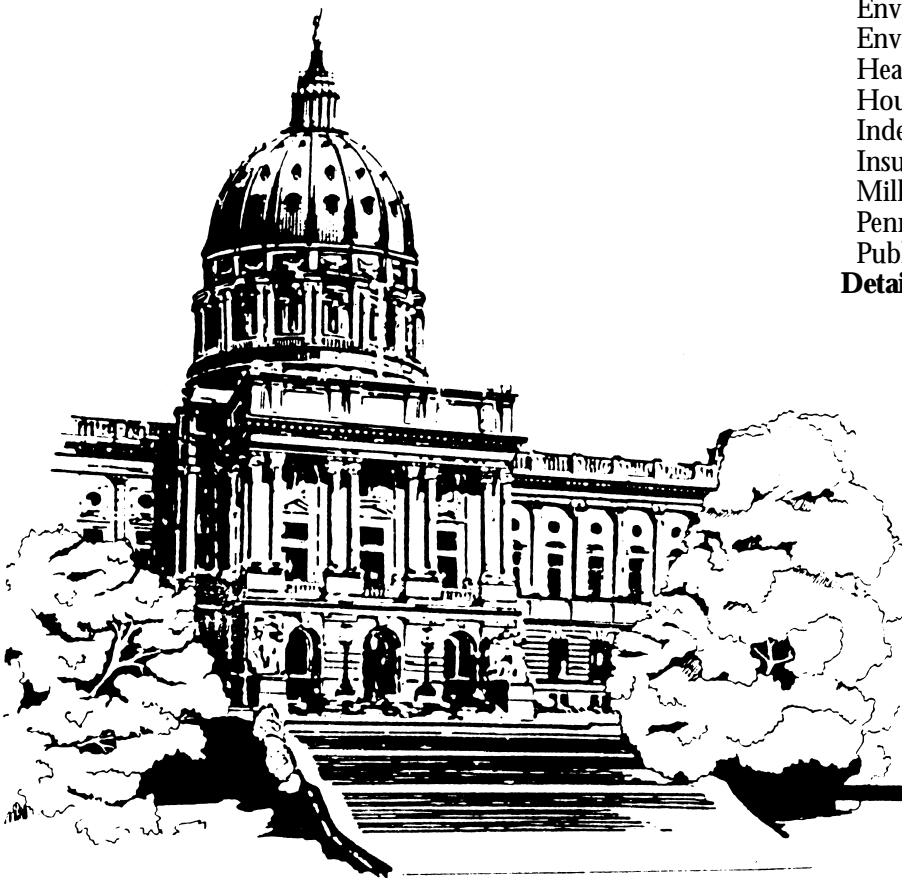


# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The Courts  
Department of Aging  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Public Welfare  
Department of Transportation  
Environmental Hearing Board  
Environmental Quality Board  
Health Care Cost Containment Council  
Housing Finance Agency  
Independent Regulatory Review Commission  
Insurance Department  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
**Detailed list of contents appears inside.**



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**No. 348, November 2003**

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

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

## **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendments of Rules 205(b) and (c) and 208(d) of the Pennsylvania Rules of Disciplinary Enforcement; No. 24 Disciplinary Rules; Doc. No. 1

##### Order

*Per Curiam:*

And Now, this 17th day of October, 2003, it is hereby Ordered that:

1. Rules 205(b) and (c) and 208(d) of the Pennsylvania Rules of Disciplinary Enforcement are amended as set forth in Annex A.

2. To the extent that publication of a notice of proposed rulemaking would otherwise be required with respect to the amendments adopted by this Order, such publication is hereby found to be unnecessary because the immediate adoption of this Order is required in the interest of justice and efficient administration; and,

3. This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and the amendments shall be effective immediately.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

\* \* \* \* \*

(b) The regular terms of members of the Board shall be for three years, and no member shall serve for more than two consecutive three-year terms. The terms of one-third of the members of the Board, as nearly as may be, shall expire on April 1 of each year. Except when acting under paragraphs (c)(5), (7) [and ], (8) and (9) of this rule, the Board shall act only with the concurrence of not less than the lesser of:

\* \* \* \* \*

(c) The Board shall have the power and duty:

\* \* \* \* \*

(9) To administer, by the Board or through a designated panel of three members selected by the Board Chair, private reprimands to attorneys for misconduct.

\* \* \* \* \*

#### Rule 208. Procedure.

\* \* \* \* \*

(d) Review and action by Board.

\* \* \* \* \*

(2) The Board shall either affirm or change in writing the recommendation of the hearing committee or special master by taking the following action, as appropriate, within 60 days after the adjudication of the matter at a meeting of the Board;

\* \* \* \* \*

(ii) *Informal admonition or private reprimand.* In the event that the Board determines that the proceeding should be concluded by informal admonition or private reprimand, it shall arrange to have the respondent-attorney appear before Disciplinary Counsel for the purpose of receiving informal admonition or before a **designated panel of three members selected by the Board Chair pursuant to Pa.R.D.E. 205(c)(9)**, for the purpose of receiving private reprimand [ , in which case the **Chairman shall deliver the private reprimand** ].

\* \* \* \* \*

[Pa.B. Doc. No. 03-2106. Filed for public inspection October 31, 2003, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Prompt Disposition of Matters: Termination of Inactive Cases; No. 2238 of 2003GD

##### Order

And Now, this 1st day of October, 2003, Fayette County Rule of Judicial Administration 1901, Prompt Disposition of Matters: Termination of Inactive Cases, is rescinded.

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

In accordance with Pa.R.J.A. 103, the Prothonotary shall forward ten copies of this order to the Administrative Office of Pennsylvania Courts and said order shall be effective immediately upon filing with the Administrative Office.

By the Court

CONRAD B. CAPUZZI,  
President Judge

[Pa.B. Doc. No. 03-2107. Filed for public inspection October 31, 2003, 9:00 a.m.]

**PIKE COUNTY**

**Promulgation of Local Rule L.Crim.P. 530; No. 1033-2003**

**Order**

And Now, this 6th day of October, 2003, the Court hereby Orders the adoption of L.Crim.P. 530 Bail Agency effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Pike County Prothonotary is directed to:

File seven (7) certified copies of the Rule with the Administrative Office of Pennsylvania Courts; Distribute two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and File one (1) certified copy with the Criminal Procedural Rules Committee of the Pennsylvania Supreme Court.

By the Court

HAROLD A. THOMSON, Jr., SJ,  
*Acting President Judge*

**Rule 530. Bail Agency**

For purposes of administering the Criminal Offender Processing System (COPS) program, the Pike County Probation Office is designated as a Bail Agency for this court and shall have the duties and powers of a bail agency pursuant to Pennsylvania Rules of Criminal Procedure, Rule 530.

[Pa.B. Doc. No. 03-2108. Filed for public inspection October 31, 2003, 9:00 a.m.]

