development

- Governor's Green Government Council
- Bureau of Environmental Sustainability
 - Divisions: Pollution Prevention and Energy Efficiency
 - Technology Development
 - DEP Grants Center

Deputy Secretary for Mineral Resources Management

- Bureau of Mining and Reclamation
 - Divisions: Permits
 - Environmental Analysis and Support
 - Monitoring and Compliance
- Bureau of Abandoned Mine Reclamation
 - Divisions: Acid Mine Drainage Abatement
 - Acid Mine Hazards
 - Field Offices: Cambria (Ebensburg) Wilkes-Barre
- Bureau of Deep Mine Safety
 - Divisions: Bituminous Mine Safety
 - Training, Emergency Response and Administrative Services
 - Anthraxite and Industrial Minerals Mine Safety
 - Engineering Services and Approvals
- Bureau of Oil and Gas Management
 - Divisions: Subsurface Activities
 - Surface Activities
 - Enforcement and Administration
- District Mining Operations
 - Rottsville
 - Hawk Run
 - Greensburg
 - Cambria (Ebensburg)
 - McMurry
 - Knox

Deputy Secretary for Water Management

- Water Planning Office
- Bureau of Waterways Engineering
 - Divisions: Dam Safety
 - Project Evaluation
 - Project Design
 - Project Inspection
- Bureau of Watershed Management
 - Divisions: Conservation Districts and Nutrient Management
 - Water Use Planning
 - Watershed Protection
 - Watersheds, Wetlands and Erosion Control
- Bureau of Water Supply and Wastewater Management
 - Divisions: Drinking Water Management
 - Technical Assistance and Outreach
 - Water Quality Assessment and Standards
 - Wastewater Management
 - Municipal Financial Assistance

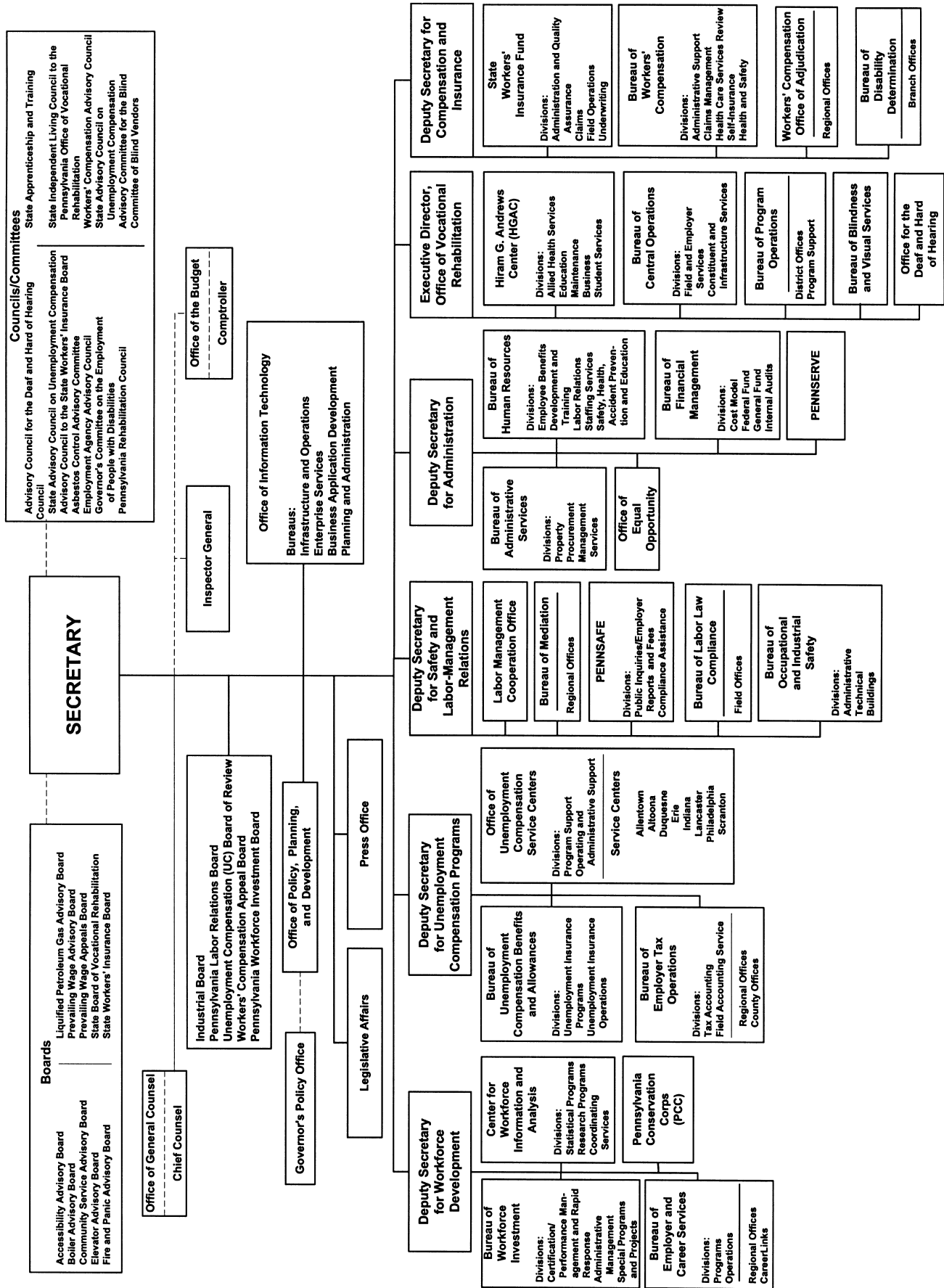
Deputy Secretary for Air, Recycling and Radiation Protection

- Bureau of Air Quality
 - Divisions: Permits
 - Air Resources Management
 - Air Quality Monitoring
 - Source Testing and Monitoring
 - Compliance and Enforcement
 - Air Information
- Bureau of Land Recycling and Waste Management
 - Divisions: Municipal and Residual Waste
 - Hazardous Waste Management
 - Waste Minimization and Planning
 - Land Recycling and Cleanup Program
 - Remediation Services
 - Reporting and Fee Collection
 - Storage Tanks
- Bureau of Radiation Protection
 - Divisions: Radiation Control
 - Nuclear Safety
 - Radon
 - Decommissioning and Surveillance

Deputy Secretary for Administration

- Bureau of Human Resources
 - Divisions: Position Management, Employee Relations and Safety
 - Human Resource Systems and Employee Benefits
 - Employee Development and Facilitation Consulting
- Bureau of Fiscal Management
- Bureau of Office Systems and Services
 - Divisions: Certification, Licensing and Bonding
 - Office Planning Services
 - Contracts and Procurement
 - Document Design and Printing Services
 - Facilities Management
- Bureau of Information Technology
 - Divisions: Program Integration and Effectiveness
 - Applications Development
 - Networking Operations

DEPARTMENT OF LABOR AND INDUSTRY



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 October 14, 2002.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-23-03	East Penn Financial Corporation, Emmaus, to acquire up to 24.9% of the outstanding common stock of Berkshire Bank, Wyomissing	Emmaus	Effective
10-14-03	FleetBoston Financial Corporation, Boston, MA, to acquire 100% of Progress Financial Corporation, Blue Bell, PA, and thereby indirectly acquire Progress Bank, Blue Bell, PA	Boston, MA	Filed

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-8-03	Market Street Interim Bank Camp Hill Cumberland County Interim bank being formed solely to facilitate the acquisition of Pennsylvania State Bank, Camp Hill, by The Pennsylvania State Banking Company, a bank holding company in organization.	Camp Hill	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-8-03	Market Street Interim Bank, Camp Hill, and Pennsylvania State Bank, Camp Hill Surviving Institution— Market Street Interim Bank, Camp Hill	Camp Hill	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-8-03	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County	100 West Main Street Girardville Schuylkill County	Filed
10-9-03	Sharon Savings Bank Darby Delaware County	1900-02 South Street Philadelphia Philadelphia County	Approved
10-9-03	S & T Bank Indiana Indiana County	WalMart, Route 30 Latrobe Westmoreland County	Approved
10-9-03	East Penn Bank Emmaus Lehigh County	502 State Road Emmaus Lehigh County	Approved
10-14-03	Sun Bank Lewisburg Union County	220 Highland Park Boulevard Wilkes-Barre Luzerne County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-9-03	Farmers First Bank Lititz Lancaster County	1419 Lancaster Road Manheim Lancaster County	Approved

SAVINGS INSTITUTIONS**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
10-8-03	The Market Street Building and Loan Association Philadelphia Philadelphia County	Articles of Dissolution filed with Department of State. Corporate existence terminated.

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-10-03	Local No. 38 and Associates Credit Union Milton Northumberland County	Milton	Approved

Represents conversion from an occupational credit union to a community credit union.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-2079. Filed for public inspection October 24, 2003, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2003

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of November 2003 is 7 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.63 to which was added 2.50 percentage points for a total of 7.13 that by law is rounded off to the nearest quarter at 7 1/4%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-2080. Filed for public inspection October 24, 2003, 9:00 a.m.]

**DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES****Snowmobile and ATV Advisory Committee Meeting**

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting at 9:30 a.m. on Wednesday, November 5, 2003, in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Anthony DiGirolomo, (717) 787-9306.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 03-2081. Filed for public inspection October 24, 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

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>
PA0087700 SEW	South Londonderry Township Municipal Authority Campbelltown East WWTP P. O. Box 3 Campbelltown, PA 17010-0003	Lebanon County South Londonderry Township	Killinger Creek 7D	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>
PA0083542 IW	Flight Systems, Inc. 505 Fishing Creek Road Lewisberry, PA 17339	Cumberland County Silver Spring Township	Hogestown Run 7B	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>
PA0228745	Carl N. and Karen J. Beaver 63 Beaver Meadows Road Catawissa, PA 17820	Columbia County Locust Township	Unnamed tributary to Roaring Creek 5E	Y
PA0209651 Sewerage	Columbia Investment Corp. 6009 Columbia Boulevard Bloomsburg, PA 17815	Main Township Columbia County	Unnamed tributary to Catawissa Creek 5-E	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>
PA0102156	Building Materials Manufacturing Corporation 218 West Bayfront Parkway Erie, PA 16507	City of Erie Erie County	Unnamed tributary to Presque Isle Bay 15	Y
PA0034215	Whitehaven Campground 4007 Westford Road Jamestown, PA 16134-6735	South Shenango Township Crawford County	Unnamed tributary to the Pymatuning Reservoir 20-A	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.

PA0055158, Sewage, **Roger and Theresa Bahnck**, 327 Durham Road, Ottsville, PA 18942. This proposed facility is in Nockamixon Township, **Bucks County**.

The receiving stream, unnamed tributary to Haycock Creek, is in the State Water Plan watershed 2D and is classified for TSF.

The proposed effluent limits for Outfall 001 are based on a design flow of 400 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	Monitor and Report	Monitor and Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

PA0052663, SEW, SIC 4952, **Knight's Bridge Corporation**, 112 Chesley Drive, Suite 200, Media, PA 19063-1762. This proposed facility is in Chadds Ford Township, **Delaware County**.

Description of Proposed Activity: NPDES permit renewal to discharge treated sewage from the Village Shopping Center at Painter's Cross Road STP.

The receiving stream, Harvey Run, is in the State Water Plan watershed 3H-watershed and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Wilmington Water Supply is on the Brandywine Creek, 14 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 90,000 gpd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅ (5-1 to 10-31)	7.5		10		20
(11-1 to 4-30)	15.0		20		40
Total Suspended Solids	7.5		10		20
Ammonia as N (5-1 to 10-31)	0.8		1.0		2.0
(11-1 to 4-30)	2.3		3.0		6.0
NO ₂ N and NO ₃ N	7.5		10.0		20.0
Total Residual Chlorine			0.6		1.5
Fecal Coliform		200 colonies/100 ml as geometric average			
Dissolved Oxygen		minimum of 5 mg/l at all times			
pH		within limits of 6.0—9.0 standard units at all times			

PA0024058, Sewage, **Borough of Kennett Square**, 120 North Broad Street, Kennett Square, PA 19348-2942. This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant in Kennett Township, **Chester County**. This is an existing discharge to West Branch Red Clay Creek.

This notice reflects changes to the notices published at 32 Pa.B. 1418 (March 16, 2002), 32 Pa.B. 5292 (October 26, 2002), 33 Pa.B. 2992 (June 28, 2003) and 33 Pa.B. 3754 (August 2, 2003): based on additional sampling data, the parameter Pentachlorophenol is removed. Also, 3 years of compliance time is provided to meet limits for Phenols, Total.

The proposed effluent limits for Outfall 001, based on an average annual flow of 1.1 million gallons per day for the period beginning at issuance of the permit through completion of the second year of the permit 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	25	40	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Phosphorus (as P) (4-1 to 10-31)	Monitor		Monitor
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 001 for the period beginning at the third year of the permit through permit expiration, based on an average annual flow of 1.1 million gallons per day 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)	17	25	33
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus (as P) (4-1 to 10-31)	1.3		2.6
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 001 for toxic pollutants, based on an average annual flow of 1.1 million gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Lindane	Monitor	Monitor	Monitor
Phenols, Total (1st Year to 3rd Year)	0.045	0.090	0.112
(4th Year to Expiration)	0.023	0.046	0.058
Toxicity (TUC)		2.23	

The proposed effluent limits for Outfall 002, based on stormwater discharge from the area around the sewage treatment plant property are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>
CBOD ₅	Monitor
COD	Monitor
Oil and Grease	Monitor
pH	Monitor
Suspended Solids	Monitor
Total Kjeldahl Nitrogen	Monitor
Total Phosphorus	Monitor
Dissolved Iron	Monitor

Implementation of industrial pretreatment program requirements; a maximum monthly flow of 1.4 million gallons per day as rated hydraulic capacity of the plant; special test methods for Lindane and Phenols, total; Toxicity Identification Evaluation to reduce or eliminate the effluent toxicity; implementation of a Corrective Action Plan in accordance with a consent decree; requirements for stormwater discharge; laboratory certification; development of an operations and maintenance plan; monitoring effluent for total residual chlorine during the period of chlorine usage for disinfection.

The EPA waiver is not in effect.

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

PA0208922, Sewage, SIC 4952, **Woodward Township Sewage and Water Authority**, R. R. 1, Box 285, Houtzdale, PA 16651-9651. The existing discharge is in Woodward Township, **Clearfield County**.

Description of Proposed Activity: Pending renewal and modification of the NPDES permit for Outfall 001 for Punkin Hollow Wastewater Treatment Plant. Applicant has requested that the discharge rate be increased from the existing 0.385 MGD to 0.76 MGD. Only mass effluent limits will change. Secondary limits still apply.

The receiving stream, Whiteside Run, is in the State Water Plan watershed 8D and is classified for CWF. The nearest downstream public water supply intake for the Pennsylvania American Water Company in Milton, PA is a significant distance below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.76 MGD.

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

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

PA0022241, Sewage, **Borough of California**, P. O. Box 696, 225 Third Street, California, PA 15419. This application is for renewal of an NPDES permit to discharge treated sewage from the California Borough Sewage Treatment Plant in California Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the 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 Newell Municipal Authority on the Monongahela River, 0.8 mile downstream from discharge.

Outfall 001: existing discharge, design flow of 1.0 mgd.

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

The EPA waiver is not in effect.

PA0036307, Sewage, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This application is for renewal of an NPDES permit to discharge treated sewage from Moon Run STP in Robinson Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Moon 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 Sewickley Water Authority.

Outfall 001: existing discharge, design flow of .250 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	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0042234, Sewage, **Kittanning Borough Municipal Authority**, 300 South McKean Street, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from Kittanning Borough STP in Kittanning Borough, **Armstrong County**.

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

Outfall 001: existing discharge, design flow of 1.2 mgd.

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

Outfalls 002 and 011, which discharge to the receiving waters known as Allegheny River, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These outfalls are permitted to discharge only for this reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

Outfalls SW-1 and SW-2, which discharge to the receiving waters known as Allegheny River, serve as stormwater discharges from areas in and around the treatment plant. There are at this time no effluent limitations on the outfalls. The stormwater discharges shall meet the requirements in Part C of the NPDES permit.

The EPA waiver is not in effect.

PA0090832, Sewage, **West Pike Run Township**, P. O. Box 222, Daisytown, PA 15427. This application is for renewal of an NPDES permit to discharge treated sewage from Abraham Plan of Lots Sewage Treatment Plant in West Pike Run Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Pike Run, which are classified as a TSF 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 California Water Authority.

Outfall 001: existing discharge, design flow of 0.0035 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)	11.5			23.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	7,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	1.3			3.0
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096318, Sewage, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This application is for a renewal of an NPDES permit to discharge treated sewage from Covi/Douglas Sewage Treatment Plant in Robinson Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Moon 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 Sewickley Water Authority.

Outfall 001: existing discharge, design flow of .1583 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	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204927, Sewage, **Barr Area Municipal Authority**, P. O. Box 236, Nicktown, PA 15762. This application is for a renewal of an NPDES permit to discharge treated sewage from Norcam Industries Sewage Treatment Plant in Barr Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Hoppel 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 Clearfield Municipal Authority on the West Branch Susquehanna River.

Outfall 001: existing discharge, design flow of .002625 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	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		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.

PA0217361, Sewage, **East Huntingdon Township**, P. O. Box 9, Alverton, PA 15612-0009. This application is for renewal of an NPDES permit to discharge treated sewage from the Iron Bridge STP in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Jacobs 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 Westmoreland County Municipal Authority.

Outfall 001: new discharge, design flow of .250 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	6	9		12
(11-1 to 4-30)	18	27		36
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
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.

PA0217875, Sewage, **Gary and Ellen Daniels**, 150 Speicher Lane, Boswell, PA 15531. This application is for issuance of an NPDES permit to discharge treated sewage from the Daniels Single Residence Sewage Treatment Plant in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of South Fork Bens Creek, which are classified as a HQ-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: new discharge, design flow of 0.0004 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			6
(11-1 to 4-30)	9			18
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.

PA0252565, Sewage, **Jonathan Nihart**, 894 School House Drive, Ashville, PA 16613. This application is for issuance of an NPDES permit to discharge treated sewage from Nihart Single Residence Sewage Treatment Plant in Clearfield Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Swartz 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 Pennsylvania American Water Company on the West Branch Susquehanna River.

Outfall 001: new discharge, design flow of 0.0004 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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252581, Sewage, **Mahoning Township Supervisors**, R. D. 1, Box 110A, New Bethlehem, PA 16242. This application is for issuance of an NPDES permit to discharge treated sewage from Mahoning Township Sewage Treatment Plant in Mahoning Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Redbank 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 Allegheny Energy Armstrong Power Station on the Allegheny River.

Outfall 001: new discharge, design flow of 0.09 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)	2.0			4.0
(11-1 to 4-30)	3.0			6.0
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	.08			.2
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.

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

PA208302, Industrial Waste, **Keystone Powdered Metal Company**, 1935 State Street, St. Marys, PA 15857. This proposed facility is in Lewis Run Borough, **McKean County**.

Description of Proposed Activity: Discharge of untreated noncontact cooling water and stormwater associated with industrial activities.

The receiving water is unnamed tributaries to East Branch Tunungwant Creek. The receiving stream is in State Water Plan 16-C and is classified for HQ CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, the Emlenton Municipal Authority, is on the Allegheny River, approximately 102 miles below the point of discharge.

The proposed effluent limits for Outfall 002 based on a design flow of n/a MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Only during discharge of emergency once—through NCCW:			
Flow	XX		
Total Suspended Solids	30	60	60
Oil and Grease	15	30	30
Total Residual Chlorine	XX		XX
pH	6.0 to 9.0 standard units at all times		
*For stormwater discharges:			
Chemical Oxygen Demand			XX
Oil and Grease			30
pH			XX
Total Suspended Solids			XX
Chromium			XX
Arsenic			XX
Dissolved Iron			7.0

Any other parameters the permittee believes may be in stormwater from contact in these areas.

The proposed effluent limits for Outfall 003 based on a design flow of n/a MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Chemical Oxygen Demand			XX
Oil and Grease			30
pH			XX
Total Suspended Solids			XX
Chromium			XX
Arsenic			XX
Dissolved Iron			7.0

Any other parameters the permittee believes may be in stormwater from contact in these areas.

The proposed effluent limits for Outfall 004 based on a design flow of n/a MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Chemical Oxygen Demand			XX
Oil and Grease			30
pH			XX
Total Suspended Solids			XX
Chromium			XX
Arsenic			XX
Dissolved Iron			7.0

Any other parameters the permittee believes may be in stormwater from contact in these areas.

XX—Monitor and report on DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 1503421, Sewerage, **Municipal Authority of the Borough of Elverson**, P. O. Box 266, 101 South Chestnut Street, Elverson, PA 19520. This proposed facility is in Borough of Elverson, **Chester County**.

Description of Proposed Action/Activity: Replacing the existing treatment lagoons with activated sludge package treatment units.

WQM Permit No. 2398405 Renewal, Sewerage, **Brandywine Operating Partnership, L. P.**, 401 Plymouth Meeting Road, Suite 500, Plymouth Meeting, PA 19462. This proposed facility is in **Chester County**.

Description of Proposed Action/Activity: Requesting the approval for the renewal of the office building and wastewater treatment facility.

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

WQM Permit No. 2103406, Sewerage, **Emanuel and Sara Ann Stoltzfus**, 56 Lancaster Avenue, Christiana, PA 17509. This proposed facility is in Upper Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their single family residence in the 1500 block of Mountain Road.

WQM Permit No. 2803405, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9424. This proposed facility is in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Upgrade/replacement of the Pen Mar Pumping Station.

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

WQM Permit No. 5903201, CAFO Operation, SIC 0241, **Bishcroft Farm LP**, R. R. 1, Box 58, Roaring Branch, PA 17765-9727. This proposed will be in Liberty Township, **Tioga County**.

Description of Proposed Action/Activity: Bishcroft Farm LP proposes the expansion of an existing facility, to occur in two phases. The proposed first phase will include a new freestall barn, a flush manure management system and a double-lined (HDPE/clay) manure storage facility. The second phase will include a second freestall barn. The animal numbers for the first stage will be about 660 milking cows, 120 dry cows and 620 heifers/calves. The second stage will involve the addition of about 340 milking cows, 60 dry cows and 310 heifers/calves. Total manure storage of the new facility, at full capacity, will be about 4.4 million gallons. Total AEU's at the site, following both phases will be 2,126.9.

WQM Permit No. 1703406, Sewerage 4952, **Evergreen Youth Services, Inc.**, R. D. 1, Box 486, Mifflintown, PA 17059. This proposed facility is in Beccaria Township, **Clearfield County**.

Description of Proposed Action/Activity: Applicant is requesting a Water Quality Management Part II Permit for construction of a package treatment plant to serve an existing institutional home for children. The discharge will be to the headwaters of Cofinan Run.

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

WQM Permit No. 8282-S-A1, Sewerage, **Municipal Authority of the City of McKeesport**, 100 Atlantic Avenue, McKeesport, PA 15132. This proposed facility is in City of McKeesport, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and replacement of the Perry Street Ejector Station with a submersible pumping station.

WQM Permit No. 0303404, Sewerage, **Mahoning Township Supervisors**, R. D. 1 Box 110A, New Bethlehem, PA 16242. This proposed facility is in Mahoning Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewerage treatment plant to serve the Village of Distant and nearby community of Seminole.

WQM Permit No. 6303406, Sewerage, **North Strabane Township Municipal Authority**, 1929 B Route 519 South, Canonsburg, PA 15317. This proposed facility is in North Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewerage pumping station to serve the Surrey Woods Townhouse Development.

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

WQM Permit No. 6103403, Sewerage, **Frenchcreek Township Sewer Authority**, 4507 Georgetown Road, Franklin, PA 16323. This proposed facility is in Frenchcreek Township, **Venango County**.

Description of Proposed Action/Activity: This project is for pump stations, gravity sewers, low pressure force mains and sewer lines to serve various areas in Frenchcreek Township.

WQM Permit No. 2003415, Sewerage, **Carol Millett**, 9213 Old State Road, Conneaut Lake, PA 16316. This proposed facility is in Sadsbury Township, **Crawford County**.

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

WQM Permit No. 2003426, Sewerage, **David M. Ball**, 10897 State Highway 285, Conneaut Lake, PA 16316. This proposed facility is in Sadsbury Township, **Crawford County**.

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

WQM Permit No. 2503417, Sewerage, **Floyd L. McClellan, Jr.**, 20871 Ross Road, Corry, PA 16407. This proposed facility is in Concord Township, **Erie County**.

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

IV. NPDES Applications for Stormwater Discharges from MS4

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133699	West Cornwall Township 73 S. Zinns Mill Rd. Lebanon, PA 17042	Lebanon	West Cornwall Township	Quittapahilla Creek TSF	Y
PAG133700	Cornwall Borough 36 Burd Coleman Rd. Cornwall, PA 17016-0667	Lebanon	Cornwall Borough	Quittapahilla Creek TSF	Y

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>
PAI136124	Bell Acres Borough 1153 Camp Meeting Road Sewickley, PA 15143	Allegheny	Bell Acres Borough	Y
PAI136125	Delmont Borough 77 Greensburg Street Delmont, PA 15626	Westmoreland	Delmont Borough	Y

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133699	West Cornwall Township 73 S. Zinns Mill Rd. Lebanon, PA 17042	Lebanon	West Cornwall Township	Quittapahilla Creek TSF	Y
PAG133700	Cornwall Borough 36 Burd Coleman Rd. Cornwall, PA 17016-0667	Lebanon	Cornwall Borough	Quittapahilla Creek TSF	Y

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>
PAG136293	East Rochester Borough 760 Spruce Avenue East Rochester, PA 15074	Beaver	East Rochester Borough	Y
PAG136295	Koppel Borough P. O. Box I Koppel, PA 16136	Beaver	Koppel Borough	Y
PAG136296	White Township 2511 13th Avenue Beaver Falls, PA 15010	Beaver	White Township	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136297	Roscoe Borough P. O. Box 502 Roscoe, PA 15477	Washington	Roscoe Borough	Y
PAG136300	Connellsville Township 1407 Buttermore Borough Connellsville, PA 15425	Fayette	Connellsville Township	Y
PAI136124	Bell Acres Borough 1153 Camp Meeting Road Sewickley, PA 15143	Allegheny	Bell Acres Township	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>
PAI011503090	Honey Brook Community Church Development P. O. Box 100 Honey Brook, PA 19344	Chester	Honeybrook Township	Brandywine Creek HQ-TSF-MF
PAI010903010	William R. Glazier Glazier Minor Subdivision 5901 Atkinson Road New Hope, PA 18938	Bucks	Plumstead Township	Paunacussing Creek HQ-CWF
PAI012303003	Edward Coseltt and Jonathan Sutton The Riddle Estates 27 Wallingford Avenue, Bldg. C Wallingford, PA 19086	Delaware	Upper Providence and Middletown Townships	Ridley Creek HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803030	Alan McFall 118 Roosevelt St. Wind Gap, PA 18091	Northampton	Plainfield Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403013	Duane Gardner and William Rigg Lake View Estates Subdiv. 562 Walnut St. Howard, PA 16841	Centre	Howard Borough	Lick Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056503007	Municipality of Murrysville 4100 Sardis Road Murrysville, PA 15668	Westmoreland	Municipality of Murrysville	Steels Run HQ-CWF

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>
PAG136290	New Kensington City 301 Eleventh Street New Kensington, PA 15068	Westmoreland	New Kensington City	Y
PAG136291	South Park Township 2675 Brownsville Road South Park, PA 15129	Allegheny	South Park Township	Y
PAG136292	Ben Avon Borough 7101 Church Avenue Ben Avon, PA 15202-1881	Allegheny	Ben Avon Borough	Y
PAG136293	East Rochester Borough 760 Spruce Avenue East Rochester, PA 15074	Beaver	East Rochester Borough	Y
PAG136294	Manor Borough 47 Race Street Manor, PA 15665	Westmoreland	Manor Borough	Y
PAG136295	Koppel Borough P. O. Box I Koppel, PA 16136	Beaver	Koppel Borough	Y
PAG136296	White Township 2511 13th Avenue Beaver Falls, PA 15010	Beaver	White Township	Y
PAG136297	Roscoe Borough P. O. Box 502 Roscoe, PA 15477	Washington	Roscoe Borough	Y
PAG136298	Rochester Township Municipal Building 1013 Elm Street Rochester, PA 15075-1357	Beaver	Rochester Township	Y
PAG136299	Jeannette City 110 South Second Street Jeannette, PA 15644	Westmoreland	Jeannette City	Y
PAG136300	Connellsville Township 1407 Buttermore Borough Connellsville, PA 15425	Fayette	Connellsville Township	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)

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

Permit No. 4603505, Public Water Supply.

Applicant **Schwenksville Borough Authority**
 Township Lower Frederick
 Responsible Official Edward R. Beitler
 P. O. Box 467
 Schwenksville, PA 19468
 Type of Facility PWS
 Consulting Engineer ARRO Consultant, Inc.
 649 N. Lewis Road, Suite 100
 Limerick, PA 19468
 Application Received Date October 9, 2003
 Description of Action Construction of a new well, a booster pumping station and a 100,000-gallon storage tank.

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

Permit No. 2803505 MA, Public Water Supply.

Applicant **Antrim Brethern in Christ Church**
 Municipality Antrim Township
 County **Franklin**
 Responsible Official Myron Wingert, Vice Chair of Trustees
 24 Kauffman Road East
 Chambersburg, PA 17201
 Type of Facility PWS
 Consulting Engineer Lance S. Kegerreis, P. E.
 Dennis E. Black Engineering Inc.
 2400 Philadelphia Avenue
 Chambersburg, PA 17201
 Application Received Date June 12, 2003
 Description of Action Installation of nitrate removal equipment, softening and disinfection.

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

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

Applicant **Clearfield Municipal Authority**
 107 East Market Street
 Clearfield, PA 16830
 Township Pike Township, **Clearfield County**
 Responsible Official Jeffery S. Williams, Manager
 Clearfield Municipal Authority
 107 East Market Street
 Clearfield, PA 16830
 Type of Facility PWS
 Consulting Engineer Mark Glenn
 Gwin, Dobson & Foreman
 3121 Fairway Drive, Suite B
 Altoona, PA 16602-4475
 Application Received Date October 2, 2003

Description of Action Change of alum as the primary coagulant at the Montgomery Run Water Treatment Plant to polyaluminum chloride.

Application No. 1479502-T1—Operation. Public Water Supply.

Applicant **Pennsylvania American Water**
 800 West Hersheypark Drive
 Hershey, PA 17033
 Township Rush Township, **Centre County**
 Responsible Official Paul A. Zelinski
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility PWS
 Application Received Date October 6, 2003

Description of Action Transfer PWS Permit from Sandy Ridge Water Authority.

Application No. 1481501-T1—Operation. Public Water Supply.

Applicant **Pennsylvania American Water**
 800 West Hersheypark Drive
 Hershey, PA 17033
 Township Rush Township, **Centre County**
 Responsible Official Paul A. Zelinski
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility PWS
 Application Received Date October 6, 2003

Description of Action Transfer PWS Permit from Sandy Ridge Water Authority.

Application No. 1493506-T1—Operation. Public Water Supply.

Applicant **Pennsylvania American Water**
 800 West Hersheypark Drive
 Hershey, PA 17033
 Township Rush Township, **Centre County**
 Responsible Official Paul A. Zelinski
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility PWS
 Application Received Date October 6, 2003

Description of Action Transfer PWS Permit from Sandy Ridge Water Authority.

Application No. Minor Amendment-T1 (2000)—Operation. Public Water Supply.

Applicant **Pennsylvania American Water**
 800 West Hersheypark Drive
 Hershey, PA 17033
 Township Rush Township, **Centre County**
 Responsible Official Paul A. Zelinski
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility PWS
 Application Received Date October 6, 2003

Description of Action Transfer PWS Permit from Sandy Ridge Water Authority.

Application No. Minor Amendment-T1 (2001)—Operation. Public Water Supply.

Applicant **Pennsylvania American Water**
800 West Hersheypark Drive
Hershey, PA 17033

Township Rush Township, **Centre County**

Responsible Official Paul A. Zelinski
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility PWS

Application Received Date October 6, 2003

Description of Action Transfer PWS Permit from Sandy Ridge Water Authority.

Application No. 1403504. Public Water Supply.

Applicant **College Township Water Authority**
1481 East College Avenue
College Township Building
State College, PA 16801

Township College Township, **Centre County**

Responsible Official R. David Derr, Authority
Chairperson
1481 East College Avenue
State College, PA 16801

Type of Facility PWS

Consulting Engineer Michael J. Daschbach
Entech Engineering, Inc.
4 South Fourth Street
P. O. Box 32
Reading, PA 19603

Application Received Date October 2, 2003

Description of Action Retrofitting Lemont Pump Station with three new booster pumps.

Application No. Minor Amendment. Public Water Supply.

Applicant **Bellefonte Borough Authority**
236 West Lamb Street
Bellefonte, PA 16823

Borough Bellefonte Borough, **Centre County**

Responsible Official Robert D. Davis, P. E.
Authority Chairperson
236 West Lamb Street
Bellefonte, PA 16823

Type of Facility PWS

Consulting Engineer Herbert, Rowland, & Grubic, Inc.
Mark J. Garlicki, P. E.
474 Windmere Drive, Suite 100
State College, PA 16801

Application Received Date October 9, 2003

Description of Action Change in fluoride for the Authority's Big Spring Water System Customers.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4603504, Minor Amendment.

Applicant **Borough of East Greenville**

Township Upper Hanover

Responsible Official Douglas G. Bricker
206 Main Street
East Greenville, PA 18041

Type of Facility PWS

Consulting Engineer Cowan Associates, Inc.
120 Penn-Am Drive
Quakertown, PA 18951

Application Received Date October 6, 2003

Description of Action Replacement of an existing 18,000-gallon backwash water storage tank and backwash effluent pump. Installation of a new 7,000-gallon surge tank and 750,000-gallon water storage tank, demolition of existing 300,000-gallon water storage tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Strathmann Lumber Company, Southampton Township, **Bucks County**. Jennifer Sherman, GHR Consulting Services, Inc., 300 Welsh Rd., Bldg. 3, Horsham, PA 19044, on behalf of Peter Iliff, 620 Knowles Ave., Southampton, PA 18966, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Times* on September 30, 2003.

403 West Lincoln Highway Site, Coatesville Borough, **Chester County**. William B. Gilchrist, P. G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of AMTRAK, Attn: Jack Schweitzer, 30th Street Station, 5th Floor, Box 13, Philadelphia, PA 19104, has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel, kerosene, leaded gasoline, unleaded gasoline and used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on July 31, 2003.

Rosenberg Tract, City of Philadelphia, **Philadelphia County**. James M. Barish, CPG, Gannett Fleming, Inc., Research Park, 202 Wall St., Princeton, NJ 08540, on behalf of Paul Rosenberg, 2204 South Christopher Columbus Blvd., Philadelphia, PA 19148, has submitted a Notice of Intent to Remediate soil contaminated with inorganics, lead, other organics and PAH; and groundwater contaminated with inorganics, lead and other organics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on October 2, 2003.

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

Giant Foodstore No. 313—Lehigh Shopping Center, City of Bethlehem, **Lehigh County**. Michael Tarormina, Project Manager, Kroll, Inc., 29 Winter Street, 5th Floor, Boston, MA 02108 has submitted a Notice of Intent to Remediate (on behalf of Heritage SPE, LLC, 535 Boylston Street, Boston, MA 02116) concerning the remediation of soils found or suspected to have been contaminated with leaded gasoline constituents as the result of historic land use. The applicant proposes to meet the Statewide Health Standard. A summary of the submission was published in the *Express-Times* on September 18, 2003. A Final Report was simultaneously submitted.

Former Ashland Specialty Chemical Company—Easton Facility, Glendon Borough, **Northampton County**. James Frere, Project Manager, URS Corporation, 400 Northpark Town Center, 1000 Abernathy Road, NE, Suite 900, Atlanta, GA 30328 has submitted a Notice of Intent to Remediate (on behalf of Ashland, Inc., 5200 Blazer Parkway, Dublin, OH 43017) concerning the remediation of soils and groundwater found or suspected to have been contaminated by chlorinated solvents and other organics. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Express-Times* on September 30, 2003.

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

Tate Access Floors, Inc., Windsor Township, **York County**. MACTEC Engineering and Consulting, Inc., 700 North Bell Avenue, Suite 200, Carnegie, PA 15106, on behalf of Tate Access Floors, Inc., 52 Springvale Road, Red Lion, PA 17356-0398, submitted a Notice of Intent to Remediate site soils contaminated with chlorinated solvents and groundwater contaminated with chlorinated solvents, inorganics and lead. The applicant proposes to remediate the site to meet the requirements of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record* on September 22, 2003.

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

Tampella/Wegmans, City of Williamsport, **Lycoming County**. Groundwater Sciences Corporation, on behalf of Wegmans Foods Markets, Inc., 1500 Brooks Avenue, Rochester, NY 14692-6844, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, fuel oil no. 2, other organics and PAHs; and groundwater contaminated with chlorinated solvents, fuel oil no. 2, inorganics, other organics and PAHs. The applicant proposes to remediate the site to meet a combination of the Site-Specific and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on September 2, 2003.

Mifflinburg Area School District Bus Barn, Mifflinburg Borough, **Union County**. Molesevich Environmental on behalf of Mifflinburg Area School District, 178 Maple Street, P. O. Box 285, Mifflinburg, PA 17844 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with diesel fuel, leaded gasoline and unleaded gasoline. The applicant proposes to remediate the site to meet the Site-Specific Standard. A

summary of the Notice of Intent to Remediate was reported to have been published in the *Sunbury Daily Item* the week of September 15, 2003.

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

Bedford/Hope VI Redevelopment Area, City of Pittsburgh, **Allegheny County**. Frank W. Benaquista, Earth Sciences Consultants, Inc., One Triangle Lane, Export, PA 15632 (on behalf of Housing Authority of the City of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219 and MBA Development Corp., Tom Currell, 1101 Lucas Avenue, St. Louis, MO 63101-1179) has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health and Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post-Gazette* on August 7, 2003.

SCM Metal Products, City of Johnstown, **Cambria County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Sten-Ake Kvist, SCM Metal Products, 111 Hoganas Way, Hollsopple, PA 15935) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Johnstown Tribune-Democrat* on August 29, 2003.

Greengate Mall (Former), Hempfield Township, **Westmoreland County**. Michael Riggins, Environmental Strategies Corporation, 300 Corporate Center Drive, Suite 200, Moon Township, PA 15108 (on behalf of Al Mers, Jr., Summix Development, 2127 Interbelt Business Center Drive, Suite 200, St. Louis, MO 63119 and Jim Henneberry, Ecosafe, Incorporated, 7616 Big Bend Boulevard, St. Louis, MO 63119) has submitted a Notice of Intent to Remediate soil contaminated with lead, PAH and used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Review* on September 3, 2003.

Republic Technologies International Facility, City of Beaver Falls, **Beaver County**. James P. Nairn, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Republic Technologies International, LLC, Seventh Avenue, Beaver Falls, PA 15010 and Mark Breedlove, BVV Realty, LLC, 2015 Blairmont Drive, Pittsburgh, PA 15010) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with other organics, PCBs and inorganics. The applicant proposes to remediate the site to meet the Site Specific Standard and make use of the Special Industrial Area Requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on June 19, 2003.

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

Former Wolf's Head Property, North Parcel, City of Reno, **Venango County**. Harry Perrine (on behalf of Pennzoil-Quaker State Co. d/b/a SOPUS Products) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganics and other organics. The applicant proposes to remediate the site to meet the Site-Specific, Statewide Health Nonresidential Standards. A summary of the Notice of Intent to Remedi-

ate was reported to have been published in the *Oil City Derrick* on September 15, 2003.

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

Estate of Ben Pajank, Hermitage, **Mercer County**. Mark B. Miller, P. G. (on behalf of Thomas W. Kuster, Estate Attorney, 3545 E. State St., P. O. Box 1503, Hermitage, PA 16148) has submitted a Notice of Intent to Remediate soil contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the Statewide, Residential Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sharon Herald* on October 6, 2003.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

66-315-035B: The Procter and Gamble Paper Products Co. (P. O. Box 32, Route 87, Mehoopany, PA 18692) for amendment of the existing Plan Approval (66-315-035) for the two new paper machines, converting operations and boiler modifications at their facility in Washington Township, **Wyoming County**.

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

06-3130: Quaker Maid Cabinetry (P. O. Box 341, Hamburg, PA 19526) for construction of a wooden cabinet manufacturing facility controlled by dry filters in the Borough of Hamburg, **Berks County**.

06-05037D: McConway and Torley Corp. (109 48th Street, Pittsburgh, PA 15201) for modification of production restrictions in the current operating permit due to revised emission factors for the Kutztown Foundry in Kutztown Borough, **Berks County**.

06-05069D: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for construction of a cast-on-strap (COS) machine, installation of a fabric collector to control this machine and six existing COS machines and a relocated Concaster in Plant A-2. Also, modification of the Industrial Plant drying ovens by exhausting them to a fabric collector in-place of the existing Rotocloner. All plants are in Richmond Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart KK—Standards of Performance for New Stationary Sources. The facility is subject to Title V.

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

17-305-049: Energy Link, Inc. (P. O. Box 602, DuBois, PA 15801) for construction of a coal stockpiling and railcar loading operation (Corman Yard Coal Pile) in Lawrence Township, **Clearfield County**.

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

03-00206C: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) for increase in coal production from 500,000 tons to 1 million tons over a consecutive 12-month basis at Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**.

04-00034A: Valspar Coatings (372 Cleveland Avenue, Rochester, PA 15074) to install a new packed tower scrubber (replacing two existing scrubbers) to control emission from two batch reactors at Valspar Rochester Plant in Rochester 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.

62-171A: Meridien Hardwoods of PA, Inc. (Old Pittsfield Road, Pittsfield, PA 16340) for installation of a waste fuel burner on an existing natural gas fired boiler in Pittsfield Township, **Warren County**.

10-284C: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16033) for revision of Plan Approval PA-10-284B to clarify when the testing requirements are applicable in Jackson Township, **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.

46-0240: Moyer Packing Co. (249 Allentown Rd., Souderton, PA 19864) for installation of a 33 mmBtu boiler, which will be used as an alternate boiler at their facility in Franconia Township, **Montgomery County**. This facility is a non-Title V facility. The facility has a potential greater than 25 tons per year on NOx; the facility will take a restriction of 21.0 tons per year on NOx for the entire facility. Potential emissions from the proposed boiler are as follows:

NOx	8.9 tons per year
CO	5.2 tons per year
PM	5.2 tons per year
SOx	19.2 tons per year
VOCs	0.3 ton per year

The boiler will be permitted to use natural gas, no. 2 fuel oil and animal fat/vegetable oil. The boiler will operate at a maximum of 124,380 mmBtu per year. The Plan Approval will contain recordkeeping and further 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.

67-03030B: Bickel's Snack Foods, Inc. (1120 Zinns Quarry Road, West Manchester, PA 17405) for relocation of two snack manufacturing lines controlled by fumehoods and demisters from their May and Grumbacher Roads plant in Manchester Township, **York County** to their Zinns Quarry Road plant in West Manchester Township, **York County**. Emissions for PM10 for the Zinns Quarry Road plant associated with this plan approval are projected to be approximately 0.22 ton per year. The plan approval/operating permit shall include appropriate conditions designed to keep this non-Title V 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.

10-284C: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16033), for modification of Plan Approval PA-10-284B, to clarify when the testing requirements are applicable in Jackson Township, **Butler County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. 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. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate Best Available Technology for the source:

- Source tests shall be conducted for each flare, within 60 days after installation but not later than 180 days after initial startup, to demonstrate compliance with the 98% NMOC destruction efficiency requirement and to determine the emission rates of NO_x and CO.

- At least 60 days prior to source testing, three copies of the test procedure and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Regional Air Quality.

- Within 60 days of the Departmental approval of the stack test protocol, stack tests shall be conducted in accordance with the 40 CFR 60.754(d) and the Department's source testing procedures described in the latest Source Testing Manual referenced in 25 Pa. Code § 139.4(5).

- At least 2 weeks prior to the test, the Regional Air Quality Manager shall be informed, in writing, of the date and time of the test.

- The stack test shall be performed while the flare is operating at the maximum rated capacity using the maximum available amount of landfill gas.

- All available operating parameters, including but not limited to landfill gas flow rate and flare temperature, shall be recorded during the duration of the stack tests.

- Within 60 days after completion of the test, three copies of the complete test report, including all operating parameters, shall be submitted to the Regional Air Quality Manager for approval.

- Source tests shall be conducted for the engine, within 60 days after installation but not later than 180 days after initial startup, to demonstrate compliance with the previous emission limitations and the 98% NMOC destruction efficiency requirement.

- At least 60 days prior to source testing, three copies of the test procedure and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Regional Air Quality Manager.

- Within 60 days of the Departmental approval of the stack test protocol, stack tests shall be conducted in accordance with the 40 CFR 60.754(d) and the Department's source testing procedures described in the latest Source Testing Manual referenced in 25 Pa. Code § 139.4(5).

- At least 2 weeks prior to the test, the Regional Air Quality Manager shall be informed, in writing, of the date and time of the test.

- The stack test shall be performed while the engine is operating at the maximum rated capacity using the maximum available amount of landfill gas. Tests shall also be conducted to determine the mass emission rate at different loads, that is, 50% load, 75% load, 100% load.

- All available operating parameters shall be recorded during the duration of the stack tests.

1. Within 60 days after completion of the test, three copies of the complete test report, including all operating parameters, shall be submitted to the Regional Air Quality Manager for approval.

2. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall perform quarterly monitoring to determine there are no landfill gas leaks which result in concentrations of 500 ppmv or more measured as propane (or 1,375 ppmv or more measured as methane) at a distance of 0.5 inch from any exposed equipment. The landfill equipment subject to this requirement shall include the exposed portions of the gas wells, piping or any other connections or fittings along the landfill gas transfer paths of a landfill gas collection and disposal system. A log shall be kept at the facility indicating any leak that exceeds the previous concentration and the corrective action taken.

3. 25 Pa. Code § 273.217 requires landfill operators to implement fugitive dust control measures. This criterion specifies the reasonable actions that are necessary for the prevention of fugitive dust emissions from the operation of landfills in accordance with these requirements. The Fugitive Emission Control Criteria are as follows:

4. The landfill access roadways from the public highway to the landfill shall be paved a minimum of 500 feet. The access roadways shall be maintained to prevent particulate matter from becoming airborne as specified in 25 Pa. Code § 123.1(c).

5. The unpaved portions of the access roadways shall have a crown so that water runs off and does not pool. The access roadways shall be maintained to prevent particulate matter from becoming airborne as specified in 25 Pa. Code § 123.1(c).

6. All reasonable measures shall be taken to suppress fugitive dust emissions on access roadways or public highways for a distance of 500 feet in both directions from the landfill entrances and exits, caused by landfill operations. When applicable, reasonable accommodations shall be made with the governmental entity with primary responsibility for public highway maintenance and care to ensure that any fugitive emissions in the area of public highway denoted previously, caused by landfill operations, are appropriately suppressed.

7. No waste oil shall be used as dust suppressant for the unpaved surface.

8. Earth or other material deposited by trucking or other means shall be promptly removed from the paved portions of the access roadways.

9. Upon leaving the landfill, the undercarriage, wheels and chassis of the vehicles used to transport wastes and earth shall be washed, as necessary, to prevent earthen carryout onto roadways.