**WYOMING AND SULLIVAN COUNTIES  
2004 Court Calendar; No. 2003-1087**

**Order of Court**

And Now, the 14th day of October, 2003,

It Is Ordered that the Court Calendar of the Court of Common Pleas of The 44th Judicial District of Pennsylvania for the Year 2004, be and the same is hereby established in accordance with the schedule following hereto and made a part hereof.

By the Court

BRENDAN J. VANSTON,  
*President Judge*

**2004—Wyoming County Court Calendar**

<i>Arraignments, Sentences &amp; ARD</i>	<i>Status Call &amp; Guilty Pleas</i>	<i>Criminal Trial Weeks</i>
January 14	January 9	February 23
February 11	February 6	April 19
March 10	March 5	June 14
April 14	April 2	August 23
May 12	May 7	October 18
June 9	June 4	December 13
July 14	July 2	
August 11	August 6	
September 15	September 10	
October 13	October 8	
November 10	November 5	
December 8	December 3	

<i>Juveniles</i>	<i>Dependency</i>	<i>Prison Board &amp; Acct. Confirmation</i>
January 7	January 15	January 6
February 4	February 12	February 3
March 3	March 11	March 2
April 7	April 8	April 6
May 5	May 13	May 4
June 2	June 10	June 1
July 7	July 8	July 6
August 4	August 12	August 3
September 8	September 16	September 7
October 6	October 14	October 5
November 3	November 12	November 2
December 1	December 9	December 7
<i>De Novos</i>	<i>DRO Contempts</i>	<i>Civil Trial Week</i>
January 13	January 15	January 19
February 10	February 12	March 15
March 9	March 11	May 17
April 13	April 8	July 26
May 11	May 13	September 20
June 8	June 10	November 15
July 13	July 8	
August 10	August 12	
September 14	September 16	
October 12	October 14	
November 9	November 9	
December 6	December 9	

*General Call*

September 7

*Close/Civil Trial*

Oct. 3, 2003	(Jan. 2004)
Dec. 5 2003	(March 2004)
February 6	(May, 2004)
April 2	(July, 2004)
June 4	(Sept. 2004)
August 6	(Nov. 2004)
October 1	(Jan., 2005)
Dec. 3	(March, 2005)

**2004—Sullivan County Court Calendar**

*Regular Court Day*

January 8  
February 5  
March 4  
April 1  
May 6  
June 3  
July 1  
August 5  
September 9  
October 7  
November 4  
December 2

*Trial Weeks—Civil & Criminal*

January 26  
March 22  
May 24  
June 21  
September 27  
October 25

*Close Dates for Civil Trial List*

October 3, 2003	(January 2004 Term)
December 5, 2003	(March, 2004 Term)
March 5, 2004	(May, 2004 Term)

THE COURTS

April 2	(June, 2004 Term)
June 4	(September, 2004 Term)
August 6	(October, 2004 Term)
October 1	(January, 2005 Term)
December 3	(March, 2005 Term)

*General Call*

September 9, 2004

[Pa.B. Doc. No. 03-2109. Filed for public inspection October 31, 2003, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

#### Stream Redesignation (Browns Run)

The Environmental Quality Board (Board) by this order amends § 93.9q (relating to Drainage List Q) to read as set forth in Annex A.

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

#### A. Effective Date

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

#### B. Contact Persons

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

#### C. Statutory Authority

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

#### D. Background of the Final-Form Rulemaking

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) waters and all other use designations in its ongoing review of water quality standards. In general, HQ and EV waters shall be maintained at their existing quality, and permitted activities, such as wastewater treatment requirements, shall ensure the attainment of all designated and existing uses.

The Department may identify candidates for redesignation during routine waterbody investigations. Requests for consideration may also be initiated by other agencies,

such as the Fish and Boat Commission (Commission). Organizations, businesses or individuals may submit a rulemaking petition to the Board.

Browns Run was evaluated in response to a request from the Commission, which requested that the stream be redesignated HQ-Cold Water Fishes (CWF).

Browns Run had been included in the French Creek, et al. proposed rulemaking package in January 1997, based on a field study conducted in 1994. During the public comment period on that proposed rulemaking, objections were raised to the recommendation for redesignation of most of the Browns Run basin to EV waters. These objections were based in part on the use of Cathers Run as the reference stream because it is designated HQ-CWF. It had been selected as the reference station because it was part of a "reference network" within the Water Quality Network, the Department's routine surface water monitoring system. The reference network contains streams minimally impacted by human activities. As a result of these public concerns, the Department agreed to resurvey Browns Run and compare it to a higher quality reference stream. The Department conducted the second field survey on June 2—4, 1998, and used East Hickory Creek, designated EV, as the reference. The redesignations in this final-form rulemaking are the result of this resurvey and comparison to the EV reference.

These aquatic surveys were conducted by the Department's Bureau of Water Supply and Wastewater Management. The physical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. Based upon the data collected in these surveys, the Board has revised the designations to read as set forth in Annex A.

The Department's stream evaluation report is available from Edward R. Brezina whose address and telephone number are listed in Section B of this preamble.

#### E. Summary of Comments and Responses on the Proposed Rulemaking

The Board approved the proposed rulemaking on March 20, 2001, and it was published at 31 Pa.B 2375 (May 5, 2001) with provision for a 45-day public comment period that closed on June 19, 2001. A number of requests for a public hearing regarding Browns Run were received during the public comment period. A hearing was scheduled and announced at 31 Pa.B 3956 (July 21, 2001), at which time the public comment period for Browns Run was reopened. The public hearing was held in the Warren County Courthouse in Warren on September 4, 2001, and the public comment period closed 1 week later, on September 11, 2001.

Comments were received from 52 commentators and the Independent Regulatory Review Commission (IRRC) as a result of the public comment period and the hearing. Fifteen commentators expressed support for the redesignation. Opposing comments included concerns with economic impacts and personal rights because of the redesignation, the choice of a reference water and that redesignation may cause impacts to the water because of increased use. The comment and response document explains that the EV redesignation is based on the current quality of the water, protection of EV waters is

accomplished through the Department's permitting and approval processes and current activities are not generally restricted.

No changes were made to the proposed rulemaking following the public comment period.

#### F. *Benefits, Costs and Compliance*

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

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

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams shall comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to predict the actual change in costs.

Oil and gas and timbering operations may be required to implement antidegradation Best Management Practices to protect water quality. These practices are site-specific, so it is not possible to determine a precise estimate of costs. In addition, permit application fees for individual rather than general permits for stream encroachments or erosion and sedimentation control will be required.

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

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

effluent treatment according to the water quality criteria associated with existing and designated water uses.