10. All waste hauling trucks entering the landfill shall be covered.

11. A speed limit of 15 miles per hour shall be observed on all paved access roadways and 10 miles per hour on all unpaved areas. Speed limit signs shall be posted consistent with the requirements of the Department of Transportation (overall dimension 30" × 24", "SPEED LIMIT" in 4-inch letters and 10-inch numerals).

12. A detailed record describing the time, location, type and amount of roadway surface treatment shall be maintained at the landfill site for at least 5 years. As a minimum, the record shall include the following:

13. For paved roadways and parking lot areas:

- Log of action performed to prevent particulate matter from becoming airborne as specified in 25 Pa. Code § 123.1(c). This may include, but is not limited to, the following:

- Log of engine run time or odometer reading for a vacuum sweeper.
 - Log of time and location of any maintenance.
 - Identification, time and location of any maintenance, repairs, patching or repaving of roads.
14. For unpaved roads and shoulders of paved roads:
- Log of action performed to prevent particulate matter from becoming airborne as specified in 25 Pa. Code § 123.1(c). This may include, but is not limited to, the following:
 - Log of meter reading of spray-bar and/or pump and odometer reading of trucks used to apply dust suppressants and the identification of the dust suppressants.
 - Log of the dilution ratios of the dust suppressants and dilutents used if chemical suppressants are used.
 - Purchase records of the chemical suppressants, if used.

Quarterly reports of the previous records shall be submitted to the Department. The reports shall be submitted within 30 days after the end of each calendar quarter.

OPERATING PERMITS

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

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

65-00869: Fansteel Hydro Carbide (P. O. Box 363 Latrobe, PA 15650) in Unity Township, **Westmoreland County**. This TV facility is used in the production of cemented tungsten carbide. This facility is a major facility for VOC emissions. The main source of VOC emissions is the mixing and drying of the powder.

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

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

01-03015: Hanover Lantern, Inc. (350 Kindig Lane, Hanover, PA 17331) for operation of its lighting fixture manufacturing facility at their Kindig Lane Plant in Conewago Township, **Adams County**. The facility has the following annual potential emissions: 27 tons VOC, 19 tons HAPs, 3 tons NOx, 1 ton CO. The State-only operating permit will include emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03007: Cooper Industries, Ltd. (3990 East Market Street, York, PA 17402) for operation of a chain manufacturing facility at their Campbell Chain Plant in Springettsbury Township, **York County**. The facility has the potential to emit 9 tons per year of NOx. The State-only operating permit will 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.

67-03114: Hanover Lantern, Inc. (350 Kindig Lane, Hanover, PA 17331) for operation of their lighting fixture manufacturing facility at the High Street Plant in Hanover Borough, **York County**. The facility has the following annual potential emissions: 5 tons NOx, 1 ton CO, 1 ton PM10. The State-only operating permit will include emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05102: Aero Energy (149 Bowman Road, York, PA 17404) for their automated propane cylinder filling line at their facility in Jackson Township, **York County**. The facility has the potential to emit more than 50 tons per year of VOCs and more than 10 tons per year of a single HAP. The State-only operating permit will limit emissions to levels below the Title V permit thresholds. The permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

18-00024: XL Acquisition Corp.—AvisAmerica (P. O. Box 420, Avis, PA 17721) for their modular home manufacturing plant in Pine Creek Township, **Clinton County**. The facility's main sources include 2 surface coating booths, 1 surface coating area, 46 combustion units, adhesive use operations, foamseal operations, miscellaneous solvent usage, woodworking operations, 1 diesel fired water pump and 1 solvent parts washer. The facility has the potential to emit SOx, NOx, CO, PM-PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00050: GKN Sinter Metals, Inc. (One Tom Mix Drive, DuBois, PA 15801) for their facility in the City of DuBois, **Clearfield County**. This facility manufactures sintered metal parts. The facility's main sources include 16 sintering furnaces, 6 space heaters, 4 oil impregnators, 2 water heaters and 2 boilers. This source has the potential to emit PM-PM10, NOx, SOx and CO below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

25-00972: Insul Board (2120 Colonial Avenue, Erie, PA 16505) for a Natural Minor Permit to operate an expanded polystyrene manufacturing plant in Erie, **Erie 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, restric-

tions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of the NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30 day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

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

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

54030104. RSK Mines (2203 Sunbury Road, Ashland, PA 17921), commencement, operation and restoration of an anthracite surface mine and fly ash disposal operation in Porter Township, **Schuylkill County** affecting 1,234.4 acres, receiving stream: none. Application received October 3, 2003.

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

14743701. NPDES Permit No. PA0600156, Pennsylvania Mines, LLC (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Pauline Hollow Coal Refuse Disposal Area in Rush Township, **Centre County** and related NPDES Permit, no additional discharges. Application received August 20, 2003.

11860701. NPDES Permit No. PA0214981, Fuel Recovery, Inc. (2591 Wexford-Bayne Road, Suite 204,

Sewickley, PA 15143), to revise the permit for the Sonman Refuse in Portage Township, **Cambria County**, to change post mining land use from forestland to wildlife habitat and to place circulating fluidized bed ash on the permitted site, no additional discharges. Application received August 25, 2003.

32991301. NPDES Permit No. PA0215228, DLR Mining Inc. (3065 Airport Road, Indiana, PA 15701), to revise the permit for the Nolo Mine in Buffington, Pine, Cherryhill and Brush Valley Townships, **Indiana County**, to add underground permit and subsidence control plan acres, Underground Acres Proposed 580, SCP Acres Proposed 580, no additional discharges. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority PWS 5320040. Application received September 2, 2003.

03031301. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201-9642), to operate the Keystone East Mine in Plumcreek and Washington Townships, **Armstrong and Indiana Counties**, new mine, Surface Acres Proposed 32.6, Underground Acres Proposed 768, SCP Acres Proposed 768, South Branch Plum Creek (CWF). Application received September 17, 2003.

32841313. NPDES Permit No. PA0213454, Indiana Investments Inc. (R. D. 2, Box 305, Shelocta, PA 15774), to transfer the permit for the Urling No. 2 Mine in Armstrong Township, **Indiana County**, from Keystone

Coal Mining Corporation, no additional discharges. Application received October 1, 2003.

03753705. NPDES Permit No. PA0215601, Indiana Investments Inc. (R. D. 2, Box 305, Shelocta, PA 15774), to transfer the permit for the Urling No. 3 Coal Refuse Disposal in Plumcreek Township, **Armstrong County**, from Keystone Coal Mining Corporation, no additional discharges. Application received October 1, 2003.

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

17773075 and NPDES Permit No. PA0127949. Black Oak Development, Inc., P. O. Box 176, Glen Campbell, PA 15742, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Banks, Bell and Burnside Townships, **Indiana and Clearfield Counties**, affecting 343.0 acres. Receiving streams: Martin Run and two unnamed tributaries to West Branch Susquehanna River to Susquehanna River (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 2, 2003.

56703120 and NPDES Permit No. PA0607622. Jenners, Inc., P. O. Box 171, Shelocta, PA 15774, permit revision to change the land use from woodland and cropland to pastureland in Jenner Township, **Somerset County**, affecting 580.0 acres. Receiving streams: unnamed tributary to Hoffman Run to Hoffman Run; and to unnamed tributary to Quemahoning Creek and to Quemahoning Creek (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning Surface Water Withdrawal. Application received October 1, 2003.

32980108 and NPDES Permit No. PA0234826. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 149.8 acres. Receiving streams: three unnamed tributaries

to Two Lick Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 1, 2003.

32990101 and NPDES Permit No. PA0235016. Walter L. Houser Coal Company, Inc., 13448 SR 422, Suite 1, Kittanning, PA 16201, permit revision to change the land use from forestland to pastureland in Washington Township, **Indiana County**, affecting 33.5 acres. Receiving streams: Sugar Camp Run to the South Branch Plum Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 2, 2003.

11920103 and NPDES Permit No. PA0599450. T. J. Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, permit renewal for reclamation only and for continued restoration of a bituminous surface/auger/noncoal surface mine in Jackson Township, **Cambria County**, affecting 61.0 acres. Receiving streams: unnamed tributaries to South Branch Blacklick Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 6, 2003.

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

17030112 and NPDES Permit No. PA 0243591. Kenneth K. Rishel & Sons, Inc., 1229 Turnpike Avenue, Clearfield, PA 16830. Commencement, operation and restoration of a bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 43.8 acres. Receiving streams: Montgomery Creek to the West Branch of the Susquehanna River (CWF). The first downstream potable water supply intake from the point of discharge is none. Application received September 30, 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.

01910802. Harold R. Beebe (1026 Orphanage Road, Littlestown, PA 17340), Stage I and II bond release for a quarry operation in Mt. Joy Township, **Adams County** affecting 3.0 acres on property owned by Harold R. Beebe. Application received October 3, 2003.

06960301C and NPDES Permit No. PA0223379. Allentown Cement Company (P. O. Box 619, Blandon, PA 19510), renewal of NPDES Permit for discharge of treated mine drainage in Oley Township, **Berks County**,

receiving stream: unnamed tributary to Manatawny Creek (CWF). Application received October 8, 2003.

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

4379306. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153). Renewal of NPDES Permit No. PA0118699, Lake Township, **Mercer County**. Receiving streams: unnamed tributary to Little Shenango River (TSF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received October 6, 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 Depart-

ment of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-947. REIT Management and Research, Centre Square, 1500 Market Street, Philadelphia, PA 19102-2100, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the REIT Stormwater Improvement Project within the floodway of Rap Run (TSF) and another unnamed tributary of the Pine Run.

(1) Excavation and grading within the floodway to accommodate the construction of two retention basins and underground infiltration stormwater pipes and trenches.

(2) Minor filling within the floodway to facilitate the construction of berms and spreader basins connected to outfall structures.

(3) Construction of three outfall structures to discharge water from retention basin into the streams.

The project will temporarily impact approximately 1,440 feet of streambanks and approximately 480 feet of streambank permanently. The site is approximately 690 feet east of intersection of Delaware and Virginia Drives

and within the Virginia Drive roadway loop bounded on the east and west by Virginia Drive (Ambler, PA Quadrangle N: 2.03 inches; W: 10.00 inches).

E15-709. Department of Transportation, District 6, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, West Warwick Township, **Chester County**, ACOE Philadelphia District.

To remove an existing 28.5-foot single span steel I-beam bridge and replace and maintain with a 34-foot single span prestressed, concrete spread box beam bridge with an underclearance of 6 feet 11 inches over the Pine Creek (EV) on Harmonyville Road (SR 4018) Section 13S (Elverson, PA Quadrangle N: 11.5 inches; W: 2.5 inches).

Work will also include:

1. Improvement of approximately 600 linear feet of vertical roadway alignment and widening of the road and bridge

2. Installation of stormwater facilities associated with the roadway improvement.

The proposed work will impact approximately 75 linear feet of Pine Creek (EV) and 0.05 acre of associated wetland.

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

E52-190. Frank Marcos, 30 Jenni Lane, Norwood, NJ 07648 in Palmyra Township, **Pike County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove approximately ten large boulders along the shoreline of Lake Wallenpaupack for the purpose of improving access for boating. The project will impact an area of less than 0.1 acre. The project is on lot no. 10 in the Whispering Pines Subdivision, approximately 3,300 feet northwest of the intersection of SR 507 and T-413 (Hawley, PA Quadrangle N: 7.1 inches; W: 14.1 inches).

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

E07-376: Blair County Commissioners, 423 Allegheny Street, Hollidaysburg, PA 16648 in Greenfield Township, **Blair County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a new bridge with a single clear span of 29.79 feet on a 70 degree skew with an underclearance of 4.66 feet over Polecat Run (WWF) on County Road 101 (County Bridge 34) about 1.7 miles north of Claysburg (Roaring Spring, PA Quadrangle N: 13.1 inches; W: 9.3 inches) in Greenfield Township, Blair County.

E06-584: Borough of Fleetwood, 110 West Arch Street, Suite 104, Fleetwood, PA 19522 in Fleetwood Borough, **Berks County**, ACOE Philadelphia District.

To remove an existing 32 feet long by 3 feet wide steel and wooden plank bridge and to install and maintain a 40 feet long by 6 feet wide prefabricated pedestrian bridge across an unnamed tributary to Willow Creek (CWF) for the purpose of improving the recreational and educational value of the greenway, at a point approximately 1,400 feet east of North Richmond Street (Fleetwood, PA Quadrangle N: 15.5 inches; W: 12.4 inches) in Fleetwood Borough, Berks County.

E07-374: Furrer Beverage Company, Inc., 526 Third Avenue, Altoona, PA 16602 in Antis Township, **Blair County**, ACOE Baltimore District.

To construct and maintain water, sewer, telephone, electric and gas utility crossings resulting in temporary

impacts to 0.12 acre of exceptional value PEM wetlands at a point approximately 1,008 feet southeast of the intersection of SR 764 and SR 4018 (Bellwood, PA Quadrangle N: 11.8 inches; W: 11.75 inches); and a sewer line crossing resulting in temporary impacts to 0.03 acre of exceptional value PSS wetlands and a 7-foot by 20-foot crossing of a perennial unnamed tributary to Sandy Run (CWF) at a point approximately 426 feet southwest of the intersection of SR 764 and SR 4018 (Bellwood, PA Quadrangle N: 11.7 inches; W: 12.25 inches) in Antis Township, Blair County. The project proposes to temporarily impact 0.15 acre of exceptional value wetlands and 20 feet of an unnamed tributary to Sandy Run.

E21-356: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Shippensburg Township, **Cumberland County**, ACOE Baltimore District.

To extend and maintain the length of an existing culvert at the channel of Burd Run (CWF) on SR 0174, Section 0011, Segment 020, Offset 135 to construct a turning lane for the proposed Wal-Mart shopping center about 0.8 mile west of the I-81 and PA 174 Interchange (Walnut Bottom, PA Quadrangle N: 10.75 inches; W: 16.95 inches) in Shippensburg Township, Cumberland County.

E36-766: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in West Hempfield Township, **Lancaster County**, ACOE Baltimore District.

To maintain an existing culvert which was repaired by means of inserting a 73-inch by 55-inch arch culvert at the channel of an unnamed tributary to Strickler Run (WWF) on SR 0030, Section 045, Segment 0070, Offset 3040-3220 to improve the safety conditions of motorists about 1,700 feet east from its intersection with L. R. 36112 (Columbia East, PA Quadrangle N: 7.23 inches; W: 10.45 inches) in West Hempfield Township, Lancaster County.

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

E63-547. Eddie McGavitt, 50 Speers Street, Belle Vernon, PA 15012. McGavitt Barge Docks in Speers Borough, **Washington County**, Pittsburgh ACOE District (Monongahela, PA Quadrangle N: 0.5 inch; W: 1.4 inches) (Latitude: 40° 07' 40"—Longitude: 79° 53' 06"). The applicant proposes to operate and maintain the existing barge mooring facility constructed under Permit No. 20070 having a length of 1,225.0 feet and a minimum width of 156.0 feet (as measured from the normal pool elevation) in the channel and along the left bank of the Monongahela River on the east side of SR 88, approximately 1,700.0 feet downstream from the intersection of SR 88 and the Interstate Route 70 bridge.

E63-554. Robert Quarture, 569 Justabout Road, Venetia, PA 15367. Quarture Property Stream Enclosure in Peters Township, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 4.5 inches; W: 0.3 inch) (Latitude: 40° 16' 29"—Longitude: 80° 7' 36"). The applicant proposes to construct and maintain a conspan arch culvert having a span of 12 feet and rise of 6 feet for a distance of approximately 400 feet with a riprap energy dissipater on the downstream end, to construct and maintain various stormwater outfalls, to construct and maintain a temporary stream crossing across, to and in a tributary to Chartiers Creek (WWF) for a proposed restaurant. The project is in the southwest

corner of the intersection of Route 19 and Old Oak Road. To mitigate for the stream impacts, the applicant proposes to construct and maintain a stream corridor enhancement project for 450 feet within a tributary to Chartiers Creek. The mitigation area is on the south side of Lindley Road approximately 2,000 feet east of its intersection with SR 1039. The total stream impact for this project is the enclosure of 400 feet of a tributary to Chartiers Creek.

E63-548. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. Findlay Connector Bridge and Culvert Section 54C in Robinson Township, **Washington County**, Pittsburgh ACOE District (Clinton, PA Quadrangle Begin N: 11.7 inches; W: 8.9 inches and Ends N: 9.0 inches; W: 9.6 inches) (Begin Latitude: 40° 26' 22"—Longitude: 80° 18' 50" and Ends Latitude: 40° 25' 28"—Longitude: 80° 19' 8"). For the purpose of constructing 1.32 miles of new four-lane, limited access toll road known as the Findlay Connector (SR 0576) including construction of accessory ramps P—U, upgrades and improvements to existing U. S. 22, roadway and bridge work on Candor Road (SR 4009), roadway and realignment work on Steubenville Pike (SR 4004) and intersection work and upgrades to existing Ridge Road (T-616) and Robinson Church Road (SR 4001), the applicant is proposing: (1) to relocate and maintain 150 linear feet of stream channel and to construct and maintain a 272.0-foot long, 9.0-foot by 10.0-foot (invert depressed 1.0 foot) reinforced concrete box culvert in an unnamed tributary to St. Patrick Run (WWF) (SR 4004, Station 56+75) (Latitude 40° 25' 23"—Longitude 80° 25' 41"); (2) to relocate and maintain 1,330 linear feet of stream channel and to construct and maintain a 785.0-foot long, 9.0-foot by 10.0-foot (invert depressed 1.0 foot) reinforced concrete box culvert in unnamed tributaries to St. Patrick Run (SR 0576, Station 392+20) (Latitude 40° 25' 25"—Longitude 80° 25' 49"); (3) to relocate and maintain 255 linear feet of stream channel and to construct and maintain a 680-foot long, 60-inch diameter reinforced concrete pipe in an unnamed tributary to St. Patrick Run (SR 0576, Station 402+50) (Latitude 40° 25' 15"—Longitude 80° 25' 49"). The 60-inch diameter RCP pipe qualifier for Department waiver section 105.12(2); (4) to relocate and maintain 1,165 linear feet of stream channel and to construct and maintain a 952-foot long, 72-inch diameter reinforced concrete pipe in an unnamed tributary to St. Patrick Run (SR 4004, Station 37+72) (Latitude 40° 25' 13"—Longitude 80° 25' 57"); (5) to relocate and maintain 150 linear feet of stream channel and to construct and maintain a 198-foot long, 9.0-foot by 10.0-foot (invert depressed 1.0 foot) reinforced concrete box culvert in an unnamed tributary to St. Patrick Run (SR/4009, Station 14+46) (Latitude 40° 25' 20"—Longitude 80° 25' 30"); (6) to construct and maintain a temporary stream crossing consisting of over 70-foot long, 24-inch diameter pipe in an unnamed tributary to St. Patrick Run (SR 4004, Station 57+15) (Latitude 40° 25' 31"—Longitude 80° 18' 54"); (7) to construct and maintain a temporary stream crossing consisting of three 40-foot long 24-inch diameter pipes in an unnamed tributary to St. Patrick Run (SR 4004, Station 57+35) (Latitude 40° 25' 31.5"—Longitude 80° 18' 58.8"); (8) to construct and maintain a temporary stream crossing consisting of three 30-foot long, 24-inch diameter pipes in an unnamed tributary to St. Patrick Run (SR 4009, Station 15+40) (Latitude 40° 25' 32"—Longitude 80° 18' 53"); (9) to construct and maintain a temporary crossing consisting of one 50-foot long, 24-inch diameter pipe in an unnamed tributary to St. Patrick Run (SR 0576, Ramp P, Station 303+23) (Latitude 40° 25'

30"—Longitude 80° 18' 58.4"); (10) to construct and maintain a temporary crossing consisting of two 40-foot long, 24-inch diameter pipes in an unnamed tributary to St. Patrick Run (SR 4004, Station 60+65) (Latitude 40° 25' 24"—Longitude 80° 18' 59"). This pipe qualifies for Department waiver section 105.12(2); (11) to construct and maintain a 36-inch diameter outfall in an unnamed tributary to St. Patrick Run (SR 4004, Station 38+02) (Latitude 40° 25' 13"—Longitude 80° 25' 57"); and (12) to permanently place and maintain fill in 2.04 acres of PEM wetland. To compensate for the wetland impact, the applicant is proposing creation of 2.04 acres of replacement wetlands in the Raredon Run Watershed. The project proposes to directly affect through relocation, 740 linear feet of intermittent stream and 2,310 linear feet of perennial stream and through enclosures, 233 linear feet of intermittent stream and 2,454 linear feet of perennial stream.

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

E24-234, Brockway Area Sewer Authority, 501 Main Street, Brockway, PA 15824. Wastewater treatment and collection system improvements in Horton Township, **Elk County** and the Borough of Brockway and Snyder Township, **Jefferson County**, ACOE Pittsburgh District (Carman, PA Quadrangle N: 0.5 inch; W: 6.8 inches).

The applicant proposes to construct and maintain an upgrade to the existing wastewater treatment plant and conveyance systems within the Borough of Brockway to address the hydraulic overload and to extend public sewage line to areas in Snyder and Horton Townships. Upgrades include upgrading the new facility to 1.5 MGD with a instant peak capacity of 6.0 MGD, upgrading two main interceptors within the Borough of Brockway and installing a vacuum sewer collection system with some gravity collection for a total of 168,901 lineal feet of 4-inch vacuum, 6-inch vacuum collection line and gravity lines involving: (1) to fill 0.37 acre of PEM wetland for the construction of the upgrade of the wastewater treatment plant and to replace impacted wetland onsite; (2) to construct and maintain a 2-foot diameter PVC plastic sewage treatment plant effluent outfall pipe discharging to the 100-year of floodplain Little Toby Creek and temporarily breaching the Brockway Flood Protection Project dike; (3) to temporarily affect 10.45 acres of PEM and riverine wetland with 39 crossings by sewer lines; and (4) to temporarily affect Boggy Run (HQ-CWF, perennial), Curry Run, Little Toby Creek, unnamed tributaries to Little Toby Creek, Mead Run, unnamed tributaries to Mead Run, Oyster Run, Rattlesnake Creek, unnamed tributaries to Rattlesnake Creek, Walburn Run and Whetstone Branch (CWF, perennial), with 27 crossings by sewer lines. Sixteen of the stream crossings would be at a depth of less than 3 feet of cover and include varying protection measures including carrier pipe and concrete encasement. This project proposes to directly affect approximately 0.37 acre of PEM wetlands, to temporarily affect a total of 10.45 acres of PEM and riverine wetland and to cross streams in 27 locations.

E33-217, Brockway Area Sewer Authority, 501 Main Street, Brockway, PA 15824. Wastewater treatment and collection system improvements in Horton Township, **Elk County** and the Borough of Brockway and Snyder Township, **Jefferson County**, ACOE Pittsburgh District (Carman, PA Quadrangle N: 0.5 inch; W: 6.8 inches).

The applicant proposes to construct and maintain an upgrade to the existing wastewater treatment plant and

conveyance systems within the Borough of Brockway to address the hydraulic overload and to extend public sewage line to areas in Snyder Township and Horton Township. Upgrades include upgrading the new facility to 1.5 MGD with a instant peak capacity of 6.0 MGD, upgrading two main interceptors within the Borough of Brockway and installing a vacuum sewer collection system with some gravity collection for a total of 168,901 lineal feet of 4-inch vacuum, 6-inch vacuum collection line and gravity lines involving: (1) to fill 0.37 acre of PEM wetland for the construction of the upgrade of the wastewater treatment plant and to replace impacted wetland onsite; (2) to construct and maintain a 2-foot diameter PVC plastic sewage treatment plant effluent outfall pipe discharging to the 100-year of floodplain Little Toby Creek and temporarily breaching the Brockway Flood Protection Project dike; (3) to temporarily affect 10.45 acres of PEM and riverine wetland with 39 crossings by sewer lines; and (4) to temporarily affect Boggy Run (HQ-CWF, perennial), Curry Run, Little Toby Creek, unnamed tributaries to Little Toby Creek, Mead Run, unnamed tributaries to Mead Run, Oyster Run, Rattlesnake Creek, unnamed tributaries to Rattlesnake Creek, Walburn Run and Whetstone Branch (CWF, perennial), with 27 crossings by sewer lines. Sixteen of the stream crossings would be at a depth of less than 3 feet of cover and include varying protection measures including carrier pipe and concrete encasement. This project proposes to directly affect approximately 0.37 acre of PEM wetlands, to temporarily affect a total of 10.45 acres of PEM and riverine wetland and to cross streams in 27 locations.

E37-155, Lawrence County, Hilltown Bridge Replacement in Mahoning, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 3.0 inches; W: 14.5 inches).

To remove the existing two-span steel through truss bridge having clear spans of 129 and 153 feet and maximum underclearance of 21 feet; and to construct and maintain a three-span precast concrete box beam bridge consisting of two spans each at 86.5 feet and one at 103 feet, an under clearance of 16.5 feet and an instream length of 32 feet 10 1/2 inches at a point across the Mahoning River (WWF) along Churchill Road (T-324) in Mahoning Township, Lawrence County.

DAM SAFETY

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

D15-364A. BHC Venture, Inc., 909 Delaware Avenue, Wilmington, DE 19806. To construct, operate and maintain a stormwater detention dam, Crossing No. 5, across Bucktoe Creek (TSF), impacting 0.04 acre of wetlands (PFO) and 90 feet of stream for the purpose of providing stormwater detention for a subdivision at the Hartefeld National Golf Course,* (Kennett Square, PA Quadrangle N: 1.13 inches; W: 15.8 inches) New Garden Township, **Chester County**. *This is a request to reissue a Dam Permit which was issued on January 30, 1997, and expired on December 31, 1997. The project also proposes to construct a nonjurisdictional dam (crossing no. 4) across a tributary to Bucktoe Creek impacting 0.27 acre of wetland (PEM) and 120 feet of stream for stormwater detention. Applicant proposes to construct 0.31 acre of replacement wetland.

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>
PA0083186	Edward O'Leary Sunoco, Inc. East Quaker Park Bldg. 1001 Hector Street 4th Floor Conshohocken, PA 19428	Fulton County Taylor Township	Dry swale to Lick Branch Wooden Bridge Creek 12-C	Y
PA0041505	David Rittenhouse Berks Properties, Inc. Hereford Estates MHP 2620 Egypt Road Norristown, PA 19403	Berks County Hereford Township	Perkiomen Creek 3-E	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>
PA0040541	Boyertown Area School District Earl Elementary School 911 Montgomery Avenue Boyertown, PA 19512	Berks County Earl Township	UNT Oysterville Creek 3B	Y
<i>Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.</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>
PA0028266 Sewerage	Borough of Troy 110 Elmira Street Troy, PA 16947	Bradford County Borough of Troy	Sugar Creek SWP 4C	Y
PA0228079	Middleburg Municipal Authority 13 North Main St. Middleburg, PA 17842-0415	Snyder County Franklin Township	UNT Middle Creek 6A	Y
PA0114201	Bradford County Humane Society Box 179 Ulster, PA 18850	Bradford County Ulster Township	Unnamed tributary of Susquehanna River 4B	Y

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

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

NPDES Permit No. PA0011681, Industrial Waste, **PECO Energy Company**, 300 Front Street, West Conshohocken, PA 19428. This proposed facility is in West Conshohocken Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into Gulf Creek and Schuylkill River 3F Wissahickon.

NPDES Permit No. PA0043974, Sewage, **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460. This proposed facility is in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to include stormwater discharge from the facility into the Schuylkill River.

NPDES Permit No. PA0026018 Amendment No. 1, Sewage, **Borough of West Chester**, 401 East Gay Street, West Chester, PA 19380. This proposed facility is in East Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to include stormwater discharge from the facility into Taylor Run.

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

NPDES Permit No. PAS212211, Industrial Waste, **Glenwood Stone Co., Inc.**, R. R. 1, Box 1130, Nicholson, PA 18846. This proposed facility is in Lenox Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance new NPDES permit for stormwater to unnamed tributary of East Branch Tunkhannock Creek.

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

NPDES Permit No. PA0008265, Amendment No. 2, Sewage, **James K. Baird, Appleton Papers**, 100 Paper Mill Road, Roaring Springs, PA 16673-1488. This proposed facility is in Blair Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Frankstown Branch Juniata River in Watershed 11-A

NPDES Permit No. PA0026743 Amendment No. 2, Sewage, **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17603. This proposed facility is in Lancaster Township and Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conestoga River in Watershed 7-J.

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

PA0209228, Sewerage, SIC 4952, **Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754. This existing facility is in Fairfield Township, **Lycoming County**.

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

The receiving stream for Outfall 001, the West Branch of the Susquehanna River, is in the State Water Plan watershed 10D and is classified for WWF. The nearest public water supply surface water intake, owned by Pennsylvania American Water Company, is on the West Branch of the Susquehanna River, approximately 22.5 miles below the point of discharge.

The existing effluent limits for Outfall 001 will remain the same and were based on a design flow of 1.5 MGD.

Parameter	Monthly Average (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Chlorine Residual	0.5		1.6
Fecal Coliform (5-1 to 9-30)		200 col/100 mL as a geometric mean	
(10-1 to 4-30)		2,000 col/100 mL as a geometric mean	
pH		within the range of 6.0 to 9.0	

The receiving stream for Outfall S01, Tules Run, is in the State Water Plan watershed 10D and is classified for WWF. The nearest public water supply surface water intake, owned by Pennsylvania American Water Company, is on the West Branch of the Susquehanna River, approximately 23 miles below the point of discharge. Approximately 0.021 MGD of stormwater will be discharged through Outfall S01 from an average storm event. Annual Inspection Certification will be required.

The receiving stream for Outfall S02, an unnamed tributary to Tules Run, is in the State Water Plan watershed 10D and is classified for WWF. The nearest public water supply surface water intake, owned by Pennsylvania American Water Company, is on the West Branch of the Susquehanna River, approximately 23 miles below the point of discharge. Approximately 0.019 MGD of stormwater will be discharged through Outfall S02 from an average storm event. Annual Inspection Certification will be required.

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

NPDES Permit No. PA0026841-A1, Sewage, **Borough of Oakmont**, Fifth Street and Virginia Avenue, P. O. Box 206, Oakmont, PA 15139-0206. This proposed facility is in Oakmont Borough, **Allegheny County**.

Description of Proposed Action/Activity: Discharge from Outfalls SW1—SW3, which discharge stormwater from areas in and around the sewage treatment facility to the Allegheny River.

NPDES Permit No. PA0032611-A1, Sewage, **Portage Area Sewage Authority**, 606 Cambria Street, Portage, PA 15946. This proposed facility is in Portage Township, **Cambria County**.

Description of Proposed Action/Activity: Amendment to include discharge of stormwater runoff from areas in and around the Portage Area Sewage Treatment Plant.

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

NPDES Permit No. PA0239241, Sewage, **Carol Millett**, 9213 Old State Road, Conneaut Lake, PA 16316. This proposed facility is in Sadsbury Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence discharge to an unnamed tributary to Conneaut Outlet.

NPDES Permit No. PA0239267, Sewage, **Floyd L. McClellan, Jr.**, 20871 Ross Road, Corry, PA 16407. This proposed facility is in Concord Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage discharge to an unnamed tributary 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. 1503411, Sewerage, **Borough of Phoenixville**, 140 Church Street, Phoenixville, PA 19460. This proposed facility is in Borough of Phoenixville, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of 9,200 linear feet of 8, 12, 15 and 18-inch diameter PVC and ductile iron sewers with precast concrete manholes.

WQM Permit No. 4603412, Sewerage, **Berks-Montgomery Municipal Authority**, 136 Municipal Drive, Gilbertsville, PA 19525-0370. This proposed facility is in Douglass Township, **Montgomery County**.

Description of Proposed Action/Activity: An existing sanitary sewerage pumping station.

WQM Permit No. 0903412, Sewerage, **Warrington Township**, 1585 Turk Road, Warrington, PA 18976-1413. This proposed facility is in Warrington Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a new sewage pump station and associated force main to extend public sewer service for residential development.

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

WQM Permit No. 5403403, Sewerage, **Pine Grove Joint Treatment Authority**, 6 Longstretch Road, P. O. Box 426, Pine Grove, PA 17963. This proposed facility is in Pine Grove Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

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: Authorization for the construction/operation of sewers and appurtenances.

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: Authorization for the construction/operation of sewage treatment facilities.

WQM Permit No. 0103404, Sewerage, **Andrew and Dawn Snyder**, 164 Crum Road, Fairfield, PA 17320. This proposed facility is in Liberty Township, **Adams County**.

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

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: Authorization for the construction/operation of sewers and appurtenances and pump stations.

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

WQM Permit No. 1402201, Industrial Waste, SIC 2037 and 2038, **Hanover Foods Corporation**, P. O. Box 193, Centre Hall, PA 16828. This existing facility is in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management permit for the construction and operation of existing and proposed industrial wastewater treatment facilities. Existing facilities include screening, an aeration pond, a clarifier, a polishing pond, chlorination, polymer conditioning and a sludge holding tank. A surge tank is proposed. The use of the spray field for effluent disposal will be discontinued with this permit issuance.

WQM Permit No. 5903402, Sewerage, SIC 4952, **Bakercrest Home for the Elderly**, R. D. 2, Box 195, Millerton, PA 16936. This proposed facility will be in Rutland Township, **Tioga County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of a sewage treatment facility to serve a home for the elderly. The discharge will be to an unnamed tributary to Bear Creek.

WQM Permit No. 1703405, Sewerage Public SIC 4952, **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830. This proposed facility is in Lawrence Township, **Clearfield County**.

Description of Proposed Action/Activity: Replacement of the mechanical mechanisms in the primary clarifiers, the covers on the primary and secondary digesters, the construction of a centrifugal sludge dewatering system, equipment storage building and the replacement of approximately 2,200 linear feet of gravity sewers in the Hyde City Force Main area.

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: 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 unnamed tributary to Bullard Creek (CWF).

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

WQM Permit No. 0203406, Sewerage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. This proposed facility is in Ohio Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction of pump station and force main to serve Roosevelt Road and O'Neil areas.

WQM Permit No. 1103401, Sewerage, **Central Mainline Sewer Authority**, P. O. Box 58, Lilly, PA 16938. This proposed facility is in Portage Township, **Cambria County**.

Description of Proposed Action/Activity: Regional sewer system and sewage treatment plant to serve Cresson, Portage and Washington Townships and Cassandra and Lilly Boroughs.

WQM Permit No. 5672403-A2, Sewerage, **Jenner Area Joint Sewer Authority**, P. O. Box 202, 102 Saylor Street, Jennerstown, PA 15547. This proposed facility is in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: Equalization tank, pump station and sanitary sewers.

WQM Permit No. 6573448-A5, Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642-2018. This proposed facility is in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Minor STP modifications for rerating the Youghiogheny STP.

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

WQM Permit No. 4303410, Sewerage, **Gentile Enterprises, LLC, Keystone Charter School**, 270 Sharon Road, Greenville, PA 16125. This proposed facility is in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to replace a mal-functioning on-lot system.

WQM Permit No. 2503422, Sewerage, **Fairview Township Sewer Authority**, 7485 McCray Road, P. O. Box U, Fairview, PA 16415-0821. This proposed facility is in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extension to serve a 120-unit family residential subdivision named Brandy Run Estates.

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

Description of Proposed Action/Activity: This project is for the modification of sewerage wastewater treatment facilities.

WQM Permit No. 2003415, Sewerage, **Carol Millett**, 9213 Old State Road, Conneaut Lake, PA 16316. This proposed facility is in Sadsbury Township, **Crawford County**.

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

WQM Permit No. 2003426, Sewerage, **David M. Ball**, 10897 State Highway 285, Conneaut Lake, PA 16316. This proposed facility is in Sadsbury Township, **Crawford County**.

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

WQM Permit No. 2503417, Sewerage, **Floyd L. McClellan, Jr.**, 20871 Ross Road, Corry, PA 16407. This proposed facility is in Concord Township, **Erie County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

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>
PAS10M112	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Franklin	Guilford	Falling Spring Branch of Conococheague 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>
West Goshen Township Chester County	PAG200011503062	Stephen Janiec The Hicks Property 1518 Meadow Brook Lane West Chester, PA 19380-0519	Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

NOTICES

5357

<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>
New Garden Township Chester County	PAG200011503089	John Bachish Woodstone Development 70 Pottstown Pike Uwchland, PA 19480	White Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Darby Township Delaware County	PAG2002303068	James Gavin JF Gavin Inc., Subdivision 118 Wynnbrook Road Secane, PA 19018	Muckinipattis Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Haverford Township Delaware County	PAG2002303051	Frank Iacobucci Glendale Farms—Lots 6—9 4 C Raymond Drive Havertown, PA 19083	Darby Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Norristown Borough Montgomery County	PAG2004603030	Disanto Development Company Midtown Shopping Center 2501 Whitpain Hills Blue Bell, PA 19422	Sawmill Run WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Skippack Township Montgomery County	PAG2004603131	Univest Bank Univest Bank Development 14 North Main Street P. O. Box 64197 Souderton, PA 18964	Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Merion Township Montgomery County	PAG2004603176	RAM Automotive Willow Manor 558 Crooked Lane King of Prussia, PA 19406	Matsunk Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAG2004603174	Wawa, Inc. Wawa Food Market 260 Baltimore Pike Wawa, PA 19063	Little Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hatfield Township Montgomery County	PAG2004603125	1856 Broad Street Assoc., LP Montella's Crossing II 101 Cowpath Road Lansdale, PA 19446	West Branch Neshaminy Creek WWF, 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>
Lower Providence Township Montgomery County	PAR10T9145	Audubon Land Development Co. 2620 Egypt Road Norristown, PA 19403	Indian Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAG2004603109	Thomas and Andrew Keys Keys Office Building 59 Airport Road Pottstown, PA 19464	Sanatoga Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Frederick Township Montgomery County	PAG2004603154	Department of Transportation Spring Mount Road, SR 1019	Perkiomen Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Dublin Township Montgomery County	PAG2004603108	John G. Eichenlaub, Inc. 1818 Butler Pike 1101 Hagues Mill Road Ambler, PA 19002	Park Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAG2004603149	The Moser Group Warmcaste 210 Holly Drive Chalfont, PA 18914	Little Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Moreland Township Montgomery County	PAG2004603175	Upper Moreland Township War Memorial Park 117 Park Avenue Willow Grove, PA 19090	Unnamed tributary Pennypack Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County Washington Township	PAG2003903018	John Coughlin 131 Saw Mill Rd. Boyertown, PA 19512	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Larry Peters 5 Lot Subdivision Liberty Lane Bendersville, PA 17306 Bendersville Borough Adams County	PAG2000103015	Larry Peters 247 Clear Springs Road Biglerville, PA 17307	UNT to Opossum Creek TSF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
East Pennsboro Township Cumberland County	PAG2002103032	Members 1st—East Penn Dr. Branch 5000 Louise Drive Mechanicsburg, PA 17055	UNT to Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812

NOTICES

5359

<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>
Upper Allen and Lower Allen Townships Cumberland County	PAG2002103027	Chan Mun Chon Country Inn & Suites Colonial Park Mall Route 22 and Colonial Road Harrisburg, PA 17109	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Lower Paxton Township Dauphin County	PAG2002203043	Alex R. Szeles 6050 Lyters Lane Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002203035	Natale Realty Co. 2373 Forest Hills Dr. Harrisburg, PA 17112	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lycoming County Muncy Township	PAG2004103011	Blaise Alexander 933 Broad St. Montoursville, PA 17754	Turkey Run WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Northumberland County Lower Mahanoy Township	PAG2004903018	Line Mountain Recreational Area Lower Mahanoy Township P. O. Box 44 Dalmatia, PA 17017	Fidlers Run WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114X4
Northumberland County Chillisquaque Township	PAG2004903019	Sanitary Sewer Extension Milton Regional Sewer Authority P. O. Box 433 Milton, PA 17847	UNT Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114X4
Union County Kelly Township	PAG2006003007	Matthew D. Kells Cohifer Realty 183 E. Main St. Rochester, NY 14604	UNT Susquehanna River WWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Allegheny County City of Pittsburgh	PAG2000203067	UPMC Health System 200 Lothrop Street Pittsburgh, PA 15213	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Fayette Township	PAG2000203069	Allegheny Power 800 Cabin Hill Dr. Greensburg, PA 15601-9442	Coal Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County City of Clairton	PAG2000203072	Ralph A. Falbo, Inc. 100 Wood Street Seventh Floor Pittsburgh, PA 15222	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAG2000203073	Ridge Property Associates 2000 Lincoln Road Pittsburgh, PA 15239	Scotts Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pine Township	PAG2000203074	Gigliotti, Sirera & Associates 11279 Perry Hwy. Wexford, PA 15090	Wexford Run and Pine Creek CWF	Allegheny County Conservation District (412) 241-7645

<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>
Allegheny County Town of McCandless Pine Township	PAG2000203075	Municipal Authority of West View 210 Perry Hwy. Pittsburgh, PA 15229	Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Findlay Township	PAG2000203079	Columbia Gas Transmission 950 Manifold Rd. Washington, PA 15301	Raredon Run WWF Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Fayette Township	PAG2000203084	North Fayette Township 400 North Branch Road Oakdale, PA 15071	Robinson Run WWF	Allegheny County Conservation District (412) 241-7645

General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
York County Wrightsville Borough	PAR203549	Donsco, Inc. Wrightsville Building No. 2 P. O. Box 2001 North Front Street Wrightsville, PA 17368	Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Montgomery Borough Lycoming County	PAR604837 (Stormwater)	Lafarge-Linear Dynamics 79 Montgomery Street Montgomery, PA 17752	Black Hole Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

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>
Cumberland County Upper Mifflin Township	PAG043713	Emanuel and Sara Ann Stoltzfus 56 Lancaster Ave. Christiana, PA 17509	UNT Bore Mill Run WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Bern Township	PAG043714	Robert A. Reichert Jeanette Drey 1193 Fairview Drive Reading, PA 19605	UNT to Plum Creek CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huston Township Centre County	PAG045024	John A. Teti, Sr. 1203 Steele Hollow Rd. Julian, PA 16844	Steele Hollow CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Litchfield Township Bradford County	PAG045165	Andrew Carola R. R. 1, Box 117H Sayre, PA 18840	UNT Bullard Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

NOTICES

5361

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Muncy Creek Township Lycoming County	PAG045064	James Edwards 103 Waldron Lane Muncy, PA 17756	Unnamed tributary of Little Muncy Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township Clearfield County	PAG045047	John E. Mullen, II 207 Mullens Road Woodland, PA 16881	Valley Fork Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Sheshequin Township Bradford County	PAG045051	Robert and Renee Arnold R. D. 1, Box 300 Towanda, PA 18848	Unnamed tributary of Blacks Lake WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Hayfield Township Crawford County	PAG048571	Wayne R. Smith 18800 Broadford Road Saegertown, PA 16433	Unnamed tributary to Wolf Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pleasant Township Warren County	PAG048565	Raymond M. Miller 365 Hirtzell Road Warren, PA 16365	Unnamed tributary of Sill Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Slippery Rock Butler Township	PAG048558	William M. Schreiner 3258 William Flynn Highway Slippery Rock, PA 16057	Unnamed tributary of Slippery Rock Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sadsbury Township Crawford County	PAG048929	David M. Ball 10897 State Highway 285 Conneaut Lake, PA 16316	Unnamed tributary to Conneaut Outlet	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Warren County	PAG048564	Henry L. McQueen R. R. 1, Box 119 Youngsville, PA 16371-9522	Unnamed tributary to Matthews Run	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>
Tinicum Township Delaware County	PAG050048	Sunoco, Inc. P. O. Box 1135 Marcus Hook, PA 19061	Darby Creek 3G Ridley Creek	Southeast Region Lee Park, 555 North Lane, Suite 6010 Conshohocken, PA 19428 (610) 832-6130

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>
Clay Township Lancaster County	PAG083565	Ephrata Borough Authority 405 South Reading Road Ephrata, PA 17522	Ervin Horst Farm Clay Township Lancaster County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (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. 2103502, Public Water Supply.
Applicant **Pennsylvania American Water**

Municipality	Hampden Township
County	Cumberland
Type of Facility	Construction of booster pump station to increase domestic flows for the proposed Wentworth Estates housing development.
Consulting Engineer	Gene C. Koontz, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	September 25, 2003
Permit No. 6703511 MA, Minor Amendment , Public Water Supply.	
Applicant	Borough of Hanover
Municipality	Conewago Township
County	York
Type of Facility	Construction of 18 and 20-inch raw water main.
Consulting Engineer	Ronald L. Orndorff, P. E. 44 Frederick Street Hanover, PA 17331
Permit to Construct Issued:	September 12, 2003
Permit No. 3803503 MA, Minor Amendment , Public Water Supply.	
Applicant	Fredricksburg Sewer and Water Authority
Municipality	Bethel Township
County	Lebanon
Type of Facility	Construction of a 1.0 MG storage tank.
Consulting Engineer	Jeffrey D. Steckbeck Steckbeck Engineering Assoc. 43 N. Cornwall Rd. Lebanon, PA 17042
Permit to Construct Issued:	September 29, 2003

Permit No. 0103501, Public Water Supply.

Applicant **New Oxford Municipal Authority**
 Municipality **Oxford Township**
 County **Adams**
 Type of Facility Construction Permit application for major renovations of the existing, previously permitted filter plant. The new facilities will include: changed raw intake, rapid mixers, flocculation/sedimentation tanks, new filters, new filter building, new high service and backwash pumps, chemical feed facilities, instrumentation and a 1.5 million gallon storage tank.
 Consulting Engineer Peter Lusardi, P. E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
 Permit to Construct Issued: October 3, 2003

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Summit Township	P. O. Box 27 129 Township Office Road Meyersdale, PA 15552	Somerset

Plan Description: The approved plan provides for the construction of a 400-gallon per day single-family residence sewage treatment plant to sewer a lot owned by Dan McGuire. The property is at 328 Johnson Road, Summit Township, Somerset County. The proposed discharge point is to an unnamed tributary to Cranberry Run (CWF). Any required NPDES permits or WQM permits must be obtained in the name of the applicant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts from this proposal.

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

Proposed Consent Order and Agreement

**Bear Creek Area Chemical Site
 Fairview, Parker, Washington and Concord Townships and Petrolia, Fairview, Karns City and Bruin Boroughs, Butler County
 Perry Township, Armstrong County**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.1113), the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (Agreement) with Crompton Corporation (Crompton) concerning the resolution of Crompton's liability at the Bear Creek Area Chemical Site (Site).

In the past, wastes containing hazardous substances and contaminants were disposed at various locations throughout the Site and these substances contaminated the environment, including the groundwater. The Department has conducted response actions at the Site between 2001 and 2003. These response actions include the provision of bottled water to residents at the Site whose drinking water that had become impacted or had threatened to become impacted by hazardous substances and contaminants. Upon the completion of response actions at the Site, a Public Water Supply System will service residents of the Site and individual areas of waste disposal will be remediated by the Department and/or other responsible persons.

Crompton is settling with the Department as a "responsible person" as defined in section 103 of the HSCA (35 P. S. § 6020.103). Under the terms of the Agreement, Crompton has agreed to resolve its liability by paying the Department \$4.5 million to compensate the Department for a portion of its past and anticipated future costs to effectively cleanup the Site and complete the Public Water Supply System. In addition, Crompton shall address disposal areas and releases at the Crompton (former Sonneborne/Daugherty/Witco) plant in Petrolia, PA under the Department's Land Recycling Act.

The specific terms of this settlement are set forth in the Agreement between the Department and Crompton. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its

Operations Permit issued to Adams County Board of Commissioners, 7010056, Straban Township, Adams County on October 3, 2003, for the operation of facilities approved under Construction Permit No. 0101510 MA.

Operations Permit issued to Bonneauville Borough Municipal Authority, 7010012, Bonneauville Borough, Adams County on September 29, 2003, for the operation of facilities approved under Construction Permit No. 0101501.

Operations Permit issued to Adams County Board of Commissioners, 7010056, Straban Township, Adams County on October 3, 2003, for the operation of facilities approved under Construction Permit No. 0102504.

Operations Permit issued to Millersburg Area Authority, 7220034, Upper Paxton Township, Dauphin County on August 18, 2003, for the operation of facilities approved under Construction Permit No. 2203503 MA.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Donegal Township	HC-63, Box 38 Jones Mills, PA 15646	Westmoreland

Plan Description: The approved plan provides for the construction of a 400-gallon per day single family residence sewage treatment plant to sewer a lot owned by Ruth and Tony Testa. The property is at 239 Roaring Run Road, Donegal Township, Westmoreland County. The proposed discharge point is to Roaring Run which is a tributary to Indian Creek which at this point of discharge is classified as a HQ CWF. Our approval is granted based upon the social and economic justification which accompanied the planning module. Any required NPDES permits or WQM permits must be obtained in the name of the applicant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts from this proposal.

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

Copies of the Agreement are available for inspection at the Department's Northwest Regional Office, at the Site repository in the Fairview Township, Butler County, Municipal Building or at the project website at www.bearcreekpa.com. Comments may be submitted, in writing, to Chuck Tordella, Project Manager, Hazardous Sites Cleanup, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Chuck Tordella, (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

For further information concerning a final report, contact the environmental cleanup program manager in the Department regional office after which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Strathmann Lumber Company, Southampton Township, **Bucks County**. Jennifer Sherman, GHR Consulting Services, Inc., 300 Welsh Rd., Bldg. 3, Horsham, PA 19044, on behalf of Peter Iliff, 620 Knowles Ave., Southampton, PA 18966, has submitted a Final Report

concerning remediation of site soil and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Cartex Site, Doylestown Borough, **Bucks County**. Kevin J. Davis, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Catherine M. Ward, Esq., attorney for owner, 160 Veterans Lane, Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former ABAR Site (Groundwater), Northampton Township, **Bucks County**. Randy L. Shuler, ERM, 250 Phillips Blvd., Suite 280, Ewing, NJ 08618, on behalf of Dennis Duffy, Superior Group, Inc., 3 Radnor Corp. Center, Suite 400, Radnor, PA 19087, has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning remediation of site groundwater contaminated with chlorinated solvents, fuel oil no. 2, PAH and used motor oil.

Upper Dublin Township, Fort Washington Borough and Upper Dublin Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Upper Dublin Township, Attn: Paul Leonard, 801 Loch Alsh Ave., Fort Washington, PA 19034, has submitted a combined Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with BTEX and PAH. The report is intended to document remediation of the site to meet Site-Specific Standards.

Roosevelt Associates Site, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Roosevelt Associates, c/o Colliers, Lanard & Axilbund, 399 Market St., Philadelphia, PA 191045-2183, has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with lead, BTEX and naphthalene and site groundwater contaminated with BTEX and naphthalene. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

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

The Preserve at College Hill Tract, Forks Township, **Northampton County**. David B. Farrington, P.G., President, Walter B. Satterthwaite Associates, Inc. has submitted a combined Remedial Investigation Report and Cleanup Plan (on behalf of the property owners, John and Constance Panovec, Mitman Road, Easton, PA 18040 and the remediator, Jack Calahan, Jack Calahan, Inc., P. O. Box 1511, Bethlehem, PA 18016) concerning the characterization and remediation of soils found or suspected of being contaminated with lead, arsenic and/or other inorganics. The reports were submitted in partial fulfillment of a combination of the Statewide Health and Site-Specific Standards.

Giant Foodstore No. 313—Lehigh Shopping Center, City of Bethlehem, **Lehigh County**. Michael Tarormina, Project Manager, Kroll, Inc., 29 Winter Street, 5th Floor, Boston, MA 02108 has submitted a Final Report (on behalf of Heritage SPE, LLC, 535 Boylston Street, Boston, MA 02116) concerning the remediation of

soils found or suspected to have been contaminated with leaded gasoline constituents as the result of historic land use. The report was submitted to demonstrate attainment of the Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

Electro Chemical Engineering and Manufacturing Company and Impress Industries Parcel, Borough of Emmaus, **Northampton County**. Stephen B. Fulton, P. E., P. G., Project Manager, ARM Group, Inc., 1129 W. Governor Road, P. O. Box 797, Hershey, PA 17033-0797 has submitted a combined Remedial Investigation Report and Final Report (on behalf of Electro Chemical Engineering and Manufacturing Company, 750 Broad Street, P. O. Box 509, Emmaus, PA 18049) concerning the remediation of site soils found or suspected to have been contaminated with chlorinated solvents, no. 6 fuel oil, lead and polycyclic aromatic hydrocarbons. The report was submitted to document attainment of a combination of both the nonresidential Statewide Health and Site-Specific Standards.

Former Penn Fuel Gas Manufactured Gas Plant—Pottsville Site, City of Pottsville, **Schuylkill County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 has submitted a Risk Assessment Report (on behalf of PPL Gas Utilities, Two North Ninth Street, Allentown, PA 18101) concerning the risk assessment of the subject site for residual contaminants in soil, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards.

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

Lettich Radiator Shop, Gratz Borough, **Dauphin County**. Chambers Environmental Group, 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of Larry Lettich, 638 Main Street, Gratz, PA 17030, submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline. The report is intended to document remediation of the site to the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8 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:

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

Hogg Property, Haverford Township, **Delaware County**. J. Jeffrey Grant, GAC Associates, Inc., P. O. Box 625, Ardmore, PA 19003, on behalf of Herbert Victor, HMS/Bryn Mawr Assoc., 349 W. Lancaster Ave., Haverford, PA 19004, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PHC. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 6, 2003.

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

Meade Residence, Middle Smithfield Township, **Monroe County**. Ronald S. Carvalho, Principal, FT Associates, LLC, 12 Marshall Street, Unit 8B, Irvington, NJ 07111 submitted a Final Report (on behalf of William Meade, Mountain Top Road, East Stroudsburg, PA 18301) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil. The applicant elected to withdraw the report on October 7, 2003.

Cherry Valley—Domotor Location (Pocono Wildlife Rehab Center—361 Cherry Drive), Hamilton Township, **Monroe County**. David A. Everitt, III, Senior

Environmental Scientist, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of The Nature Conservancy, Hauser Nature Center, P. O. Box 55, Long Pond Road, Long Pond, PA 18334) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil. The report demonstrated attainment of the Statewide Health Standard and was approved on September 26, 2003.

Former Penn Fuel Gas Manufactured Gas Plant—Slatyngton Site, Borough of Slatyngton, **Lehigh County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 submitted a Risk Assessment Report (on behalf of PFG Gas, Inc., a subsidiary of PPL Gas Utilities Corporation, Two North Ninth Street, Allentown, PA 18101) concerning the risk assessment of the subject site for residual contaminants in soil, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards and was approved on October 6, 2003.

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

Custer Residence, City of Reading, **Berks County**. Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049, on behalf of Stroud Custer, 1522 Snyder Street, Reading, PA 19601, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 2, 2003.

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

Buncher 16th Street Property, City of Pittsburgh, **Allegheny County**. Frank Benacquista, Earth Sciences Consultants, One Triangle Lane, Export, PA 15632 (on behalf of Joseph Jakovik, The Buncher Company, 5600 Forward Avenue, Pittsburgh, PA 15217) has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAHs and PCBs. The Baseline Environmental Report was approved by the Department on October 2, 2003.

Metal Tech, City of Pittsburgh, **Allegheny County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of The Techs, 20 Stanwix Street, Suite 620, Pittsburgh, PA 15222) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX, PAH and VOCs. The Final Report demonstrated attainment of the Site-Specific Standards and was approved by the Department on October 8, 2003.

Pittsburgh International Airport, Old Fuel Farm Area, Moon Township, **Allegheny County**. Brad D. Cook, CDM, 2740 Smallman Street, Suite 100, Pittsburgh, PA 15222 (on behalf of Allegheny County Department of Aviation, Pittsburgh International Airport, Landside Terminal, Suite 4000, P. O. Box 12370, Pittsburgh, PA 15231-0370) has submitted a Final Report concerning the remediation of site soil contaminated with BTEX. The Final Report demonstrated attainment of the

Statewide Health Standard and was approved by the Department on October 8, 2003.

Lubriquip, Stowe Township, **Allegheny County**. Bruce Fishman, Ph.D., DABT, RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 (on behalf of W. L. Roenigk, L. P., 798 Ekastown Road, Sarver, PA 16055 and Oscar C. Alvarez, Lubriquip Inc., 18901 Cranwood Parkway, Cleveland, OH 44128) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on September 29, 2003.

**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.

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

Permit ID No. 101669. Imperial Processing Site, Practical Environmental Solutions, Inc., 208 Overlook Drive, McMurray, PA 15317. Operation of a municipal waste processing facility in Findlay Township, **Allegheny County**. Application for a Radiation Protection Action Plan withdrawn in the Regional Office on October 7, 2003, at the request of the applicant.

Permit modification 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 No. 101566. Hanover Area Transfer Station, 44 Frederick Street, Hanover, PA 17331-3501, Penn Township, **York County**. The permit modification is for the implementation of the Action Plan for Radiation Monitoring. The permit modification was approved by the Southcentral Regional Office on October 9, 2003.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

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

Permit ID No. 100419. WSPA CBF, Inc., R. D. 1, Box 266, McClellandtown, PA 15458. Operation of a municipal waste landfill in German Township, **Fayette County**. Permit modification approving the acceptance of municipal waste incinerator ash residue issued in the Regional Office on October 7, 2003.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Registration Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

Registration under General Permit No. WMGR090R021. Valley Quarries, Inc., 297 Quarry Road, Chambersburg, PA 17201-0809. General Permit Number WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on October 9, 2003.

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

**MUNICIPAL AND RESIDUAL WASTE
TRANSPORTER AUTHORIZATION**

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

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

Able Trucking, LLC, 361 Fairwood Road, Bethany, CT 06524. Authorization No. WH3903. Effective October 7, 2003.

Ultra Performance Contracting, 289 Ewing Road, Carnegie, PA 15106-1507. Authorization No. WH5314. Effective October 7, 2003.

Alejandro A. Liriano, Apt. 115, 2901 B New York Ave., Union City, NJ 07087. Authorization No. WH5315. Effective October 7, 2003.

Decks Unlimited, 3616 Magnolia Drive, Easton, PA 18045. Authorization No. WH5332. Effective October 7, 2003.

J. Miller Trucking, 324 William Penn, Johnstown, PA 15901. Authorization No. WH5359. Effective October 7, 2003.

Long's Excavating, 249 Clear Spring Road, R. R. 3 Box 701-1, Annville, PA 17003-9574. Authorization No. WH5360. Effective October 7, 2003.

J. C. Quigel & Sons Excavating, 2900 Lick Run Road, Williamsport, PA 17701. Authorization No. WH5364. Effective October 7, 2003.

Ronald L. Kelly Trucking, R. R. 2 Box 751, Ruffsdales, PA 15679. Authorization No. WH5361. Effective October 7, 2003.

Faust Transport, 19 Bales Lane, Bechtelsville, PA 19505. Authorization No. WH5365. Effective October 7, 2003.

TNT Auto Recycling, 7601 Blue Ridge Trail, Wapwallopen, PA 18660. Authorization No. WH5366. Effective October 7, 2003.

Marcelo F. Peralta, 708 Ridge St., Newark, NJ 07104. Authorization No. WH5367. Effective October 7, 2003.

WDN Trucking, 11 Winans St., Larchmont, NY 10538. Authorization No. WH5368. Effective October 7, 2003.

Robert Mahaffey d/b/a Mahaffey Trucking, 99 E. Spruce St., Mahaffey, PA 15757. Authorization No. WH5369. Effective October 7, 2003.

Robert R. Nelson, 1199 Barkman Ridge Road, Clearville, PA 15535. Authorization No. WH5370. Effective October 7, 2003.

Casey D. Weicht, 1179 N. Milk and Water Road, Everett, PA 15537. Authorization No. WH5371. Effective October 7, 2003.

Leo Transport Corp., Suite 351, 2828 Kennedy Blvd., Jersey City, NJ 11218. Authorization No. WH5373. Effective October 7, 2003.

Hellam Township, York County, 44 Walnut Springs Road, York, PA 17406-9000. Authorization No. WH4626. Effective June 19, 2003.

Ravin Inc., 1653 McFarland Road, Pittsburgh, PA 15216-1810. Authorization No. WH5162. Effective August 14, 2003.

Galantino Supply Co., Inc., 725 Old Marple Road, Springfield, PA 19064. Authorization No. WH5334. Effective October 8, 2003.

TMTMPK Wilhelm Trucking, 103 Pilottown Road, Peach Bottom, PA 17563. Authorization No. WH5372. Effective October 7, 2003.

Frederick Drilling Co. & Sons, Inc., 18 Piper Lane, Box 66, Tylersburg, PA 16361-0066. Authorization No. WH5375. Effective October 7, 2003.

J. Steckels Trucking Inc., 633 Water St., Belvidere, NJ 07823. Authorization No. WH5376. Effective October 7, 2003.

Robert J. Cortese d/b/a RJC, 1111 Birkbeck St., Freeland, PA 18224. Authorization No. WH5378. Effective October 7, 2003.

Hovis Truck Service, P. O. Box 486, Emlenton, PA 16373. Authorization No. WH5380. Effective October 7, 2003.

Scott Horne General Contractor, 641 Riverton Road, Bangor, PA 18013-5020. Authorization No. WH5381. Effective October 7, 2003.

Charles R. Ford, 501 South Breezewood Road, Breezewood, PA 15533. Authorization No. WH5382. Effective October 7, 2003.

Tonatiuh Transport Corp., 104 Minerbrook Road, Bernardsville, NJ 07924. Authorization No. WH5383. Effective October 7, 2003.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP3-22-03046B: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474-0196) on October 9, 2003, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Lower Swatara Township, **Dauphin 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.

46-0062A: Jefferson Smurfit Corp.—US (500 Church Rd., North Wales, PA 19454) on October 9, 2003, to operate a flexographic printing press in Upper Gwynedd Township, **Montgomery County**.

46-0037R: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on October 9, 2003, to operate a wet dust collector in Douglass and Colebrookdale Townships, **Montgomery and Berks Counties**.

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

48-303-007A: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) on October 7, 2003, to modify a batch asphalt plant and associated air cleaning device at their Bethlehem Black-top Plant in Bethlehem, **Northampton County**.

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

17-305-048: Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830) on September 23, 2003, to construct a coal stockpiling and railcar loadout facility in Lawrence Township, **Clearfield County**.

49-00012A: Eldorado Properties Corp.—Petroleum Products Corp. (P. O. Box 2621, Harrisburg, PA 17105) on September 29, 2003, to construct two bulk gasoline/distillate storage tanks and associated air cleaning devices (floating roofs) at their Northumberland Terminal in Point Township, **Northumberland County**. These tanks are subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

60-399-002: Ritz-Craft Corp. (15 Industrial Park Road, Mifflinburg, PA 17844) on September 30, 2003, to construct two mobile/modular home assembly plants and a wood parts surface coating operation in Mifflinburg Borough, **Union County**.

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

62-017G: United Refining Co. (Bradley and Dobson Streets, Warren, PA 16365) on October 8, 2003, to install a delayed coke and other related units pertaining to the low sulfur gasoline standards and associated control devices in Warren, **Warren County**.

24-146A: National Fuel Gas—Boone Mountain Station (Township Road 330, Brockway, PA 15824) on October 1, 2003, to install a natural gas fired combustion engine in Horton Township, **Elk County**.

37-321A: New Castle Recycling, Inc. (215 Gardner Avenue, New Castle, PA 16101) on October 1, 2003, to operate a scrap metal cutting operation in New Castle, **Lawrence County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

23-0089: FPL Energy—Marcus Hook LP (Blueball Avenue and Ethylene Boulevard, Marcus Hook, PA 19061) on October 6, 2003, to operate a 750 mW combined cycle in Marcus Hook Borough, **Delaware County**.

46-0161A: Reading Materials, Inc. (394 Sanatoga Road, Pottstown, PA 19464) on October 6, 2003, to operate a recycled asphalt pavement (RAP) in Lower Pottsgrove Township, **Montgomery County**.

09-0039A: Atlas Roofing Corp. (60 Pacific Drive, Quakertown, PA 18951) on October 6, 2003, to operate three process vessels in Richland Township, **Bucks County**.

46-0037M: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on October 6, 2003, to operate a large scrubber in Douglass Township, **Montgomery County**.

46-0037H: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on October 6, 2003, to operate a VOC in Douglass Township, **Montgomery County**.

46-0037G: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on October 6, 2003, to operate a boiler house in Douglass Township, **Montgomery County**.

46-0037C: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on October 6, 2003, to operate a tantalum scrap digestion in Douglass Township, **Montgomery County**.

46-313-147: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on October 6, 2003, to operate a refrigerated condenser in Douglass Township, **Montgomery County**.

46-0037E: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on October 6, 2003, to operate a sources building no. 49 in Douglass Township, **Montgomery County**.

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

40-303-013A: Barletta Materials and Construction, Inc. (East Broad Street, P. O. Box 550, Tamaqua, PA 18252) to modify a batch mix asphalt plant with RAP and

associated air cleaning device at their facility on Route 924, Hazle Township, **Luzerne County**.

40-320-016: Quebecor World Hazleton, Inc. (Route 924, Humboldt Industrial Park, R.R. 1, Box 409Z, Hazleton, PA 18201) to modify lithographic printing operations and associated air cleaning device at their facility in Hazleton, **Luzerne County**.

40-320-017: Bemis Company Inc. (20 Jaycee Drive, West Hazleton, PA 18201) to modify two flexographic printing presses and associated air cleaning device at their facility in the Valmont Industrial Park, West Hazleton Borough, **Luzerne County**.

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

53-00004B: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222) on October 2, 2003, to operate four 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engines (engines 2—5) on a temporary basis, to January 30, 2004, at their Harrison Compressor Station in Harrison Township, **Potter County**. The plan approval and authorization have been extended.

53-329-011: Tennessee Gas Pipeline Co. (9 Greenway Plaza, Huston, TX 77046) on October 6, 2003, to extend the deadline for the performance of NOx, CO, VOC and formaldehyde stack testing on two 2,635 horsepower natural gas-fired reciprocating internal combustion compressor engines and associated air cleaning devices (two oxidation catalysts) at the Ellisburg Booster Station in Genesee Township, **Potter County**. The deadline has been extended.

41-00025A: Lycoming County Resource Management Services (447 Alexander Drive, Montgomery, PA 17752) on October 3, 2003, to operate a woodwaste tub grinder and associated 750 horsepower diesel engine on a temporary basis, to January 31, 2004, at their Lycoming County Landfill in Brady Township, **Lycoming County**. The plan approval and authorization have been extended.

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

30-00143A: Dana Mining Co. of PA (P. O. Box 1209, Morgantown, WV 26507) at their facility in Dunkard Township, **Greene County** as follows:

- Delete former Condition No. 7 regarding PM and PM10 limitations. Emissions are already limited by a 400,000 tpy throughput limitation in Condition No. 6 and no testing was required to verify compliance. Eliminating this condition is consistent with requirements at other similar facilities.

- Change Condition No. 9 to all conveyor belts at the facility shall be partially enclosed or sufficiently wetted so as to prevent visible fugitive emissions.

- Remove all transfer points from Condition No. 10.

- Insert Condition No. 11 as follows, all transfer points at the facility shall be fully enclosed or shall include water sprays which shall be in use at all times when the facility is in production. A winterized surfactant shall be used when weather conditions make use of water hazardous.

- Remove all transfer points from Condition No. 12.

- Delete former Condition No. 26 requiring the owner/operator shall maintain a 12-month rolling total for each

pollutant listed in former Condition No. 7. Emissions are already limited by a 400,000 tpy throughput limitation in Condition No. 6 and emission calculations are based on this throughput. Eliminating this condition is consistent with requirements at other similar facilities.

- Condition 15 changed to remove deadline date for paving since paving has been completed.

26-00288D: Better Materials Corp. on October 7, 2003, to construct an asphalt plant in Connellsville Township, **Fayette County**. This plan approval was extended.

65-00143A: Hanson Aggregates PMA, Inc. (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) on October 6, 2003, to install two diesel engines/generators at their Torrance Quarry in Derry Township, **Westmoreland County**. This plan approval was extended.

32-00365A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on October 9, 2003, to install a screen at the Dutch Run Deep/Parker Mine in Washington Township, **Indiana 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.

09-00017: Exelon Generation Co. (Bristol and Tyburn Road, Fallsington, PA 19067) on October 6, 2003, renewal to operate a Facility Title V Operating Permit in Falls Township, **Bucks County**.

46-00005: Merck and Co. (770 Sumneytown Pike, West Point, PA 19486-0004) on October 10, 2003, in Upper Gwynedd Township, **Montgomery County**. This amendment is to incorporate four plan approvals (PA-46-0005J for a 1,040 kW peak power natural gas fired generator with a limit of 800 hours per 12 month period, PA-46-0005N for a 500 kW natural gas fired emergency generator with a limit of 500 hours per 12 month period, PA-46-0005R for a 100 kW natural gas fired emergency generator with a limit of 500 hours per 12 month period and PA-46-0005S for a 150 kW natural gas fired emergency generator with a limit of 250 hours per 12 month period) and to address the changes made to the conditions concerning the testing of the catalyst in the beds of the catalytic oxidizers. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act and 25 Pa. Code § 127.450.

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

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

46-00158: Colorcon—Division of BPSI (415 Moyer Boulevard, West Point, PA 19486) on October 14, 2003, to operate a natural minor operating permit in Upper Gwynedd Township, **Montgomery County**.

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

28-05027: The Chambersburg Hospital (112 North Seventh Street, Chambersburg, PA 17201-6005) on October 9, 2003, to operate their boiler plant in Chambersburg Borough, **Franklin County**.

67-05098: Global Stone PenRoc, LP (P. O. Box 1967, York, PA 17405-1967) on October 6, 2003, to operate a limestone crushing operation at their West Filler Plant in West Manchester Township, **York County**.

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

53-00014: Emporium Specialties Co., Inc. (Foster Avenue, P. O. Box 65, Austin, PA 16720) on October 8, 2003, issued a State-only (Synthetic Minor) operating permit for the metal parts and tools manufacturing facility in Austin Borough, **Potter County**. The facility's main sources include two batch vapor degreasers, a decorative chrome electroplating operation, three electric sintering furnaces, an oil impregnation operation, a sizing operation and a powder mixing room. The State-only (Synthetic Minor) operating permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

59-00007: Reliant Energy Mid-Atlantic Power Holdings LLC (1001 Broad Street P. O. Box 1050, Johnstown, PA 15907-1050) on October 7, 2003, issued a State-only (Synthetic Minor) for their Blossburg combustion turbine facility. This facility is in Covington Township, **Tioga County**. This State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00039: Williamsport Municipal Water Authority (253 West Fourth Street Williamsport, PA 17701) on September 25, 2003, issued a State-only operating permit for their three air stripping towers at the Lycoming Creek Wellfield in Williamsport, **Lycoming County**. This State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

63-00565: Washington Penn Plastics, Inc. (2080 North Main Street, P. O. Box 236, Washington, PA 15301) on October 8, 2003, for their Arden Plant, **Washington County**. The facility's sources of particulate matter emissions include various extrusion lines.

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

62-00162: Elkhorn Field Services—Keystone Plant (Zimmerman Road, Warren, PA 16365) on October 3, 2003, a Natural Minor operating permit for emissions from a natural gas processing plant in Pleasant Township, **Warren 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.

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

46-00098: Edon Corp. (1160 Easton Rd., Horsham, PA 19044) on October 10, 2003 in Horsham Township, **Montgomery County** for a minor modification to State-only Operating Permit (Synthetic Minor) 46-00098. The facility manufactures fiberglass reinforced plastic products that are used mainly in architectural ornamentation for building and construction industries.

The following conditions have been addressed in the revised State-only Operating Permit:

(a) Section C, Operation Hours Restrictions, Condition No. 006—omitted this condition the restricted the total hours of operation from the facility to less than 3,120 hours in any 12-month period.

(b) Section D, Source 102, Monitoring Requirement, Condition No. 003—requires the permittee to monitor the following parameters on a monthly and 12-month rolling basis:

(i) Amount of resin/gelcoat used, in pounds.

(ii) Styrene content in the resin/gelcoat material.

(iii) Amount of styrene emitted, in pounds.

(iv) Amount of other VOC or HAPs in the coatings or cleaning solutions.

(c) Section D, Source 102, Recordkeeping Requirement, Condition No. 004—requires the permittee to maintain records of the following parameters on a daily, weekly and monthly basis:

(i) Amount of resin/gelcoat used, in pounds.

(ii) Styrene content in the resin/gelcoat material.

(iii) Amount of styrene emitted, in pounds.

(iv) Amount of other VOC or HAPs in the coatings or cleaning solutions.

(d) Section D, Source 102, Work Practice Standards, Condition No. 005—requires the permittee to determine the styrene content of the resin/gelcoat used and the content of any other VOC or HAPs in the coatings or cleaning solutions from the as supplied Material Safety Data Sheets (MSDS).

(e) Section D, Source 102, Additional Requirements, Condition No. 006—allows permittee to determine the monthly and 12-month rolling VOC and HAPs emissions from the 12-Spray Booths using the CFA formulation table and styrene content of the resin from the as supplied MSDS.

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

65-00173: Summerill Tube Corp. (P. O. Box 302, Franklin Street, Scottsdale, PA 15683) on October 3, 2003, issued an administrative amendment to reflect the change of ownership from Dynamic Metal Forming Inc. to Summerill Tube Corporation. This is a Title V Facility.

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

The City of Philadelphia, Air Management Services administratively amended operating permits issued under the Air Pollution Control Act and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices for the following facility:

595-003 Jefferson Smurfit Corp.—US (5000 Flat Rock Road, Philadelphia, PA 19127) on October 8, 2003,

administratively amended to change contact information. The Title V operating permit was originally issued on November 18, 1999.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

46-00027: Merck and Co., Inc. (770 Sumneytown Pike, West Point, PA 19486-0004) for its facility in Upper Gwynedd Township, **Montgomery County**. The facility is primary for research and development and pharmaceutical preparations. The major facility emissions are VOCs. The following is a summary of the approved de minimis emission increases for the Title V facility for 2003:

Bldg. 46	HAP—less than 0.01 tons per year
Bldg. 46	VOC—0.1 ton per year
Bldg. 44E	VOC—0.01 ton per year
Bldg. 44E	VOC—0.9 ton per year
Bldg. 44E	NOx—0.64 ton per year
Bldg. 17	VOC—0.1 ton per year
Bldg. 60A	VOC—0.4 ton per year
Bldg. 60A	NOx—0.07 ton per year
Bldg. 60A	VOC—0.02 ton per year

Total increases this year: VOC—0.36 ton per year
NOx—0.71 ton per year
HA—less than 0.01 per year

Total increases this permit: VOC—0.36 ton per year
NOx—0.71 ton per year
HAP—less than 0.01 per year

The permit, when reissued will include the previous de minimis increases and include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permit Actions

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

32881301. NPDES Permit No. PA0215538, Mears Enterprises (P. O. Box 157, Clymer, PA 15728-0157), to

revise the permit for the Penn Run Mine in Cherryhill Township, **Greene County**, to add Portal No. 2, Surface Acres Proposed 14.0, unnamed tributary to Penn Run (CWF). The first downstream potable water supply intake from the point of discharge is Indiana County Municipal Services Authority. Permit issued October 8, 2003.

32901602. NPDES Permit No. PA0214442, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the I-22 Tipple in Burrell Township, **Indiana County**, from I-22 Processing, Inc., no additional discharges. Permit issued October 8, 2003.

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

1475-10020104-E-4. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining activities within 100 feet of Findlay Run and unnamed tributary no. 4 to Findlay Run in Clay and Cherry Townships, **Butler County**. Receiving streams: Findlay Run and unnamed tributaries to South Branch Slippery Rock Creek. Application received April 2, 2003. Permit issued October 1, 2003.

16980103. Milestone Crushed, Inc. (P. O. Box 644, Clarion, PA 16214). Renewal of an existing bituminous strip operation in Ashland Township, **Clarion County** affecting 48.1 acres. This renewal is issued for reclamation only. Receiving streams: Little East Sandy Creek and unnamed tributary to Little East Sandy Creek. Application received August 12, 2003. Permit issued October 1, 2003.

10980103 and NPDES Permit No. PA0227692. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous strip operation in Cherry and Slippery Rock Townships, **Butler County** affecting 101.1 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to McDonald Run. Application received August 21, 2003. Permit issued October 9, 2003.

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

56870101 and NPDES Permit No. PA0597937, Hilltop Mining, Inc., 126 Bronco Drive, Berlin, PA 15530, permit revision to change the land use from woodland to pastureland in Brothersvalley Township, **Somerset County**, affecting 15.8 acres. Receiving streams: unnamed tributary to Buffalo Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 12, 2003. Permit issued October 6, 2003.

32980107 and NPDES Permit No. PA0234800. Fossil Fuel, Inc., 690 Weaver Road, Marion Center, PA 15759, permit renewal for continued operation of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 120.0 acres. Receiving streams: unnamed tributary to Little Mahoning Creek (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 12, 2003. Permit issued October 6, 2003.

56930104 and NPDES Permit No. PA0212415. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, permit renewal for continued operation of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 129.0 acres. Receiving streams: unnamed tributaries to Buffalo Creek and Buffalo Creek (CWF). There are no potable water supply

intakes within 10 miles downstream. Application received July 18, 2003. Permit issued October 9, 2003.

56930107 and NPDES Permit No. PA0212466. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, permit renewal for continued operation of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 78.5 acres. Receiving streams: unnamed tributaries to Buffalo Creek and Buffalo Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 5, 2003. Permit issued October 9, 2003.

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

26910108 and NPDES Permit No. PA0592366. Stash Mining Company (675 Old Route 51 Road, P. O. Box 20, Waltersburg, PA 15488). Permit renewal issued for continued reclamation only of a bituminous surface mining site in Georges Township, **Fayette County**, affecting 64 acres. Receiving streams: unnamed tributary to North Branch of Browns Run, to North Branch of Browns Run, to Browns Run, to Monongahela River. Application received August 26, 2003. Renewal issued October 9, 2003.

26980105 and NPDES Permit No. PA0202410. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued reclamation only of a bituminous surface mining site in Saltlick Township, **Fayette County**, affecting 67 acres. Receiving streams: Little Champion Creek to Champion Creek. Application received September 5, 2003. Renewal issued October 9, 2003.

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

17820139 and NPDES Permit No. PA0611727. Hepburnia Coal Company, P. O. Box I, Grampian, PA 16838. Renewal of an existing bituminous surface mine permit in Ferguson and Greenwood Townships, **Clearfield County**, affecting 514.5 acres. Receiving streams: Watts Creek to Little Clearfield Creek to Clearfield Creek to West Branch Susquehanna River to Susquehanna River. Application received July 7, 2003. Permit issued October 7, 2003.

17880101 and NPDES Permit No. PA0116220. Hepburnia Coal Company, P. O. Box I, Grampian, PA 16838. Renewal of an existing bituminous surface mine permit in Brady Township, **Clearfield County** affecting 262.3 acres. Receiving streams: unnamed tributary of Laurel Branch Run to Laurel Branch Run, Laurel Branch Run to East Branch Mahoning Creek, East Branch Mahoning Creek to Mahoning Creek, Mahoning Creek to Allegheny River, Allegheny River to Ohio River, Ohio River to Mississippi River and Little Anderson Creek to Anderson Creek, Anderson Creek to West Branch Susquehanna River. Application received June 9, 2003. Permit issued October 7, 2003.

17950102 and NPDES Permit No. PA0220001. Hill-top Coal Company, 12 Dutchtown Road, Houtzdale, PA 16651. Transfer of an existing bituminous surface mine permit from Cougar Contracting, Inc., in Bigler Township, **Clearfield County** and affecting 25 acres. Receiving streams: Upper Morgan Run to North Branch to Clearfield Creek to West Branch of the Susquehanna River and Alexander Run to Japling Run to Clearfield

Creek to West Branch Susquehanna River. Application received March 13, 2003. Permit issued October 8, 2003.

17940119 and NPDES Permit No. PA0219959. Hill-top Coal Company, 12 Dutchtown Road, Houtzdale, PA 16651. Transfer of an existing bituminous surface mine permit from Cougar Contracting, Inc., in Bigler Township, **Clearfield County** affecting 27.8 acres. Receiving streams: Upper Morgan Run to North Branch to Clearfield Creek to West Branch Susquehanna River and Alexander Run to Japling Run to Clearfield Creek to West Branch Susquehanna River. Application received March 13, 2003. Permit issued October 8, 2003.

Noncoal Permit Actions

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

58032808. Neway Homes (R. R. 2 Box 2324, Hallstead, PA 18822), commencement, operation and restoration of a small bluestone quarry operation in Liberty Township, **Susquehanna County** affecting 3.0 acres, receiving stream: Snake Creek. Application received March 7, 2003. Permit issued October 7, 2003.

58032807. Neway Homes (R. R. 2 Box 2324, Hallstead, PA 18822), commencement, operation and restoration of a small bluestone quarry operation in Liberty Township, **Susquehanna County** affecting 3.0 acres, receiving stream: Snake Creek. Application received March 7, 2003. Permit issued October 8, 2003.

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

16970307. Milestone Crushed, Inc. (521 South Street, P. O. Box 644, Clarion, PA 16214). Renewal of NPDES Permit No. PA0227609 in Beaver, Licking and Richland Townships, **Clarion County**. Receiving streams: unnamed tributary to Turkey Run. Application received August 15, 2003. Permit issued October 1, 2003.

37030302. Neshannock Sand & Gravel, Inc. (R. R. 6, Box 344, New Castle, PA 16101). Commencement, operation and restoration of a sand and gravel operation in Neshannock and Pulaski Townships, **Lawrence County** affecting 9.5 acres. Receiving streams: unnamed tributary to Shenango River and Shenango River. Application received April 7, 2003. Permit issued October 8, 2003.

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

26980601 and NPDES Permit No. PA0202193. Better Materials Corp. (2200 Springfield Pike, Conneltsville, PA 15425). NPDES renewal issued for continued operation and reclamation of an industrial mineral mining operation in Bullskin Township, **Fayette County**, affecting 559.1 acres. Receiving streams: unnamed tributary to Breakneck Run to Whites Run to Mounts Creek. Application received September 12, 2003. Renewal issued October 7, 2003.

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

53032802. R. Hess Equipment, 950 Johnson Road, Ulysses, PA 16948. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Harrison Township, **Potter County** affecting 3 acres. Receiving streams: Cowanesque River, tributary to Tioga River. Application received July 9, 2003. Permit issued October 6, 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.

48034030. Austin Powder (P. O. Box 289, Northampton, PA 18067), construction blasting at Jacob's Farms in Forks Township, **Northampton County** with an expiration date of October 25, 2004. Permit issued October 6, 2003.

45034042. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Shine Mr. Road in Pocono Township, **Monroe County** with an expiration date of September 14, 2004. Permit issued October 6, 2003.

45034043. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Raintree Homes, Inc./Lot No. 3014/Pocono Farms East in Coolbaugh Township, **Monroe County** with an expiration date of September 15, 2004. Permit issued October 6, 2003.

15034037. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at Steepleview in Wallace Township, **Chester County** with an expiration date of October 29, 2004. Permit issued October 6, 2003.

46034041. Joao & Bradley Construction (P. O. Box 20345, Lehigh Valley, PA 18002) and **AJT Blasting, LLC** (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Area "B" Sewer Project in Skippack Township, **Montgomery County** with an expiration date of June 29, 2004. Permit issued October 6, 2003.

38034024. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Lebanon Plaza Mall in North Cornwall Township, **Lebanon County** with an expiration date of October 29, 2006. Permit issued October 6, 2003.

360340100. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Amos Zimmerman Project in East Earl Township, **Lancaster County** with an expiration date of January 29, 2004. Permit issued October 6, 2003.

45034044. E. R. Linde Construction Corporation (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting at Aventus Pasteur, Inc. in Pocono Township, **Monroe County** with an expiration date of November 6, 2004. Permit issued October 6, 2003.

67034064. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Sage Hill in York Township, **York County** with an expiration date of December 31, 2004. Permit issued October 7, 2003.

38034026. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Pizza Hut in North Londonderry Township, **Lebanon County** with an expiration date of September 4, 2004. Permit issued October 7, 2003.

06034050. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at State Hill Road Project in

Wyomissing Borough, **Berks County** with an expiration date of December 31, 2004. Permit issued October 7, 2003.

67034065. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Ski Roundtop in Warrington Township, **York County** with an expiration date of May 4, 2004. Permit issued October 7, 2003.

06034051. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Twin Valley Elementary in Caernarvon Township/Elverson Borough, **Berks and Chester Counties** with an expiration date of November 4, 2004. Permit issued October 7, 2003.

06034052. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Morgantown Crossing in Caernarvon Township, **Berks County** with an expiration date of November 4, 2004. Permit issued October 7, 2003.

360340102. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at the Aaron Byler Project in Earl Township, **Lancaster County** with an expiration date of January 4, 2004. Permit issued October 7, 2003.

52034025. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting at Highland Estates/Tamiment in Lehman Township, **Pike County** with an expiration date of September 28, 2006. Permit issued October 7, 2003.

360340103. Miller-Warner Construction Company, Inc. (265 Plane Tree Drive, Lancaster, PA 17603), construction blasting at Park Field Subdivision in Manor Township, **Lancaster County** with an expiration date of November 4, 2004. Permit issued October 7, 2003.

45034045. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Lot No. 53 Club House Drive, Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of September 29, 2004. Permit issued October 8, 2003.

23034016. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at 209 and 211 Atlee Road in Radnor Township, **Delaware County** with an expiration date of November 4, 2004. Permit issued October 8, 2003.

06034053. Schlouch Incorporated (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Spring Ridge Woods (Inverness) in Spring Township, **Berks County** with an expiration date of November 4, 2005. Permit issued October 8, 2003.

67034066. ABEL Construction Company, Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Windsor Commons in Windsor Township, **York County** with an expiration date of November 4, 2004. Permit issued October 8, 2003.

46034043. Joao & Bradley Construction Company (4211 Tracy Lane, Bethlehem, PA 18020) and **AJT Blasting, LLC** (P. O. Box 20412, Lehigh Valley, PA 18002), construction blasting at Palm Pumping Station in Upper Hanover Township, **Montgomery County** with an expiration date of January 4, 2004. Permit issued October 8, 2003.

46034044. Joao & Bradley Construction Company (4211 Tracy Lane, Bethlehem, PA 18020) and **AJT Blasting, LLC** (P. O. Box 20412, Lehigh Valley, PA 18002), construction blasting at Sorrel Horse Area Sewer Extensions in Lower Moreland Township, **Montgomery**

County with an expiration date of August 4, 2004. Permit issued October 8, 2003.

60304045. Joao & Bradley Construction Company (4211 Tracy Lane, Bethlehem, PA 18020) and **AJT Blasting, LLC** (P. O. Box 20412, Lehigh Valley, PA 18002), construction blasting at Brenton Point III Area Sewer Extension in Upper Providence Township, **Montgomery County** with an expiration date of February 4, 2004. Permit issued October 8, 2003.

46034047. DOLI Construction Corporation (120 Independence Lane, Chalfont, PA 18914), construction blasting at Perkiomen Wastewater Collection System in Upper Hanover Township, **Montgomery County** with an expiration date of May 4, 2004. Permit issued October 8, 2003.

46034046. DOLI Construction Corporation (120 Independence Lane, Chalfont, PA 18914), construction blasting at Fairview Village in Worcester Township, **Montgomery County** with an expiration date of May 4, 2004. Permit issued October 8, 2003.

28034038. C. E. Brake Company, Inc. (6450 Lincoln Way W., St. Thomas, PA 17252), construction blasting at Greencastle Borough Stormwater Collection Project in Greencastle Borough, **Franklin County** with an expiration date of August 2, 2004. Permit issued October 8, 2003.

06034054. Schlouch Incorporated (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Reed Farm Housing in Muhlenberg Township, **Berks County** with an expiration date of October 31, 2005. Permit issued October 9, 2003.

360340104. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at David Smuker Project in Caernarvon Township, **Lancaster County** with an expiration date of April 5, 2004. Permit issued October 9, 2003.

67034067. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at 5 Diven Drive in Newberry Township, **York County** with an expiration date of May 1, 2004. Permit issued October 9, 2003.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

WL4803402, EA48-006NE. Ducks Unlimited, Inc., Scott Reinhart, 2990 57 Road, Kunkletown, PA 18058. Upper Mount Bethel Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To repair an existing berm and eliminate the effect of a ditch/drain tile to restore approximately 3 acres of wetlands on the Walter Wilson Farm (Bangor, PA Quadrangle N: 19.0 inches; W: 2.0 inches).

WL4803401, EA48-005NE. Ducks Unlimited, Inc., Scott Reinhart, 2990 57 Road, Kunkletown, PA 18058. Plainfield Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct two earthen berms and filling an existing swale to capture runoff and restore 3 acres of emergent wetlands on the Matt Glennon Farm (Wind Gap, PA Quadrangle N: 11.88 inches; W: 1.75 inches).

E54-306. Pine Grove Joint Treatment Authority, P. O. Box 426, Pine Grove, PA 17963. Pine Grove Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To construct and maintain: (1) a sanitary sewer interceptor pump station within the floodplain along the right bank of Swatara Creek (CWF), occupying an area of approximately 0.02 acre; (2) a 20-inch-diameter HDPE sanitary sewer interceptor force main crossing of wetlands, temporarily impacting 0.02 acre (approximately 145 linear feet) of PFD wetlands; (3) eight stream crossings (20-inch diameter force main) of tributaries to Swatara Creek, temporarily impacting approximately 0.12 acre (530 LF) of stream channel; (4) a 36-inch-diameter effluent line crossing of PFD wetlands, temporarily impacting 0.14 acre (approximately 590 LF) of wetlands; and (5) a 36-inch effluent outfall along the right bank of Swatara Creek (CWF).

The project, known as the Pine Grove Wastewater Treatment Plant and Interceptor Project, extends from the existing wastewater treatment plant (location of the proposed interceptor pump station), westward approximately 2 miles to SR 0081 (Pine Grove, PA Quadrangle N: 5.9 inches; W: 5.3 inches) in Pine Grove Township, Schuylkill County (Subbasin 7D).

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

E06-504-R: Maiden creek Township, 1 Quarry Road, Blandon, PA 19510 in Maiden creek Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a pedestrian footbridge having a clear span of 25 feet and an instream length of approximately 6 feet across an unnamed tributary to Willow Creek (CWF) at a point within the Maiden creek Township Community Park approximately 450 feet northwest of the intersection of Park Road and East Wessner Road (Fleetwood, PA Quadrangle N: 12.7 inches; W: 15.1 inches) in Maiden creek Township, Berks County.

E05-318: Bedford County Commissioners, 211 South Juliana Street, P. O. Box 166, Bedford, PA 15522 in West Saint Clair Township, **Bedford County**, ACOE Baltimore District.

To replace and maintain the Ryot Covered Bridge within West Saint Clair Township, Bedford County (Alum Bank, PA Quadrangle N: 4.25 inches; W: 17.38 inches), which was destroyed by fire in August 2002. The proposed reconstruction will involve the removal of the charred superstructure and construction of a new replica using the existing floor beams and abutments spanning 75 feet across the channel of Dunning Creek (WWF). The new bridge will maintain the previous underclearance and waterway opening and all construction will be performed from the adjacent roadway and streambanks with no proposed earth disturbance or temporary in-stream structures.

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

E18-363. James D. Madden, Jr., 120 Lafayette Street, Avis, PA 17721. Madden's River Lot in Pine Creek Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 9.25 inches; W: 13.75 inches).

To: (1) construct and maintain a 20-foot by 20-foot pavilion made of six posts holding a roof 10 feet off the upper bench of ground; and (2) park three recreational trailers, secured to trees with metal cables, between the months of May and October in the left floodway of the West Branch Susquehanna River on the south side of River View Road, 0.4 mile from its intersection with SR 150. This permit was issued under section 105.13(e) "Small Projects."

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

E16-123, Game Commission, P. O. Box 617, Marienville, PA 16239-0617. SGL 024 Bridge Across Walley Run in Farmington Township, **Clarion County**, ACOE Pittsburgh District (Tylersburg, PA Quadrangle N: 9.9 inches; W: 6.5 inches).

The applicant proposes to remove the existing bridge superstructure and to install and maintain a prefabricated steel bridge having a structure length of 35 feet providing an underclearance of approximately 4 feet across Walley Run (CWF) on an access road within State Game Lands 024, approximately 2 miles southeast of SR 3004.

E20-529, Byzantine, Inc., 1198 Mulberry Street, Bridgewater, PA 15009. Crawford Landing in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 21.8 inches; W: 4.7 inches).

The applicant proposes to fill 0.11 acre of a 0.34 acre nonexceptional value shrubbed and herbaceous wetland for the construction of the Crawford Landing commercial retail plaza at 11180 Cutter Road in Vernon Township, Crawford County, approximately 0.7 mile southwest of the intersection of SR 6/322 and SR 98. The project proposes to directly affect 0.11 acre of wetlands. Payment to the Department Wetland Replacement Project fund and creation of 0.06 acre of replacement wetland onsite shall compensate for wetland impacts.

E25-672, Municipal Authority of the City of Corry, 100 Center Street, Corry, PA 16407-1993. Corry Waste Water Treatment Plant, Phase 2 Improvements in City of Corry, **Erie County**, ACOE Pittsburgh District (Corry, PA Quadrangle N: 9.25 inches; W: 0.5 inch).

The applicant proposes to fill 0.125 acre of wetland and a total of approximately 0.527 acre-foot (22,950 cubic feet) of the 100-year flood plain of Hare Creek for construction of a new rotating biological contactor and two secondary clarifiers and associated earthwork and piping at the existing Corry Waste Water Treatment Plant along Sciota Street approximately 0.25 mile south of SR 6. Project proposes onsite construction of 0.2 acre of replacement wetland within the 100-year flood plain of Hare Creek. The project proposes to directly affect 0.125 acre of wetlands and 0.527 acre of the 100-year floodplain.

E42-300, Bradford Regional Airport Authority, 212 Airport Road, Suite E, Lewis Run, PA 16738. Runway 32 End Safety Area in Lafayette Township, **McKean County**, ACOE Pittsburgh District (Lewis Run, PA Quadrangle N: 8.53 inches; W: 0.95 inch).

The applicant proposes to construct and maintain a 400-foot extension to the existing Runway 32 End safety area to meet Federal Aviation Administration requirements at the Bradford Regional Airport involving: (1) permanently fill 1.3 acres of PEM EV wetlands areas; and (2) construction of 2.6 acres of wetlands as compensation for wetland impacts. The project proposes to directly affect 1.3 acres of wetlands. Wetland creation of 2.6 acres is proposed to compensate for wetland impacts.

E43-297, Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. SR 0208, Segment 0200, Offset 0412 Across Wolf Creek in Grove City Borough, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 7.65 inches; W: 11.00 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear, normal span of 107.5 feet and an underclearance of 10 feet across Wolf Creek on SR 0208, Segment 0200, Offset 0412, approximately 0.1 mile east of SR 173.

E43-299, Michelle Properties, LLC, 1144 Brookview Court, Born-2-Run Sports Complex in Springfield Township, **Mercer County**, ACOE Pittsburgh District (Mercer, PA Quadrangle N: 2.7 inches; W: 6.9 inches).

The applicant proposes to fill a total of 0.16 acre of wetland for development of the Born-2-Run Sports Complex along the south side of SR 208 approximately 1 mile west of I-79. The project proposes to directly affect 0.16 acre of wetlands. Project includes construction of 0.16 acre of replacement wetland onsite.

E62-389, Commonwealth Forest Investments c/o Forest Investment Associates, P. O. Box 1474, Smethport, PA 16749. Dunham Run Culvert Replacement in Sheffield Township, **Warren County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 12.85 inches; W: 8.7 inches).

The applicant proposes to remove the existing structure and: (1) to construct and maintain a 40-foot long, 7.25-foot wide by 5.25-foot high aluminum coated steel pipe arch culvert in Dunham Run (CWF, perennial) (Sheffield, PA Quadrangle N: 12.85 inches; W: 8.7 inches) on a forestry road in Sheffield Township, Warren County, approximately 1.5 miles northwest of the intersection of SR 948 and U. S. Route 6; and (2) to place riprap for scour protection on the upstream and downstream slope around the culvert and at the culvert outlet. The project proposes to directly affect a total of 50 linear feet of stream channel.

SPECIAL NOTICES

Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of NOx, VOCs and the following criteria pollutants: CO, lead (Pb), SOx, PM, PM10 and PM10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC registry are currently available for use as follows:

- (1) To satisfy new source review emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC-generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following certified ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the EPA.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC registry application and instructions are on the Department's website at www.dep.state.pa.us, select Subjects, Air Quality, Business, Permits, Emission Reduction Credits.

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
U. S. Naval Hospital County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Mark Donato, (215) 897-1809	NOx	30.50	3/31/2005	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Kurz Hastings Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: George Gornick, (215) 632-2300	VOCs	137.45		Trading
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Ozone Nonattainment Status: Moderate Contact Person: Karl Henschel, (570) 742-6644	NOx VOCs	24.45 12.88	4/1/2006	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Martin Mueller, (412) 762-5263	VOCs	41.70	6/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Lori Burgess, (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Ozone Nonattainment Status: Moderate Contact Person: Garen Macdonald, (717) 771-7346	VOCs VOCs	12.20 2.70	6/01/2006 10/01/2005	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone Nonattainment Status: Moderate Contact Person: LeRoy H. Hinkle, (610) 916-4248	NOx	9.42	11/22/2005	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC-Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Jesse Hackenberg, (570) 323-4430	VOCs	3.62		Internal Use/Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC-Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Mark Sheppard, (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone Nonattainment Status: Moderate Contact Person: D. David Hancock, Jr., (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone Nonattainment Status: Moderate Contact Person: Tim Bergerstock, (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: Theresa C. Garrod, (609) 584-3000	NOx	5.20		Trading
Dominion Transmission, Inc. CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone Nonattainment Status: Moderate Contact Person: Sean R. Sleight, (304) 623-8462	NOx VOCs	15.28 0.55	10/27/2004	Internal Use and Trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Joseph E. Schindler, (610) 694-5104	NOx VOCs	1,054.00 473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACtac) Source Location: Scranton County: Lackawanna Ozone Nonattainment Status: Moderate Contact Person: Tim Owens, (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators No. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Ozone Nonattainment Status: Moderate Contact Person: Scott Gowdy, (814) 875-2427	VOCs	6.20 33.60 2.60 1.80	12/31/2003 12/01/2004 12/31/2005 12/31/2006	Internal Use/Trading
Sun Company, Inc. Source: API Separator 10 and 1-F Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: John A. Rossi	VOCs	2.37	9/30/2004	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Ozone Nonattainment Status: Moderate Contact Person: David B. Orr, (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Eileen Ackler, (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC-generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis, (301) 280-6607	VOCs	7.70	9/1/2006	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC-Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis, (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Ozone Nonattainment Status: Moderate Contact Person: Lars Lundin, (570) 833-3545	NOx VOCs	136.00 237.67	5/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer County Ozone nonattainment status: Moderate Contact Person: Richard A. Herman, (724) 983-6464	NOx VOCs	36.73 12.07	8/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: William L. West, (216) 642-7178	NOx VOCs	1,663.00 373.00	2/28/2008	Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Edward M. Nemeth, (724) 694-8100	VOCs	26.00	7/14/2010	Trading
Smith-Steelite Plant: Emsworth Manufacturing Facility Ozone Nonattainment Status: Moderate Contact Person: Wm. K. Shadle, (412) 299-8167	VOCs	7.32	6/7/2004	Trading
Cyprus Cumberland Resources Corporation Source Location: Cumberland Mine, Whiteley Township County: Greene Ozone Nonattainment Status: Moderate Contact Person: Terry L. Dayton, (412) 627-2219	NOx VOCs	64.00 15.00	6/30/2005	Trading
Allegheny Ludlum Corp. Sources: Three electric arc furnaces Source Location: Washington Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: Deborah L. Calderazzo, (724) 226-5947	NOx	7.78	7/31/2004	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn, (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn, (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Ozone Nonattainment Status: Moderate Contact Person: Terry Melis, (412) 756-2376	NOx	158.68		Trading
Sun Company, Inc. Sources: Separators Source Location: Marcus Hook Borough County: Delaware Ozone nonattainment status: Severe Contact Person: Steve Martini, (610) 859-1000	VOCs	81.88	9/30/2004	Trading/ Internal Use
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Ozone nonattainment status: Severe Contact Person: Steve Martini, (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Jefferson Smurfit Corporation Source Location: Upper Providence Township County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Thomas Tutwiler, (610) 935-4119	VOCs	12.4	5/31/2004	Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago, (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago, (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
Bethlehem Steel Corporation Source: Rail Heat Treating and Quenching Source Location: Steelton Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: James R. Hernjak, (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: E. Lake Road County: Erie Ozone nonattainment status: Moderate Contact Person: Mark D. Restifo, (814) 875-5406	NOx VOCs	280.90 1.70	12/31/2010	Trading
Hershey Foods Corporation Source Location: East Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: Shawn P. Greenwood, (610) 678-0552	NOx	189.00	10/4/2004	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone Nonattainment Status: Severe Contact Person: Jeff Muffat, (651) 778-4450	VOCs VOCs	607.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Ozone nonattainment status: Moderate Contact Person: Amarjit Gill, (713) 653-8554	NOx VOCs	910.00 26.00	4/24/2011	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Ozone nonattainment status: Moderate Contact Person: Peter M. Guzanick, (412) 517-7217	NOx VOCs	17.05 1.87	8/6/2008	Trading
Transit America, Inc. Source Location: One Red Lion Road County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Timothy J. Bergere, Esq., (215) 772-7431	NOx	43.8	4/30/2004	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Ozone Nonattainment Status: Severe Contact Person: Donald Boisselle, (336) 410-7263	VOCs	24.4	9/1/2007	Trading
Recipient/Holder of ERC: Cypress Energy, Inc. ERC-Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: Gary Stephenson, (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC-Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: David Oppenheimer, (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Ozone nonattainment status: Moderate Contact Person: Dennis Lencioni, (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bristol Ozone nonattainment status: Severe Contact Person: Lloyd Davis, (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Ozone nonattainment status: Severe Contact Person: Gregory Sautter, (614) 438-3197	VOCs	113.00	1/31/2012	Trading
PPL Inc. Source Location: Holtwood Station County: Lancaster Ozone nonattainment status: Moderate Contact Person: Linda A. Boyer, (610) 775-5410	NOx VOCs	3,769.09 9.70	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Ozone Nonattainment Status: Moderate Contact Person: Rhonda Vete, (412) 469-6122	NOx NOx VOCs	5.11 62.57 0.25	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Ozone nonattainment status: Moderate Contact Person: Richard C. Pitzer, (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 4/3/2010 to 7/15/2011	Trading

NOTICES

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Naval Surface Warfare Center Source Location: Philadelphia Naval Shipyard County: Philadelphia Ozone nonattainment status: Severe Contact Person: Mark Donato	VOCs	45.70	9/15/2005	Internal Use
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Ozone nonattainment status: Severe Contact Person: Brian Chabak, (215) 884-8800	NOx VOCs	2.72 0.21	12/31/2010 12/31/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	NOx VOCs	6.54 0.52	6/01/2010 6/01/2010	
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	VOCs	9.19	4/1/2009	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Ozone nonattainment status: Moderate Contact Person: Tim Haubach, (724) 752-6493	VOCs	5.70	6/3/2010	Trading
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Town County: Venango Ozone nonattainment status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Allan B. Currie, Jr., (517) 787-5181	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC-Generating Facility: Occidental Chemical Corp. ERC-Generating Source Location: Pottsgrove Township County: Montgomery County Ozone nonattainment status: Severe Contact Person: Trevor Woods, (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC-Generating Facility: Occidental Chemical Corp. ERC-Generating Source Location: Pottsgrove Township County: Montgomery County Ozone nonattainment status: Severe Contact Person: Michael Masington, (215) 875-2649	NOx	50.00	2/28/2007	Trading
Wyeth-Ayerst Laboratories, Inc. Source Location: West Chester Township County: Chester Ozone nonattainment status: Severe Contact Person: Harry Yekel, (610) 313-4490	NOx	28.40	12/21/2003	Trading
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Ozone Nonattainment Status: Moderate Contact Person: John M. Cigan, (610) 826-8719	NOx VOCs	30.80 53.80	5/31/2006	Trading
Lafarge Corporation Source Location: Whitehall Plant County: Lehigh Ozone Nonattainment Status: Moderate Contact Person: Edward F. Werkheiser, (610) 261-3424	NOx VOCs	298.10 3.70	10/15/2004	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
The Peoples Natural Gas Company Source Location: Laurel Ridge Station County: Cambria Ozone Nonattainment Status: Moderate Contact Person: Sheri Franz, (412) 497-6582	NOx VOCs	13.00 4.00	11/11/2004	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon County Ozone nonattainment status: Moderate Contact Person: Kevin S. Barnett, (412) 553-2094	NOx VOCs	48.86 882.43	Varies from 9/29/2010 to 5/1/2012	Trading
Rohm and Haas Source Location: Richmond Street County: Philadelphia Ozone nonattainment status: Severe Contact Person: Frank Jackson, (215) 537-4000	NOx VOCs NOx	50.10 30.30 0.19	6/13/2005 12/31/2004	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Wendy Cooper, (610) 286-7434	VOCs	42.61	3/29/2012	Trading
National Fuel Gas Supply Corp. Source Location: Heath Station County: Jefferson County Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	122.80 2.10	7/1/2005	Trading
Williams Generation Company Source Location: Hazleton Co-Gen Facility County: Luzerne Ozone Nonattainment Status: Moderate Contact Person: Terrie Blackburn, (918) 573-9766	NOx	794.6	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Ozone nonattainment status: Moderate Contact Person: Daniel R. Chapman, (814) 678-4602	NOx VOCs	89.80 2.38	5/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Ozone nonattainment status: Severe Contact Person: Frank J. Brandauer, (626) 398-2773	VOCs	3.13	6/30/2012	Trading

Summary of ERC Transactions

The following ERC transactions are approved by the Bureau of Air Quality. The ERC transaction requirements are specify in 25 Pa. Code § 127.208.

ERC HOLDER/GENERATING FACILITY INFORMATION

ERC-Generating Facility Name: Standard Steel, Division of Freedom Forge
Location of Source: Mifflin County
Certified ERCs (tpy): 48.42 tpy of NOx and 0.12 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 40 tpy of NOx
Date of ERCs Transfer: 8/1/2003

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Alcoa Engineered Products
Location of Source: Cressona, Schuylkill County
NOx credits used: 40 tpy
NOx credits available for future use: 0

ERC HOLDER/GENERATING FACILITY INFORMATION

ERC-Generating Facility Name: PPL Holtwood LLC
Location of Source: Martic Township, Lancaster County
Certified ERCs (tpy): 4,031 tpy of NOx and 9.7 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 262 tpy of NOx
Date of ERCs Transfer: 9/30/2003
ERCs available for future use: 3,769.09 tpy of NOx and 9.7 tpy of VOCs

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: PPL Lower Mount Bethel Energy, LLC
 Location of Source: Lower Bethel Township, Northampton County
 Plan Approval Number: 48-328-004
 NOx credits used: 0
 NOx credits available for future use: 262 tpy

Request for Proposals for Municipal Solid Waste Capacity

The following notice is placed through the Department of Environmental Protection as required by section 502(d) of the Municipal Waste Planning, Recycling and Waste Reduction Act.

Request for Proposals for Wyoming County

The Board of Commissioners of Wyoming County solicits firm proposals from permitted disposal sites to provide a contractual agreement for assured disposal of Wyoming County's municipal waste for a period of 10 years beginning on or about January 1, 2004. The proposal shall include a maximum tip fee for each year of the contract. The initial quantity needed is 8,500 tons per year in 2004, increasing by 50 tons per year to a total of 9,500 tons during the last year of the contract.

Wyoming County does not currently impose an administrative on each disposed ton; however, it may wish to do so in the future. All respondents shall indicate: (1) if they will collect a fee per ton for Wyoming County; and (2) what fee, if any, would be charged for this service.

All proposals must be received at 1 Courthouse Square, Tunkhannock, PA 18657 by the close of business on November 28, 2003. Questions concerning this proposal should be directed to H. Clayton Ervine, Sr., (570) 836-2131.

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

The Department of Environmental Protection announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

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

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

Act 101, Section 901 Planning Grants

<i>Region</i>	<i>County and Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northeast	Luzerne County	HHW Collection Education	\$24,595
Southcentral	Blair County	Waste Study in Hollidaysburg	\$34,442
Northwest	Jefferson County	Tasks to Complete Plan Revision	\$ 7,100

Final Actions under section 401 of the Federal Water Pollution Control Act

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 (33 U.S.C.A. § 1341(a)).

These actions of the Department may be appealed 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 by aggrieved persons under 35 P. S. § 7514 and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to The Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board (Board) within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Responsible Office:

Southeast Regional Office
 Regional Water Management Program Manager
 Lee Park, Suite 6010, 555 North Lane
 Conshohocken, PA 19428-2233
 (610) 832-6130

Certification Request Initiated By:

Weston Solutions, Inc.
1400 Weston Way
P. O. Box 2653
West Chester, PA 19380

Project Description:

The activity involves the discharge of supernatant from the U.S.A.C.E. Fort Mifflin Confined Disposal Facility (CDF) in the Delaware Estuary—Zone 4. The supernatant will be generated through the disposal of approximately 17,000 cubic yards of sediment dredged from a proposed maintenance dredging project at the DRPA Philadelphia Cruise Terminal. Hydraulic dredging will be used to remove the sediment, which will be transported by pipeline to the Fort Mifflin CDF.

Final Action on Request:

Certification Granted

[Pa.B. Doc. No. 03-2082. Filed for public inspection October 24, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by 35 P. S. § 6204, will hold a public meeting on Friday, October 31, 2003, from 10 a.m. to 3 p.m. in Conference Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

The Department of Health reserves the right to cancel this meeting without prior notice.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Elaine E. Gibble, Program Administrator, Chronic Renal Disease Program, Division of Child and Adult Health Services, (717) 772-5138, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 03-2083. Filed for public inspection October 24, 2003, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Dashing Through The Dough Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Dashing Through The Dough.

2. *Price:* The price of a Pennsylvania Dashing Through The Dough instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Dashing Through The Dough instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL),

\$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$100 (ONE HUN) and \$500 (FIV HUN).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$10, \$15, \$20, \$30, \$100 and \$500.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 18,000,000 tickets will be printed for the Pennsylvania Dashing Through The Dough instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$30\$ (THIRTY) in the play area on a single ticket, shall be entitled to a prize of \$30.

(d) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.

(f) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching play symbols of \$3⁰⁰ (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 18,000,000 Tickets</i>
3-\$1's	\$1	1:12	1,500,000
3-\$2's	\$2	1:13.64	1,320,000
3-\$3's	\$3	1:25	720,000
3-\$5's	\$5	1:66.67	270,000
3-\$10's	\$10	1:100	180,000
3-\$15's	\$15	1:600	30,000
3-\$20's	\$20	1:600	30,000
3-\$30's	\$30	1:4,528	3,975
3-\$100's	\$100	1:17,143	1,050
3-\$500's	\$500	1:120,000	150

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Dashing Through The Dough instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Dashing Through The Dough, prize money from winning Pennsylvania Dashing Through The Dough instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Dashing Through The Dough instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Dashing Through The Dough or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2084. Filed for public inspection October 24, 2003, 9:00 a.m.]

Pennsylvania Holiday Bucks Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Holiday Bucks.

2. *Price:* The price of a Pennsylvania Holiday Bucks instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Holiday Bucks instant lottery game ticket will contain one play area featuring a "Holiday Buck Numbers" area and a "Your Numbers" area. The play symbols and their captions

located in the "Holiday Buck Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Sleigh Symbol (SLEIGH).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$10, \$15, \$25, \$50, \$100, \$1,000 and \$50,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Holiday Bucks instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Buck Numbers" play symbols and a prize play symbol of \$50,000 (FTY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Sleigh Symbol (SLEIGH), and a prize play symbol of \$1,000 (ONE THO) appears under the Sleigh Symbol (SLEIGH) on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Buck Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Sleigh Symbol (SLEIGH), and a prize play symbol of \$100 (ONE HUN) appears under the Sleigh Symbol (SLEIGH) on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Buck Numbers" play symbols and a prize play symbol of \$100

(ONE HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sleigh Symbol (SLEIGH), and a prize play symbol of \$50\$ (FIFTY) appears under the Sleigh Symbol (SLEIGH) on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Buck Numbers” play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sleigh Symbol (SLEIGH), and a prize play symbol of \$25\$ (TWY FIV) appears under the Sleigh Symbol (SLEIGH) on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Buck Numbers” play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sleigh Symbol (SLEIGH), and a prize play symbol of \$15\$ (FIFTN) appears under the Sleigh Symbol (SLEIGH) on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Buck Numbers” play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sleigh Symbol (SLEIGH), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears

under the Sleigh Symbol (SLEIGH) on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Buck Numbers” play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sleigh Symbol (SLEIGH), and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the Sleigh Symbol (SLEIGH) on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Buck Numbers” play symbols and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sleigh Symbol (SLEIGH), and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the Sleigh Symbol (SLEIGH) on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Buck Numbers” play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Buck Numbers” play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match Any of the Holiday Buck Numbers, Win With Prize(s) of:

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
\$5	\$5	1:20	216,000
\$5 w/Sleigh	\$5	1:20	216,000
\$6	\$6	1:150	28,800
\$6 w/Sleigh	\$6	1:100	43,200
\$2 x 5	\$10	1:100	43,200
\$5 x 2	\$10	1:300	14,400
\$10	\$10	1:300	14,400
\$10 w/Sleigh	\$10	1:60	72,000
\$5 x 3	\$15	1:300	14,400
\$10 + \$5	\$15	1:300	14,400
\$15	\$15	1:300	14,400
\$15 w/Sleigh	\$15	1:150	28,800
\$5 x 5	\$25	1:150	28,800
\$5 x 3 + \$10	\$25	1:200	21,600
\$10 + \$15	\$25	1:100	43,200
\$15 + \$5 x 2	\$25	1:300	14,400
\$25	\$25	1:300	14,400
\$25 w/Sleigh	\$25	1:46.15	93,600
\$5 x 10	\$50	1:300	14,400

When Any of Your Numbers Match Any of the Holiday Buck Numbers, Win With Prize(s) of:

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
\$10 × 5	\$50	1:300	14,400
\$25 × 2	\$50	1:302.27	14,292
\$50	\$50	1:300	14,400
\$50 w/Sleigh	\$50	1:300	14,400
\$10 × 10	\$100	1:2,400	1,800
\$25 × 4	\$100	1:2,400	1,800
\$100	\$100	1:2,400	1,800
\$100 w/Sleigh	\$100	1:2,400	1,800
\$100 × 10	\$1,000	1:60,000	72
\$1,000	\$1,000	1:120,000	36
\$1,000 w/Sleigh	\$1,000	1:120,000	36
\$50,000	\$50,000	1:1,440,000	3

Sleigh = Win Prize Automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Bucks instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Holiday Bucks, prize money from winning Pennsylvania Holiday Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Holiday Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Holiday Bucks or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2085. Filed for public inspection October 24, 2003, 9:00 a.m.]

Pennsylvania Holiday Countdown Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Holiday Countdown.

2. *Price:* The price of a Pennsylvania Holiday Countdown instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Holiday Countdown instant lottery game ticket will contain 12 play areas known as Game 1, Game 2, Game 3, Game 4, Game 5, Game 6, Game 7, Game 8, Game 9, Game 10, Game 11 and Game 12. The play symbols and their captions located in the 12 play areas are: Stocking Symbol (STKNG), Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Wreath Symbol (WREATH), Ear Muff Symbol (EARMF), Hat Symbol (HAT), Tree Symbol (TREE), Drum Symbol (DRUM), Sleigh Symbol (SLEIGH), Candle Symbol (CANDLE), Ornament Symbol (ORMNT), Horn Symbol (HORN), Gingerbread Man Symbol (GBMAN), Candy Cane Symbol (CANE), Bag of Toys Symbol (TOYS), Holly Symbol (HOLLY), Bell Symbol (BELL), Reindeer Symbol (RNDEER) and 2X Symbol (DOUBLE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play area for Game 1, Game 2, Game 3, Game 4, Game 5, Game 6, Game 7, Game 8, Game 9, Game 10, Game 11 and Game 12 are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and Holiday (\$12K/MO/YR).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$2,500 and \$144,000 (\$12K/MO/YR). The player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 1,920,000 tickets will be printed for the Pennsylvania Holiday Countdown instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of Holiday (\$12K/MO/YR) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$144,000.

(b) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of \$2,500 (TWYFIVHUN) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize play symbol of \$500 (FIV HUN) appearing under the 2X Symbol (DOUBLE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of \$500 (FIV HUN) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize play symbol of \$100 (ONE HUN) appearing under the 2X Symbol (DOUBLE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of \$100 (ONE HUN) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize play symbol of \$50\$ (FIFTY) appearing under the 2X Symbol (DOUBLE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of \$50\$ (FIFTY) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize play symbol of \$20\$ (TWENTY) appearing under the 2X Symbol (DOUBLE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of \$20\$

(TWENTY) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize play symbol of \$10^{.00} (TEN DOL) appearing under the 2X Symbol (DOUBLE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of \$15\$ (FIFTN) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of \$10^{.00} (TEN DOL) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize play symbol of \$5^{.00} (FIV DOL) appearing under the 2X Symbol (DOUBLE) play symbol in the same "Game," on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with two matching play symbols in the same "Game" and a prize play symbol of \$5^{.00} (FIV DOL) appearing under the two matching play symbols in that "Game," on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get 2 Like Symbols in the Same Game, Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,920,000 Tickets</i>
\$5 × 2	\$10	1:30	64,000
\$5 w/2X	\$10	1:30	64,000
\$10	\$10	1:30	64,000
\$5 × 3	\$15	1:60	32,000
\$5 + \$10	\$15	1:60	32,000
\$5 w/2X + \$5	\$15	1:60	32,000
\$15	\$15	1:60	32,000
\$5 × 2 + \$10	\$20	1:75	25,600
\$5 × 4	\$20	1:75	25,600
\$10 × 2	\$20	1:75	25,600
\$10 w/2X	\$20	1:75	25,600
\$20	\$20	1:75	25,600
\$5 × 10	\$50	1:1,200	1,600
\$10 × 5	\$50	1:1,200	1,600
\$10 + \$20 × 2	\$50	1:1,200	1,600
\$20 w/2X + \$10	\$50	1:1,200	1,600
\$50	\$50	1:1,200	1,600
\$5 × 4 + \$10 × 8	\$100	1:178.31	10,768
\$10 × 10	\$100	1:178.31	10,768
\$20 × 5	\$100	1:178.31	10,768
\$50 × 2	\$100	1:178.31	10,768
\$50 w/2X	\$100	1:177.78	10,800
\$100	\$100	1:178.31	10,768
\$50 × 10	\$500	1:12,000	160
\$100 × 5	\$500	1:12,000	160
\$100 w/2X + \$50 × 6	\$500	1:12,000	160
\$500	\$500	1:12,000	160

Get 2 Like Symbols in
the Same Game, Win
With Prize(s) of:

	Win	Approximate Odds	Approximate No. of Winners Per 1,920,000 Tickets
\$500 × 5	\$2,500	1:60,000	32
\$500 w/2X + \$500 × 3	\$2,500	1:60,000	32
\$2,500	\$2,500	1:60,000	32
HOLIDAY (\$12K/MNTH/YR)	\$144,000	1:480,000	4

2X = Double The Prize Shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Countdown instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Holiday Countdown, prize money from winning Pennsylvania Holiday Countdown instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Holiday Countdown instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Holiday Countdown or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2086. Filed for public inspection October 24, 2003, 9:00 a.m.]

Pennsylvania Stocking Stuffer Doubler Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Stocking Stuffer Doubler.

2. *Price:* The price of a Pennsylvania Stocking Stuffer Doubler instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Stocking Stuffer Doubler instant lottery game ticket will contain one play area featuring a "Stocking Stuffer Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Stocking Stuffer Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15

(FIFTN) and 16 (SIXTN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN) and a Jingle Bell Symbol (JGLBEL).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500 and \$10,000. A player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,640,000 tickets will be printed for the Pennsylvania Stocking Stuffer Doubler instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Stocking Stuffer Numbers" play symbols and a prize play symbol of \$10,000 (TEN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Stocking Stuffer Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Stocking Stuffer Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Stocking Stuffer Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Jingle Bell Symbol (JGLBEL) and a prize play symbol of \$20\$ (TWENTY) appears under the Jingle Bell Symbol (JGLBEL) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Stocking Stuffer Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Jingle Bell Symbol (JGLBEL) and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the Jingle Bell Symbol (JGLBEL) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Stocking Stuffer Numbers” play symbols and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Jingle Bell Symbol (JGLBEL) and a prize play symbol of \$5.⁰⁰ (FIV DOL) appears under the Jingle Bell Symbol (JGLBEL) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Stocking Stuffer Numbers” play symbols and a prize play symbol of \$5.⁰⁰ (FIV DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Stocking Stuffer Numbers” play symbols and a prize play symbol of \$4.⁰⁰ (FOR DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Jingle Bell Symbol (JGLBEL) and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the Jingle Bell Symbol (JGLBEL) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Stocking Stuffer Numbers” play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match Either Stocking Stuffer Number Win With Prize(s) of:

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,640,000 Tickets</i>
\$2	1:10	864,000
\$2 x 2	1:107.14	80,640
\$2 w/ Jingle Bell	1:21.43	403,200
\$4	1:57.69	149,760
\$5	1:75	115,200
\$5 x 2	1:750	11,520
\$2 x 5	1:500	17,280
\$4 x 2 + \$2	1:750	11,520
\$5 w/Jingle Bell	1:30	288,000
\$10	1:1,500	5,760
\$5 x 4	1:1,500	5,760
\$4 x 5	1:750	11,520
\$10 x 2	1:750	11,520
\$10 w/Jingle Bell	1:100	86,400
\$20	1:1,500	5,760
\$5 x 8	1:3,158	2,736
\$10 x 4	1:3,158	2,736
\$20 w/Jingle Bell	1:3,077	2,808
\$40	1:3,158	2,736
\$20 x 5	1:60,000	144
\$10 x 6 + \$20 w/Jingle Bell	1:60,000	144
\$100	1:60,000	144
\$100 x 5	1:120,000	72
\$500	1:120,000	72
\$10,000	1:1,080,000	8

Jingle Bell = Double the prize shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Stocking Stuffer Doubler instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Stocking Stuffer Doubler, prize money from winning Pennsylvania Stocking Stuffer Doubler instant lottery game tickets will be

retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Stocking Stuffer Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Stocking Stuffer Doubler or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2087. Filed for public inspection October 24, 2003, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 9, 2003, and announced the following:

Regulation Approved

Department of Transportation #18-372: School Buses (amends 67 Pa. Code Chapters 71 and 171)

Approval Order

Public Meeting held
October 9, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Department of Transportation—School Buses; Regulation No. 18-372

On March 5, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapters 71 and 171. The proposed regulation was published in the March 16, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 10, 2003.

This regulation establishes procedures and criteria by which individuals with certain medical conditions may qualify to be school bus drivers. It also sets forth equipment and safety requirements for school buses and other vehicles transporting school children. These provisions include allowing school buses to display roof-top identification numbers.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 1504, 1509, 4551, 4552, 4553 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-2088. Filed for public inspection October 24, 2003, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-497	State Board of Medicine Sexual Misconduct	10/8/03
16A-539	State Board of Osteopathic Medicine Sexual Misconduct	10/8/03
16A-4912	State Board of Medicine Physician Delegation of Medical Services	10/8/03
16A-5115	State Board of Nursing Oral Orders	10/8/03

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-2089. Filed for public inspection October 24, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Increase in Underwriting Authority of a Domestic Stock Casualty Insurance Corporation

AF&L Insurance Company (AF&L), a domestic stock casualty insurance company, has filed an application to increase its classes of underwriting authorities. The class of insurance that AF&L has applied to add is as mentioned in 40 P. S. § 382(a)(1). The filing was made under 40 P. S. § 382(a)(2), which requires that a life insurance company organized for the purposes of insuring health insurance must also be authorized to transact life insurance. AF&L wishes to convert from a casualty insurer to a life insurer. Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements 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. 03-2090. Filed for public inspection October 24, 2003, 9:00 a.m.]

Children's Health Insurance Program; Advisory Council Meeting

The Insurance Department (Department) has scheduled a meeting of the Children's Health Advisory Council (Council) on Thursday, October 30, 2003, at 10 a.m. in Room 321, Forum Building, Commonwealth Avenue and Walnut Streets, Harrisburg, PA. The Children's Health Care Act (40 P.S. §§ 991.2301—991.2361) charges the Council with the responsibilities of overseeing outreach activities and evaluating access and quality of service provided to children enrolled in the Children's Health Insurance Program. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend the meeting should contact Tracey Pontius, Insurance Department, 1300 Strawberry Square, Harrisburg, PA 17120, (717) 782-4298, at least 24 hours in advance so that arrangements can be made.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2091. Filed for public inspection October 24, 2003, 9:00 a.m.]

Highmark Blue Shield; Authority to Increase Rates for Individual Medigap Blue Plans E and I for Central Pennsylvania; Filing 1-MB/EI-03-HBS

Highmark Blue Shield has filed for approval of increased rates for Medigap Blue Plans E and I for central Pennsylvania. The filing requests an increase of 7.3% for each plan. The rate increase will impact about 3,240 subscribers and produce additional annual income of approximately \$400,000. The requested effective date of the increase is January 1, 2004.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2092. Filed for public inspection October 24, 2003, 9:00 a.m.]

Highmark Blue Shield; Nongroup Special Care Medical/Surgical, Nongroup ClassicBlue Major Medical, Nongroup ClassicBlue Medical/Surgical, Special Care Hospital, Nongroup Comprehensive Major Medical, Nongroup ClassicBlue Hospital, MedigapBlue Hospital Plans A, B, C and H and MedigapBlue Medical/Surgical Plans A, B, C and H and MedigapBlue Hospital and Medical/Surgical Plans E and I; Rate Hearing

This is an amendment to the notice published at 33 Pa.B. 5264 (October 18, 2003). The correct version appears as follows, with ellipses referring to remainder of text.

Highmark Blue Shield has requested approval to increase the premium rates for filing nos. 1-SCMS-03-HI, 200316, 200317, 200314, 200318, 200315, 200319, 200320 and 1-MB/EI-03-HBS. These filings were previously published for public comment in the *Pennsylvania Bulletin*. See 33 Pa.B. 3576 (July 19, 2003), 33 Pa.B. 4042 and 4043 (August 9, 2003), 33 Pa.B. 4257 (August 23, 2003) and 33 Pa.B. 5393 (October 25, 2003).

* * * * *

[Pa.B. Doc. No. 03-2093. Filed for public inspection October 24, 2003, 9:00 a.m.]

Independence Blue Cross (IBC) and Highmark Blue Shield; Nongroup Basic Hospital, Nongroup Major Medical, Nongroup Medical/Surgical, Security 65 Medical/Surgical, Special Care Medical/Surgical; Rate Hearing

Independence Blue Cross and Highmark Blue Shield have requested approval to increase the premium rates for IBC filing nos. 14-P-03 and 13-P-03 and Highmark Blue Shield filings nos. 200321, 200322 and 1-SCMS-03-HI. The requested rate increases vary by filing. These filings were previously published for public comment in the *Pennsylvania Bulletin*. See 33 Pa.B. 3576 (July 19, 2003), 33 Pa.B. 4130 (August 16, 2003), 33 Pa.B. 4257 (August 23, 2003) and 33 Pa.B. 4374 and 4375 (August 30, 2003).

A public informational hearing on these rate filings has been scheduled for Wednesday, November 5, 2003, at 10 a.m. at The Crowne Plaza—Center City, Liberty Ballroom C, 2nd Floor, 1800 Market Street, Philadelphia, PA.

Individuals wishing to testify about these filings may contact the Office of Product Regulation and Market Enforcement at the following address and telephone number to schedule to testify at this hearing. Individuals may also appear at the hearing without advance notice and will be afforded the opportunity to testify after all individuals scheduled in advance have testified. Testimony will be limited to a 10-minute presentation. The Insurance Department (Department) requests that individuals provide a written copy of their testimony the day of the hearing.

Copies of the filings are available for public inspection, by appointment, during normal business hours at the Department's regional offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions and objections about these filings to

IBC Rate Hearing, Insurance Department, Office of Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192, ra-rateform@state.pa.us by November 12, 2003.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2094. Filed for public inspection October 24, 2003, 9:00 a.m.]

Pennsylvania 2002 Private Passenger Automobile Data Calls

Each year, the Insurance Department (Department) conducts routine "Data Calls" to companies licensed to write motor vehicle insurance in this Commonwealth. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On October 9, 2003, the Department forwarded Data Calls to be completed by companies licensed to write private passenger automobile insurance in this Commonwealth. Companies will receive only a cover letter through the United States Postal Service. The 2002 Data Call letter, instructions and data formats are available on the Department's website (www.insurance.state.pa.us).

This year, the Department is requesting the same type of information that was collected in prior Data Calls (see Section I—CALL FOR 2002 PENNSYLVANIA ACT 6 EXPERIENCE—INSTRUCTIONS) as well as information that was not previously requested (see Section II—ADDITIONAL 2002 PENNSYLVANIA ACT 6 EXPERIENCE—INSTRUCTIONS). The Department referred to this additional information in Insurance Department Notice No. 2003-07.

Companies with Pennsylvania private passenger automobile direct written premium in 2002 are required to complete both sections of the Data Call. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department by January 9, 2004.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2002 are required to submit only Part 2 of Section I—CALL FOR 2002 PENNSYLVANIA ACT 6 EXPERIENCE—INSTRUCTIONS by January 9, 2004.

Consistent with previous Data Calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Submissions and inquires should be directed to Clinton Wright, Insurance Department, Office of Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, (717) 783-0651, clwright@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2095. Filed for public inspection October 24, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Chester County, Wine & Spirits Shoppe #1516, 933 Paoli Pike, West Chester, PA 19380.

Lease Expiration Date: June 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,600 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of the intersection of 933 Paoli Pike.

Proposals due: November 14, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 03-2096. Filed for public inspection October 24, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service

A-123100F0032. 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 the additional territory of Clay 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 November 10, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: UGI Utilities, Inc.

Through and by Counsel: Mark C. Morrow, Esquire, P. O. Box 858, Valley Forge, PA 19482.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2097. Filed for public inspection October 24, 2003, 9:00 a.m.]

Natural Gas Service

A-121850F2033. National Fuel Gas Distribution Corporation. Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas service to ten natural gas service customers located in Winslow Township, Jefferson 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 November 10, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: National Fuel Gas Distribution Corporation

Through and by Counsel: Christopher M. Trejchel, Esquire, 1100 State Street, Erie, PA 16512.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2098. Filed for public inspection October 24, 2003, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 17, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00120217. C. Eugene Becker and Nancy W. Becker, Tenants by Entirety (518 Brenneman Road, Willow Street, Lancaster County, PA 17584)—persons, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Lancaster and York, and from points in said counties, to points in Pennsylvania, and return.

A-00120216. Ira C. Herr, Jr. (830 Truce Road, Quarryville, Lancaster County, PA 17566)—persons, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00120209. Jeffrey L. Houseknecht and Anita J. Houseknecht (140 South Broad Street, Hughesville, Lycoming County, PA 17737)—persons in limousine service, between points in the Counties of Lycoming and Sullivan, and from points in said counties, to points in Pennsylvania, and return.

A-00120206. Kids In Motion, Inc. (2 Timber Mill Lane, Landenberg, Chester County, PA 19350), a corpora-

tion of the state of Delaware—persons in paratransit service, between points in the Township of Birmingham, Delaware County, and within an airline distance of 15 statute miles of the limits thereof.

A-00119741, F.2. Maher Saber (620 South 13th Street, Harrisburg, Dauphin County, PA 17104)—persons upon call or demand, between points in the Counties of Cumberland, Dauphin, and York.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of household goods as described under the application.*

A-00120193. M & M Movers, Inc. (4257 Foxwood Circle, Easton, Northampton County, PA 18040), a corporation of the Commonwealth—household goods in use, between points in the County of Northampton, and within an airline distance of 25 statute miles of the limits thereof, and from points in said territory, to points in Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2099. Filed for public inspection October 24, 2003, 9:00 a.m.]

Water Service

A-210111F0003. Artesian Water Pennsylvania, Inc. Application of Artesian Water Pennsylvania, Inc. for approval to begin to offer, render, furnish or supply water service to the public in additional territory in a portion of Franklin Township, Chester 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 November 10, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Artesian Water Pennsylvania, Inc.

Through and by Counsel: Anthony D. Kanagy, Esquire, Morgan, Lewis and Bockius, LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2100. Filed for public inspection October 24, 2003, 9:00 a.m.]

Water Service

A-210104F0035 and A-210002F2000. Pennsylvania Suburban Water Company and Meribah Water Company. Joint application of Pennsylvania Suburban Water Company and Meribah Water Company for approval of: (1) the acquisition by Pennsylvania Suburban Water Company of the water system assets of Meribah Water

Company in Delaware Township, Juniata County; (2) the right of Pennsylvania Suburban Water Company to begin to offer, render, furnish and supply water service to the public in a portion of Delaware Township, Juniata County; and (3) the abandonment by Meribah Water Company of public water service within Delaware Township, Juniata 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 November 10, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicants: Pennsylvania Suburban Water Company and Meribah Water Company

Through and by Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2101. Filed for public inspection October 24, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-194.2, Installation of Exhaust Fans, Pier 80 South, until 2 p.m. on Thursday, November 13, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available October 28, 2003. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on November 6, 2003, at 10 a.m. at Pier 80 South, Columbus Blvd. and Snyder Ave., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-2102. Filed for public inspection October 24, 2003, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Independent Auditors' Report

Board of Directors
Port of Pittsburgh Commission
Pittsburgh, Pennsylvania

We have audited, in accordance with auditing standards generally accepted in the United States, the governmental fund balance sheet/statement of net assets of Port of Pittsburgh Commission (Commission), a component unit of the Commonwealth of Pennsylvania, as of June 30, 2003, and the related statement of governmental fund revenues, expenditures and changes in fund balance/statement of activities for the year ended (not presented herein); and, in our report dated September 5, 2003, we expressed an unqualified opinion on those financial statements.

As described below, the accompanying summary financial information of the Commission as of and for the year ended June 30, 2003 is not a presentation in conformity with generally accepted accounting principles. In our opinion, however, the accompanying summary financial information is fairly stated, in all material respects, in relation to the financial statements from which it has been derived.

Terry & Stephenson, P. C.
429 Forbes Avenue, Suite 1600
Pittsburgh, PA 15219

September 5, 2003
Pittsburgh, Pennsylvania

Port of Pittsburgh Commission Governmental Fund Balance Sheet/Statement of Net Assets Balance Sheet June 30, 2003

	<i>Special Revenue Fund</i>	<i>Adjustments</i>	<i>Statement of Net Assets</i>
<u>Assets:</u>			
Cash and investments	\$1,813,885	\$—	\$1,813,885
Capital assets, net of accumulated depreciation	—	1,782,407	1,782,407
Other assets	175,464	—	175,464
Total Assets	<u>\$1,989,349</u>	<u>\$1,782,407</u>	<u>\$3,771,756</u>
<u>Liabilities and Fund Balance/Net Assets</u>			
Liabilities	<u>2,059,022</u>	<u>46,753</u>	<u>2,105,775</u>
Fund balance (accumulated deficit)—reserved for economic development	<u>(69,673)</u>	<u>69,673</u>	<u>—</u>

	<i>Special Revenue Fund</i>	<i>Adjustments</i>	<i>Statement of Net Assets</i>
Net Assets:			
Restricted for economic development		<u>1,883,574</u>	<u>1,883,574</u>
Invested in capital assets, net of related debt		<u>(217,593)</u>	<u>(217,593)</u>
Total Liabilities and Fund Balance/Net Assets	<u>\$1,989,349</u>	<u>\$1,665,981</u>	<u>\$1,665,981</u>

**Port of Pittsburgh Commission
Statement of Governmental Fund Revenues, Expenditures,
and Changes in Fund Balances/Statement of Activities
for the Year Ended June 30, 2003**

	<i>Special Revenue Fund</i>	<i>Adjustments</i>	<i>Statement of Net Assets</i>
Expenditures/Expenses:			
Personnel	410,699	8,401	419,100
Operating	393,389	—	393,389
Capital	11,873	(11,873)	—
Other	<u>28,858</u>	<u>89,516</u>	<u>118,374</u>
Total Expenditures/Expenses	<u>844,819</u>	<u>86,044</u>	<u>930,863</u>
Revenues and Other Financing Sources:			
Revenues	146,073	—	146,073
Other financing sources	<u>900,000</u>	<u>—</u>	<u>900,000</u>
Total Revenues and Other Financing Sources	<u>1,046,073</u>	<u>—</u>	<u>1,046,073</u>
Excess of Expenditures/Expenses over Revenues and Other Financing Sources	201,254	(86,044)	115,210
Fund balance/net assets, beginning of year	<u>(270,927)</u>	<u>1,821,698</u>	<u>1,550,771</u>
Fund balance/Net Assets, End of Year	<u>\$(69,673)</u>	<u>\$1,735,654</u>	<u>\$1,665,981</u>

The summary financial information shown above differs from generally accepted accounting principles. Differences include amounts grouped; captions summarized; footnote disclosures are omitted.

JAMES R. MCCARVILLE,
Executive Director

[Pa.B. Doc. No. 03-2103. Filed for public inspection October 24, 2003, 9:00 a.m.]

STATE BOARD OF PSYCHOLOGY

Bureau of Professional and Occupational Affairs v. Saundra Reichel; Doc. No. 0171-63-00

On September 22, 2003, the State Board of Psychology (Board) assessed Saundra Reichel a civil penalty of \$1,000 for practicing psychology without the proper licensing.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

ALEX M. SIEGEL, J.D., Ph.D.,
Chairperson

[Pa.B. Doc. No. 03-2104. Filed for public inspection October 24, 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

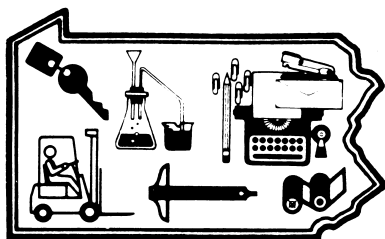
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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. 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 explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room 201 Finance Building
Harrisburg, PA 17120
717-787-4586
1-800-252-4700
BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer

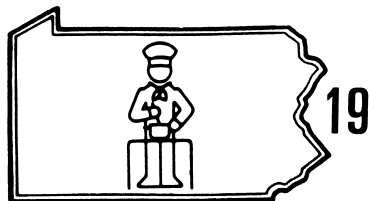


Commodities

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

SERVICES



Food

CN00005543 Milk and Cream - Fax to 814-255-8370 or e-mail company name, address, telephone number, PA State vendor number to kzakraysek@state.pa.us receive Request for Quote package.

Department: Labor and Industry
Location: OVR - Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905
Duration: 1-01-04—12-31-04
Contact: Ken Zakraysek, PA, (814) 255-8210

#8404 Perishable Food Items - Meat, Poultry, Misc. Foods, Produce, Prepared Salads, Fruits and Veg. Frozen, Dairy Products, Cheese, Fish, Frozen Juices and Ice Cream and Sherbert. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

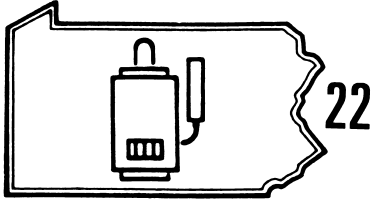
Department: Public Welfare
Location: Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931
Duration: January 1, 2004—March 31, 2004
Contact: Nannette McCreary, Clerk Typist 3, (814) 472-0290

#AC 8403 Perishable Food Items - Meat, Poultry, Misc. Foods, Produce, Prepared Salads, Fruits and Veg. Frozen, Dairy Products, Cheese, Fish, Frozen Juices, Ice Cream and Sherbert and Shell Eggs. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601
Duration: January 1, 2004—March 31, 2004
Contact: Nannette McCreary, Clerk Typist 3, (814) 472-0290

8406 Perishable Food Items as follows: Bread, Rolls and Doughnuts and Pies and Cakes. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931
Duration: January 1, 2004—June 30, 2004
Contact: Nannette McCreary, Clerk Typist 3, (814) 472-0290



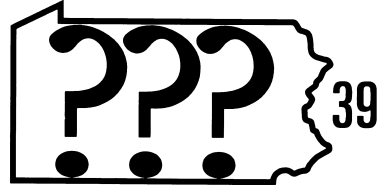
HVAC Services

SP#3 The contractor will do all work necessary to repair/replace the existing street lighting and install a new 480 V lighting system. The contractor will do all engineering work necessary to complete this job professionally.

Department: Corrections

Location: Department of Corrections, Training Academy, 1451 N. Market Street, Elizabethtown, PA 17022

Contact: Jack Hall, (717) 361-4340



Miscellaneous

SP 30777013 Epidemiology Services. To Request a bid package, please send your company letterhead with your address, telephone and fax numbers, Federal ID number to (570) 587-7108. Bid packages cannot be faxed.

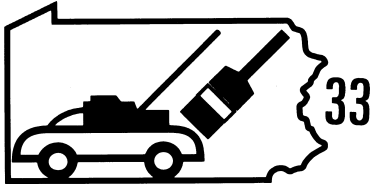
Department: Public Welfare

Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505

Duration: Nov. 1, 2003—June 30, 2003

Contact: Stanley Rygelski, PA, (570) 587-7291

[Pa.B. Doc. No. 03-2105. Filed for public inspection October 24, 2003, 9:00 a.m.]



Property Maintenance

03RS61 Roadside mowing on interstate and primary traffic routes in PennDOT Engineering 3-0. Contractor to provide all equipment, labor, material, and traffic control to complete contract according to Bid Specifications.

Department: Transportation

Location: Columbia, Lycoming, Montour, Northumberland and Union Counties

Duration: 5 years.

Contact: Lyndon Mink, (570) 368-4224

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <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> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary