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

#### G. *Pollution Prevention*

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

#### 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 April 23, 2001, the Department submitted a copy of the notice of proposed rulemaking, published at 31 Pa.B 2375, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing the final-form rulemaking, the Department has considered all comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

Under section 5.1(j.2) the Regulatory Review Act, this final-form rulemaking was deemed approved by the House and Senate Committees on September 11, 2003. IRRC met on September 12, 2003, and approved the final-form rulemaking in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

#### 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) The final-form rulemaking does not enlarge the purpose of the proposal published at 31 Pa.B 2375.

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

(5) This regulatory amendment does not contain standards or requirements that exceed requirements of the companion Federal regulations.

**K. Order**

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending § 93.9q to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(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 approval and review as to legality and form, as required by law.

(c) The Chairperson 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 30, 2003).)*

**Fiscal Note:** 7-362. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS**

**ANTIDEGRATION REQUIREMENTS**

**§ 93.9q. Drainage List Q.**

**Ohio River Basin in Pennsylvania  
*Allegheny River***

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria					
					*	*	*	*	*
3—Browns Run	Basin, Source to Dutchman Run	Warren	EV	None					
4—Dutchman Run	Basin, Source to T-413 Bridge	Warren	EV	None					
4—Dutchman Run	Basin, T-413 Bridge to UNT 56501	Warren	CWF	None					
5—UNT 56501 to Dutchman Run	Basin, Source to UNT 56502	Warren	CWF	None					
6—UNT 56502 to UNT 56501	Basin	Warren	EV	None					
5—UNT 56501 to Dutchman Run	Basin, UNT 56502 to Mouth	Warren	CWF	None					
4—Dutchman Run	Basin, UNT 56501 to Mouth	Warren	CWF	None					
3—Browns Run	Basin, Dutchman Run to Morrison Run	Warren	CWF	None					
4—Morrison Run	Basin	Warren	EV	None					
3—Browns Run	Basin, Morrison Run to Mouth	Warren	CWF	None					
3—Glade Run	Basin, Source to Concrete Channel	Warren	CWF	None					
					*	*	*	*	*

[Pa.B. Doc. No. 03-2110. Filed for public inspection October 31, 2003, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

## [25 PA. CODE CH. 93]

## Stream Redesignation (East Branch Codorus Creek)

The Environmental Quality Board (Board) by this order amends § 93.9o (relating to Drainage List O) to read as set forth in Annex A.

This order was adopted by the Board at its meeting of May 21, 2003.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, Harrisburg, PA 17105-8464, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (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 and Regulatory Authority*

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

D. *Background of the Final-Form Rulemaking*

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The lower reaches of the East Branch Codorus Creek, including Lake Redman and Lake Williams, were evaluated in response to a rulemaking petition submitted by The York Water Company. The petition requested redesignation of the main stem of the East Branch Codorus Creek from the inlet of Lake Redman to the mouth from Cold Water Fishes (CWF) to Warm Water Fishes (WWF).

The Department's evaluation involved review of data in the petition and data obtained from the Fish and Boat Commission. The data shows that Lake Redman, Lake Williams and the East Branch Codorus Creek downstream from Lake Williams support a WWF community. The existence of a warm water fishery in Lake Redman has been documented since 1970. Surveys beginning in

1983 have shown a warm water community in Lake Williams. The warm water fishery in the lower main stem was documented in 1996. The hydrologic modification of the stream—the construction of the lakes—preclude attainment of the CWF use.

The Department's evaluation report is available from Edward R. Brezina whose address and phone number are listed in Section B.

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

The United States Environmental Protection Agency (EPA) Region 3 office provided the only comments on the proposed rulemaking. The EPA's comments were: "The Department of Environmental Protection has documented to EPA's satisfaction that this redesignation is appropriate. In accordance with Federal regulation at 40 CFR 131.10(g), DEP has demonstrated that attaining the cold water fisheries designated use is not feasible because dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use."

F. *Benefits, Costs and Compliance*

*Benefits*—Overall, the citizens of this Commonwealth will benefit from this final-form rulemaking because it will reflect the appropriate designated use and maintain the most appropriate degree of protection for this stream. In addition, the York Water Company will benefit by being able to meet projected future water demands and ensuring an adequate water supply for its customers. The change in designation would allow water withdrawn from the Susquehanna River to be pumped, as needed, into Lake Redman for water supplies.

*Compliance Costs*—Generally, the final-form rulemaking should have no fiscal impact on or create additional compliance costs for the Commonwealth or its political subdivisions. No costs will be imposed directly upon local governments by this redesignation.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams must comply with the regulatory requirements relating to the designated use. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors.

*Compliance Assistance Plan*—The final-form rulemaking has been developed as part of an established program and is consistent with water quality standards requirements established by the Federal Clean Water Act and The Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect designated water uses.

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



*Paperwork Requirements*—This final-form rulemaking should have no direct paperwork impact on the Commonwealth, local governments, political subdivisions or the private sector. This final-form rulemaking is based on existing Department regulations.

G. *Pollution Prevention*

The water quality standards program is a major pollution prevention tool because the objective is to protect in-stream water uses.

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 September 24, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 4866 (October 5, 2002), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 27, 2003, the final-form rulemaking was deemed approved by the House and Senate Committees. The final-form rulemaking was deemed approved under section 5(g) of the Regulatory Review Act, effective August 27, 2008.

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 final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 32 Pa.B. 4866.

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

(5) This final-form rulemaking does not contain standards or requirements that exceed requirements of the companion Federal regulations.

K. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending § 93.90 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(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 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. 4643 (September 13, 2003).)*

**Fiscal Note:** 7-379. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Subpart C. PROTECTION OF NATURAL RESOURCES  
ARTICLE II. WATER RESOURCES  
CHAPTER 93. WATER QUALITY STANDARDS  
ANTIDegradation Requirements**

**§ 93.90. Drainage List O.**

**Susquehanna River Basin in Pennsylvania  
*Susquehanna River***

Stream	Zone	County					Water Uses Protected	Exceptions To Specific Criteria
		*	*	*	*	*		
4—East Branch Codorus Creek	Basin, PA 214 to Inlet of Lake Redman				York		CWF	None
4—East Branch Codorus Creek	Main Stem, Inlet of Lake Redman to Mouth				York		WWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
5—Unnamed Tributaries to East Branch Codorus Creek	Inlet of Lake Redman to Mouth	York	CWF	None
5—Inners Creek	Basin	York	CWF	None
3—Willis Run	Basin	York	WWF	None
		* * * * *		

[Pa.B. Doc. No. 03-2111. Filed for public inspection October 31, 2003, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD  
[25 PA. CODE CH. 93]**

**Stream Redesignations (Oysterville Creek, et al.)**

The Environmental Quality Board (Board) by this order amends §§ 93.9(a), 93.9f, 93.9g, 93.9n and 93.9o to read as set forth in Annex A.

This order was adopted by the Board at its meeting of May 21, 2003.

*A. Effective Date*

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

*B. Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, Harrisburg, PA 17105-8464, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (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 and Regulatory Authority*

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

*D. Background of the Final-Form Rulemaking*

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) waters designation in its ongoing review of water quality standards. In general, HQ and EV waters shall be maintained at their existing quality. The Department may identify candidates for

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

These streams were evaluated in response to five petitions, as well as a request from the Commission:

*Petitions:* Oysterville Creek (Berks County); West Branch Perkiomen Creek (Berks County); Unnamed Tributary to Chester Creek (Delaware County); Cove Creek (Bedford County); and Trout Run (York County)

*Commission:* Rambo Run (York County)

The Department's Bureau of Water Supply and Wastewater Management conducted aquatic surveys on these streams. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters). Based on the data collected in these surveys, the Board has made the designations in Annex A.

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

The Board approved the Oysterville Creek, et al. proposed rulemaking package at its March 19, 2002, meeting. The proposed rulemaking was published at 32 Pa.B. 2219 (May 4, 2002) with provision for a 45-day public comment period that closed on June 18, 2002. A request for a public hearing regarding Oysterville Creek and the West Branch Perkiomen Creek was received during the public comment period. A Board hearing was scheduled and an announcement was published at 32 Pa.B. 2994 (June 22, 2002), at which time the public comment period for these two streams was reopened. The public hearing was held in the Brandywine Heights High School in Topton (Berks County) on August 7, 2002, and the public comment period closed 2 weeks later, on August 21, 2002. Because of the public interest, the Department held a public informational meeting immediately preceding the hearing. The purposes of the meeting were to present information on the antidegradation program and the recommended redesignations of the two streams and to answer questions from the public.

Comments were received from 72 commentators and the Independent Regulatory Review Commission (IRRC) as a result of the public comment period and the public hearing. Comments were received concerning Cove Creek, Oysterville Creek, West Branch Perkiomen Creek, Rambo Run and Trout Run.

IRRC was concerned that no new biological sampling was conducted on Cove Creek. The recommended redesignation of the lower reaches of the stream to EV is based on a revised implementation method for the Percent Dominant Taxon metric. The lower portion of Cove Creek was not initially recommended for EV designation because of the dominance of a single species, a pollution-sensitive mayfly. Dominance by one taxon often indicates an aquatic community stressed by pollution. Both the Department and the Commission recognized that biological communities may be naturally dominated by one or two species or temporarily dominated by one or two taxa because their reproductive cycle has yielded large numbers of individuals over a very brief interval. The revised implementation gives this metric the highest score in a candidate stream reach if the aquatic community is dominated by a single taxon that is a pollution-sensitive species, because this condition does not indicate a pollution problem. The new scoring method was applied to the data already collected from lower Cove Creek.

A total of 50 commentators provided comments on Oysterville and West Branch Perkiomen Creeks. Of these, 38 were in favor of the proposed redesignation of portions of these basins, 8 were in opposition and 4 provided general comments. Those opposed were concerned with the possible costs of redesignation to landowners and the potential loss of property rights. The comment and response document explains that redesignation will primarily affect new or expanding point source discharges and that current activities will generally not be restricted.

There were 21 comments concerning the redesignation of Rambo Run. All supported the redesignation of the Rambo Run basin to EV.

Four commentators addressed Trout Run. Two specifically endorsed the redesignation, while the other two commentators questioned the change in the Department's recommendation from that proposed in 1997. The comment and response document explains that Trout Run was resurveyed using a more appropriate cold water reference stream. As a result, the biological condition score comparison for the upper portion of the stream fell in the regulatory range for HQ designation.

#### F. *Summary of Changes to the Proposed Rulemaking*

No changes were made to the redesignations recommended in the proposed rulemaking.

#### G. *Benefits, Cost and Compliance*

*Benefits*—Overall, the citizens of this Commonwealth will benefit from the final-form rulemaking because it will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use.

*Compliance Costs*—Generally, the final-form rulemaking should have no fiscal impact on or create additional compliance costs for the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on treatment requirements. No costs will be imposed directly upon local governments by the final-form rulemaking. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in costs.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams must comply with the regulatory requirements regarding designated and existing uses. These persons could be adversely affected if they expand a discharge or add a

new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs.

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

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

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

#### H. *Pollution Prevention*

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

#### I. *Sunset Review*

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

Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 23, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 2219, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 27, 2003, the final-form rulemaking was deemed approved by the House and Senate Committees. IRRC met on August 28, 2003, and approved the final-form rulemaking.

*K. 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, a public hearing was held and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposal published at 32 Pa.B. 2219.

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

(5) This final-form rulemaking does not contain standards or requirements that exceed requirements of the companion Federal regulations.

*L. Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9, 93.9f, 93.9g, 93.9n and 93.9o to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(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 approval and review as to legality and form, as required by law.

(c) The Chairperson 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. 4643 (September 13, 2003).)

**Fiscal Note:** 7-377. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS  
ANTIDegradation Requirements**

**§ 93.9. Designated water uses and water quality criteria.**

(a) The tables in §§ 93.9a—93.9z display designated water uses and water quality criteria in addition to the water uses and criteria specified in Tables 2 and 3. Designated uses shall be protected in accordance with Chapters 95 and 96 (relating to wastewater treatment requirements; and water quality standards implementation) and any other applicable State and Federal laws and regulations. The tables also indicate specific exceptions to Tables 2 and 3 on a stream-by-stream or segment-by-segment basis by the words “add” or “delete” followed by the appropriate symbols described elsewhere in this chapter. The county column in §§ 93.9a—93.9z indicates the county in which the mouth of the stream is located. Abbreviations used in the “Zone” column are as follows:

- T—Township Road
- LR—Pennsylvania Legislative Route
- SR—Pennsylvania State Route
- FAS—Federal Aid Secondary Highway
- US—United States Federal Route
- I—Interstate Highway
- RM—River Mile; river miles are used to indicate the distance from a point on the waterbody to its mouth and are based on the Department’s River Mile Index
- UNT—Unnamed Tributary

\* \* \* \* \*

**§ 93.9f. Drainage List F.**

**Delaware River Basin in Pennsylvania  
*Schuylkill River***

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
4—Oysterville Creek	Basin, Source to T 634 Bridge (RM 2.6)	Berks	EV	None
4—Oysterville Creek	Basin, T 634 Bridge to Confluence of UNT 01680	Berks	HQ-CWF	None
5—UNT 01680 to Oysterville Creek	Basin	Berks	CWF	None
4—Oysterville Creek	Basin, UNT 01680 to Mouth	Berks	HQ-CWF	None
4—Furnace Run	Basin	Berks	CWF	None
		* * * * *		
4—West Branch Perkiomen Creek	Basin, Source to SR 1022 Bridge (RM 12.9)	Berks	CWF	None
4—West Branch Perkiomen Creek	Basin, SR 1022 Bridge to SR 2069 Bridge (RM 8.0)	Berks	EV	None
4—West Branch Perkiomen Creek	Basin, SR 2069 Bridge to Mouth	Montgomery	CWF	None
3—Perkiomen Creek	Mainstem, Green Lane Reservoir Dam to Mouth	Montgomery	WWF, MF	None
		* * * * *		

§ 93.9g. Drainage List G.

**Delaware River Basin in Pennsylvania**  
*Delaware River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
2—Chester Creek	Basin, Source to East Branch Chester Creek	Chester	TSF, MF	None
3—East Branch Chester Creek	Basin, Source to UNT at RM 0.4 (“Goose Creek”)	Chester	TSF, MF	None
4—UNT to East Branch Chester Creek at RM 0.4 (“Goose Creek”)	Basin	Chester	WWF, MF	None
3—East Branch Chester Creek	Basin, UNT at RM 0.4 to Mouth	Chester	TSF, MF	None
2—Chester Creek	Basin, East Branch Chester Creek to Rocky Run	Delaware	TSF, MF	None
3—Rocky Run	Basin	Delaware	HQ-CWF, MF	None
2—Chester Creek	Basin, Rocky Run to Confluence with West Branch	Delaware	TSF, MF	None
3—West Branch Chester Creek	Basin, Source to Green Creek	Delaware	TSF, MF	None
4—Green Creek	Basin	Delaware	CWF, MF	None
		* * * * *		

## § 93.9n. Drainage List N.

**Susquehanna River Basin in Pennsylvania**  
***Juniata River***

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
4—Cove Creek	Basin	Bedford	EV	None
4—Snakespring Valley Run	Basin	Bedford	WWF	None
		* * * * *		

## § 93.9o. Drainage List O.

**Susquehanna River Basin in Pennsylvania**  
***Susquehanna River***

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
2—Codorus Creek	Main Stem, Oil Creek to Mouth	York	WWF	None
		* * * * *		
3—Dee Run	Basin	York	WWF	None
3—Trout Run	Basin, Source to UNT at RM 0.3	York	HQ-CWF	None
4—UNT to Trout Run at RM 0.3	Basin	York	CWF	None
3—Trout Run	Basin, UNT at RM 0.3 to Mouth	York	CWF	None
2—Wildcat Run	Basin	York	WWF	None
		* * * * *		
3—North Branch Muddy Creek	Basin, Source to Rambo Run	York	CWF	None
4—Rambo Run	Basin	York	EV	None
3—North Branch Muddy Creek	Basin, Rambo Run to Confluence with South Branch	York	CWF	None
3—South Branch Muddy Creek	Basin, Source to Confluence with North Branch	York	HQ-CWF	None
		* * * * *		

[Pa.B. Doc. No. 03-2112. Filed for public inspection October 31, 2003, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGING

### Redesignation of Area Agency on Aging for Union and Snyder Counties; Notice of Intent and Public Hearings

The Secretary of the Department of Aging (Department), under the act of June 20, 1978 (P. L. 477, No. 70) (71 P. S. §§ 581-1—581-12), in conformity with the Older Americans Act of 1965 (42 U.S.C.A. §§ 3001—3058ee), and in accordance with 6 Pa. Code Chapter 30 (relating to the designation and redesignation of area agencies on aging), intends to redesignate an area agency on aging for planning and service area (PSA) Number 17, which has the same boundaries as Union and Snyder Counties.

On September 26, 2003, the Department received a formal request from the Boards of Commissioners of Union and Snyder Counties to redesignate the area agency on aging from its county auspice to a nonprofit organization for their PSA. Before the Department can take any official action on this request from the Commissioners, the Department seeks additional information from concerned parties. This notice of intent to redesignate the area agency on aging is issued to set in motion a process which provides for a review of the requested action by all concerned parties, including the general public residing in the PSA.

The Department is required under 45 CFR 1321, implementing the Older Americans Act, and 6 Pa. Code Chapter 30 to hold public hearings on this proposed action. Accordingly, the Department will hold public hearings in Union and in Snyder Counties to provide interested parties an opportunity to present testimony regarding the following issues:

- The effectiveness of services for older persons currently being provided under the administration of the area agency on aging.

- The basis for naming a new nonprofit agency to administer those services.
- The qualifications and capabilities of a specific agency to develop and carry out an effective area plan for older persons in the PSA.
- The potential positive and negative effects of redesignation on service agency personnel, service consumers and service costs and quality.

Public hearings will be held as follows:

Tuesday, December 2, 2003 (Union County)  
 9 a.m. to 11 a.m.  
 Lewisburg Senior Center  
 116 North Second Street  
 Lewisburg, PA 17837

Tuesday, December 2, 2003 (Snyder County)  
 1 p.m. to 3 p.m.  
 Selinsgrove Senior Center  
 8 North Waters Street  
 Selinsgrove, PA 17870

Persons who wish to present oral testimony regarding these issues should contact Farida Zaid, Director, Union/Snyder County Area Agency on Aging, 116 North Second Street, Lewisburg, PA 17837, (570) 524-2100, fax (570) 524-5999, info@usaaa17.org.

The Department will also accept written testimony on these issues until Friday, December 12, 2003, from interested parties who are unable to attend the public hearings or present testimony. Written testimony should be mailed to R. Dan Ainscough, Director, Bureau of Contracts and Management, Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919.

NORA DOWD EISENHOWER,  
*Secretary*

[Pa.B. Doc. No. 03-2113. Filed for public inspection October 31, 2003, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 21, 2003.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-31-03	Northwest Bancorp, Inc., Warren, to acquire 100% of the voting shares of First Bell Bancorp, Inc., Wilmington, DE	Warren	Effective

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-17-03	Market Street Interim Bank, Camp Hill, and Pennsylvania State Bank, Camp Hill Surviving Institution— Market Street Interim Bank, Camp Hill, with a change in corporate title to "Pennsylvania State Bank," Camp Hill	Camp Hill	Approved
	Merger will be effected solely to facilitate the acquisition of Pennsylvania State Bank by The Pennsylvania State Banking Company, a bank holding company in formation.		
10-17-03	Northwest Savings Bank, Warren, and Bell Federal Savings and Loan Association of Bellevue, Pittsburgh Surviving Institution— Northwest Savings Bank, Warren	Warren	Effective
	<i>Branches Acquired by Means of Merger:</i>		
	532 Lincoln Avenue Pittsburgh Allegheny County	201 North Craig Street Pittsburgh Allegheny	
	7709 McKnight Road Pittsburgh Allegheny County	414 Beaver Street Sewickley Allegheny County	
	300 6th Ave. Building Pittsburgh Allegheny County	Route 19, Perry Highway Wexford Allegheny County	
	300 Cochran Road Pittsburgh Allegheny County		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-15-03	Farmers First Bank Lititz Lancaster County	270 Good Drive Lancaster East Hempfield Township Lancaster County	Approved
10-15-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Schenley Gardens Retirement Community 3890 Bigelow Boulevard Pittsburgh Allegheny County	Approved
10-17-03	Pennsylvania Business Bank Philadelphia Philadelphia County	1132 Cooper Street Deptford Gloucester County, NJ	Approved
10-20-03	Fulton Bank Lancaster Lancaster County	950 Willow Valley Lakes Drive West Lampeter Township Lancaster County	Approved
10-20-03	Landmark Community Bank Pittston Luzerne County	1318-20 Wyoming Ave. Forty Fort Luzerne County	Approved
10-20-03	First CornerStone Bank King of Prussia Montgomery County	368 Schuylkill Road Phoenixville Chester County	Filed



**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-14-03	Farmers and Merchants Bank and Trust Company Chambersburg Franklin County	<i>To:</i> 1712 Lincoln Way East Chambersburg Franklin County  <i>From:</i> 1805 Lincoln Way East Chambersburg Franklin County	Effective
10-17-03	Fulton Bank Lancaster Lancaster County	<i>Into:</i> 1550 Kenneth Road West Manchester Township York County  <i>From:</i> 1750 Loucks Road West Manchester Township York County	Approved
10-17-03	Fulton Bank Lancaster Lancaster County	<i>Into:</i> 185 Memory Lane Springettsbury Township York County  <i>From:</i> 2415 East Market St. Springettsbury Township York County	Approved
10-20-03	Peoples State Bank of Wyalusing, Pa. Wyalusing Bradford County	<i>To:</i> Route 6 East Wyalusing Township Bradford County  <i>From:</i> 201 Church Street Wyalusing Bradford County (Customer Services Only)	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-21-03	First Columbia Bank & Trust Company Bloomsburg Columbia County	1010 S. Market St. Bloomsburg Columbia County	Withdrawn

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-15-03	Local No. 38 and Associates Credit Union Milton Northumberland County	Milton	Effective

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

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-17-03	Montgomery County Employees Credit Union, Norristown, and American Heritage Federal Credit Union, Philadelphia Surviving Institution— American Heritage Federal Credit Union, Philadelphia	Norristown	Approved

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 03-2114. Filed for public inspection October 31, 2003, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after any public hearings are held.

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

#### I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0051535	Kenneth and Christine Lord P. O. Box 244 Eagleville, PA 19408	Montgomery County Lower Providence Township	Perkiomen Creek	Y
PA0054551	Paul and Linda Matthews 4 Fox Run Lane Newtown Square, PA 19073	Chester County Willistown Township	West tributary to Ridley Creek	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0057568	Robert and Sharon Stetson 1422 Hilltown Pike Hilltown, PA 18927	Bucks County Hilltown Township	UNT to Reading Creek	Y
PA0052761	Buckingham Valley Nursing Home 820 Durham Road P. O. Box 447 Buckingham, PA 18912	Bucks County Buckingham Township	UNT to Mill Creek	Y
PA0053015	The Country Place 1007 Rt. 313 Perkasie, PA 18944	Bucks County East Rockhill Township	UNT to Tohickon Creek	Y
PA0057517	Paul Chicos 1436 Monk Road Gladwyne, PA 19035	Montgomery County Lower Merion Township	UNT of Mill Creek	Y
PA0052787	United Mennonite Church 180 Thatcher Road Quakertown, PA 18951	Bucks County Richland Township	Tohickon Creek	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0036269 SEW	Stewartstown Borough Authority 6 North Main Street Stewartstown, PA 17363	York County Hopewell Township	Ebaugh's Creek 7I	Y
PA0086932 SEW Transfer	Yorkana Mobile Home Park 330 Ridge Road York, PA 17402	York County Lower Windsor Township	UNT Cabin Creek 7I	Y
PA0080560 SEW	TA Operating Corporation/Travel Centers of America (Harrisburg Travel Center) 24601 Center Ridge Road Suite 200 Westlake, OH 44145-5634	Dauphin County West Hanover Township	Manada Creek 7D	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>
PA0209481 Sewerage	John Glenn Sanitation, Inc. P. O. Box 683 Philipsburg, PA 16866-0683	Decatur Township Clearfield County	Shimel Run 8-D	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>
PA0222461	Sheetz, Inc. Store No. 246 5700 Sixth Avenue Altoona, PA 16602-9938	Slippery Rock Township Lawrence County	Unnamed tributary to Big Run 20-A	Y
PA0005321	Universal Rundle Corporation East Cherry Street Extension P. O. Box 1268 New Castle, PA 16102	Taylor Township Lawrence County	Shenango River 20-A	Y
PA0210510	Jim Fedor Plaza 14504 West Ridge Road West Springfield, PA 16443	Springfield Township Erie County	Unnamed tributary to Turkey Creek 15	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.*

**PA0040321**, Industrial Waste, **Thomas and Betts Corporation**, 8155 T and B Boulevard, Memphis, TN 38125. This application is for renewal of an NPDES permit to discharge treated groundwater from the groundwater remediation system on the former Thomas and Betts Manufacturing site on Park Avenue in Perkasio Borough, **Bucks County**. This is an existing discharge to an unnamed tributary to East Branch of Perkiomen Creek. The facility is currently operated by Tech Tag and Label Company.

The receiving stream is in State Water Plan watershed 3E and classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Audubon Water Company is on the Perkiomen Creek, approximately 18 miles below the point of discharge. Perkasio Borough includes residential homes with drinking water wells.

The proposed effluent limits for Outfall 001, based on an average flow of 43,200 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Annual (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Tetrachloroethylene		Monitor and Report	Monitor and Report
1,1,1 Trichloroethane		Monitor and Report	Monitor and Report
Trichloroethylene		0.003	0.036
pH	within limits of 6.0—9.0 standard units at all times		

Major Permit Conditions: Discharge is directed to an intermittent stream that is typically a dry stream without the benefit of dilution; the permittee shall monitor the influent to the remediation system quarterly for the effluent parameters listed previously and submit this information on the Discharge Monitoring Reports.

The EPA waiver is in effect.

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

**PA0064301**, Sewage, **Alfonso Bellucci**, 685 South Mountain Boulevard, Mountain Top, PA 18707. This proposed facility is in Dorrance Township, **Luzerne County**.

Description of Proposed Activity: Issuance of new NPDES permit for a sewage discharge.

The receiving stream, unnamed tributary to Big Wapwalopen Creek, is in the State Water Plan watershed no. 5B and is classified for CWF. The nearest downstream public water supply intake for the Danville Borough Water Authority is on the Susquehanna River, over 35 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 600 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Nitrate	10	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine	1.2	

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

**PA0219410**, Industrial Waste, NAICS, 112511, **Duquesne Light Company**, 411 Seventh Avenue, MD-16-711, Pittsburgh, PA 15230-1930. This application is for issuance of an NPDES permit to discharge water from aquaculture facility no. 1 in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, Whiteley Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Masontown Municipal Water Works, 2 Court Ave., Masontown, PA 15461, 2.9 miles below the discharge point.

*Outfall 002: new discharge, average flow of 1.5 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended solids			35	70	
CBOD <sub>5</sub>			9	18	
Ammonia-Nitrogen			2.0	4.0	
Iron			1.53	3.06	
Manganese			1.02	2.04	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PAS706101, Amendment No. 1**, Industrial Waste, SIC 2951, **Derry Construction Company, Inc.**, R. D. 5, Box 34, Latrobe, PA 15650. This application is for an amendment of an NPDES permit to discharge untreated stormwater from the Delmont Facility in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Beaver Run, classified as a HQ CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Westmoreland Water Authority at Beaver Run Dam, 10 miles below the discharge point.

*Outfall 003*: existing stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30		60
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0 standard units				

The EPA waiver is in effect.

**PA0033341**, Sewage, **Robert McKool**, 1115 Pine Crest Boulevard, Johnstown, PA 15905. This application is for renewal of an NPDES permit to discharge treated sewage from Pine Crest Estates Mobile Home Park Sewage Treatment Plant in Conemaugh Township, **Somerset County**.

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

*Outfall 001*: existing discharge, design flow of .022 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen	15			30
Phosphorus	Monitor and Report			
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

*Outfall 101*: existing discharge prior to polishing pond, design flow of .022 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen		Monitor and Report		
Phosphorus		Monitor and Report		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/ml as a geometric mean			
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

EPA waiver is in effect.

**PA0037958**, Sewage, **Center Township Sewer Authority**, 225 Center Grange Road, Aliquippa, PA 15001. This application is for renewal of an NPDES permit to discharge treated sewage from the Moon Run Sewage Treatment Plant in Center Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio 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 Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of 0.5 mgd.

Parameter	Concentration (mg/l)			Instantaneous Maximum
	Average Monthly	Average Weekly	Maximum Daily	
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
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.

**PA0239313**, Sewage, **John Graham SRSTP**, 25301 Maple Grove Road, Union City, PA 16438. This proposed facility is in Bloomfield Township, **Crawford County**.

Description of Proposed Activity: New existing discharge of treated sewage.

The receiving water, an unnamed tributary to Mosey Run, is in State Water Plan 16-E and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply is the Emlenton Water Company on the Allegheny River, approximately 85 miles below the point of discharge.

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

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

XX—Monitoring only.

The EPA waiver is in effect.

**PA0239372**, Sewage, **Eva Tataseo SRSTP**, 47 Hermitage Hills Blvd., Hermitage, PA 16148. This proposed facility is in South Pymatuning Township, **Mercer County**.

Description of Proposed Activity: Discharge of treated sewage.

The receiving water, an unnamed tributary to McCullough Run, is in State Water Plan 20-A and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply is the Consumer Pennsylvania Water Company on the Shenango River, approximately 5 miles below the point of discharge.

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

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

XX—Monitor and report.

The EPA waiver is in effect.

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

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

**WQM Permit No. 4803405**, **Forks Township**, 1606 Sullivan Trail, Easton, PA 18040. This proposed facility is in Hanover Township, **Northampton County**.

Description of Proposed Action/Activity: This project is for the reconstruction of the existing Frost Hollow Pump Station on Meadow Lane, Hanover Township, Northampton County.

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

**WQM Permit No. 0603409**, Sewerage, **Frank Stramalgia**, 2125 Georgia Road, Temple, PA 19560. This proposed facility is in Muhlenberg Township, **Berks County**.

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

**WQM Permit No. 6703409**, Sewerage, **Nancy Looney**, 14 Chapin Lane, Austin, TX 78746. This proposed facility is in Warrington Township, **York County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their residence at 800 Fickes Road, Dillsburg.

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

**WQM Permit No. 5601405-A1**, Sewerage, **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622. This proposed facility is in Jefferson and Middlecreek Townships, **Somerset County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Pheasant Run Farms sewerage extension and pumping station.

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

**WQM Permit No. 4303415**, Sewerage, **Craig V. and Julie K. King**, 2552 Mercer-Butler Pike, Grove City, PA 16127. This proposed facility is in Liberty Township, **Mercer County**.

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

**WQM Permit No. 2503427**, Sewerage, **Audrey L. Sanford**, 2225 Poplar Street, Apt. 1, Erie, PA 16502. This proposed facility is in Greene Township, **Erie County**.

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

**WQM Permit No. 1003415**, Sewerage, **Michael's Restaurant and Motel**, 970 New Castle Road, Butler, PA 16001. This proposed facility is in Franklin Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to replace two malfunctioning on-lot septic systems.

**WQM Permit No. 4303416**, Sewerage, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This proposed facility is in City of Hermitage, **Mercer County**.

Description of Proposed Action/Activity: This project is for improvements and upgrade to the Bobby Run treatment facility and gravity sewers and forcemain to serve a rural residential area of South Darby and Miller Road to replace malfunctioning on-lot systems.

**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>
PAG133701	North Annville Township R. R. 3 Annville, PA 17003	Lebanon	North Annville Township	Swatara Creek CWF Quittapahilla Creek TSF Killing 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>
PAI136126	Beaver County 810 Third Street Beaver, PA 15009-2145	Beaver	Beaver County	Y
PAI136127	Mount Pleasant Township P. O. Box 158 Mammoth, PA 15664	Westmoreland	Mount Pleasant Township	Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI138301	Millcreek Township 3608 W. 26th St. Erie, PA 16506	Erie	Millcreek Township	Lake Erie CWF Walnut Creek CWF/MF UNT to Walnut Creek CWF; MF Mill Creek WWF; MF UNT to Cascade Creek WWF; MF Thomas Run HQ-CWF; MF	Y
PAI138303	Fairview Township 7471 McCray Road Fairview, PA 16415	Erie	Fairview Township	Lake Erie CWF UNT to Lake Erie CWF; MF Elk Creek WWF; MF UNT to Elk Creek CWF; MF Goodban Run CWF; MF Falk Run CWF; MF Little Elk Creek CWF; MF Brandy Run CWF; MF Godfrey Run HQ-CWF; MF Trout Run CWF; MF Walnut Creek CWF; MF UNT to Walnut Creek CWF; MF Bear Run CWF; MF	Y
PAI138304	Buffalo Township 109 Bear Creek Rd. Sarver, PA 16055	Butler	Buffalo Township	Buffalo Creek TSF Little Buffalo Creek HQ-TSF UNT to Little Buffalo Creek HQ-TSF UNT to Bull Creek TSF	Y
PAI138305	Harborcreek Township 5601 Buffalo Rd. Harborcreek, PA 16421	Erie	Harborcreek Township	Fourmile Creek WWF; MF Sixmile Creek CWF; MF Sevenmile Creek CWF; MF Eightmile Creek CWF; MF Twelvemile Creek HQ-CWF; MF UNT to Lake Erie CWF; MF	Y



<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>
PAI138307	City of Farrell 500 Roemer Blvd. Farrel, PA 16121-1901	Mercer	City of Farrell	Shenango River WWF Pine Run WWF Bobby Run WWF	Y
PAI138308	City of Sharon 115 W. Connelly Blvd. Sharon, PA 16146-1717	Mercer	City of Sharon	Shenango River WWF Pine Run WWF Thornton Run WWF	Y

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


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

<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Waiver Granted (Y/N)</i>
Luzerne Borough 144 Academy St. Luzerne, PA 18709	Luzerne	Luzerne Borough	Toby's Creek TSF	Y
Archbald Borough 400 Church Street Archbald, PA 18403	Lackawanna	Archbald Borough	Lackawanna River CWF Aylesworth Creek CWF Laurel Run CWF White Oak Run CWF Wildcat Creek CWF	Y

*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>
PAG133701	North Annville Township R. R. 3 Annville, PA 17003	Lebanon	North Annville Township	Swatara Creek CWF Quittapahilla Creek TSF Killingier 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>
PAG136301	Bullskin Township 178 Shenandoah Road Connellsville, PA 15425	Fayette	Bullskin Township	Y
PAG136302	Adamsburg Borough P. O. Box 16 Adamsburg, PA 15611	Westmoreland	Adamsburg Borough	Y

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


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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503091	West Whiteland Township Boot Road Park 222 North Pottstown Pike Exton, PA 19341	Chester	West Whiteland Township	Valley Creek CWF, MF Broad Run HQ-CWF, MF
PAI011503092	Angelo Popolizio Property 2410 West Chester Road Coatesville, PA 19320-4727	Chester	West Bradford Township	Unnamed tributary to West Branch Brandywine Creek EV
PAI011503093	Toll Brothers Ewing Track South 325 Fellowship Road Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Pickering Creek HQ
PAI011503094	US Supply Company Proposed Storage Facility 50 Portlane Road West Conshohocken, PA 19428	Chester	East Vincent Township	Schuylkill River HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503016	T. W. M. C. LLP P. O. Box 1307 Marshalls Creek, PA 18335	Monroe	Smithfield Township	UNT Pond Creek HQ-CWF
PAI024503017	Tarisa, LLC P. O. Box 159 Shippers Road Macungie, PA 18062	Monroe	Middle Smithfield Township	Sand Hill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903040	Eric Griesemer Griesemer/Polsinelli, LLC P. O. Box 170 Coopersburg, PA 18036	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803032	Thomas Houser 505 9th Ave. Bethlehem, PA 18045	Northampton	Williams Township	Frya Run HQ-CWF, MF
PAI024803033	Ashley Development Corp. 559 Main St., Suite 300 Bethlehem, PA 18018	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF
PAI024803031	Daniel Koziel, President Aaron Homes 3245 Chestnut Hill Rd. Center Valley, PA 18034	Northampton	Bethlehem Township	Bushkill Creek HQ-CWF

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

Potter County Conservation District: 107 Market St., Coudersport, PA 16915, (814) 274-8411.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045303003	Roulette Township R. R. 1 Roulette, PA 16746	Potter	Roulette Township	Fishing Creek CWF Laniger Creek HQ-CWF Allegheny River 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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132257	Ransom Township 2435 Hickory Lane Clarks Summit, PA 18411	Lackawanna	Ransom Township	Lindy Creek tributary to Keyser Creek CWF	Y
PAG132267	Abington Township P. O. Box 8 Waverly, PA 18657	Lackawanna	Abington Township	Ackerly Creek TSF	Y
PAG132266	Yatesville Borough 33 Pittston Avenue Yatesville, PA 18640	Luzerne	Yatesville Borough	Unnamed tributary to Susquehanna River CWF	Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG138329	City of Butler 140 West North Street Butler, PA 16001	Butler	City of Butler	Connoquenessing Creek Unnamed tributaries to Connoquenessing Creek Sullivan Run Coal Run	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>
PAG136301	Bullskin Township 178 Shenandoah Road Connellsville, PA 15425	Fayette	Bullskin Township	Y
PAG136302	Adamsburg Borough P. O. Box 16 Adamsburg, PA 15611	Westmoreland	Adamsburg Borough	Y
PAG136303	Pleasant Hills Borough 410 East Bruceton Road Pittsburgh, PA 15236	Allegheny	Pleasant Hills Borough	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136304	Baden Borough 149 State Street Baden, PA 15005	Beaver	Baden Borough	Y
PAG136305	Uniontown City 20 North Gallatin Avenue Uniontown, PA 15401	Fayette	Uniontown City	Y
PAG136306	Marshall Township P. O. Box 2094 Warrendale, PA 15086	Allegheny	Marshall Township	Y
PAG136307	West Homestead Borough 401 West 8th Avenue West Homestead, PA 15120	Allegheny	West Homestead Borough	Y
PAG136308	North Sewickley Township 893 Mercer Road Beaver Falls, PA 15010	Beaver	North Sewickley Township	Y
PAG136309	Richland Township 4011 Dickey Road Gibsonia, PA 15044	Allegheny	Richland Township	Y
PAG136310	Oakdale Borough 6115 Noblestown Road Oakdale, PA 15071	Allegheny	Oakdale Borough	Y
PAG136311	North Union Township 7 South Evans Station Road Lemont Furnace, PA 15456	Fayette	North Union 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)

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

**Permit No. 5403504**, Public Water Supply.

Applicant	<b>Borough of Schuylkill Haven</b>
Township or Borough	North Manheim Township <b>Schuylkill County</b>
Responsible Official	Jack B. Travis, Borough Treasurer Schuylkill Haven Borough Building 12 West Main Street Schuylkill Haven, PA 17972-1900 (570) 385-8241
Type of Facility	Community Water System
Consulting Engineer	James P. Palumbo, Jr., P. E. Quad Three Group, Inc. 37 North Washington Street Wilkes-Barre, PA 18701 (570) 829-4200
Application Received Date	October 3, 2003
Description of Action	The application involves construction of a new 2 MGD water filtration plant and a 150,000-gallon elevated water storage tank to serve the Chestnut Hill Development. The project also includes demolition/modification of the existing Tumbling Run Water Treatment Plant for conversion to a raw water pump station.

**Permit No. 4503506**, Public Water Supply.

Applicant **Pocono Springs Company**  
 Township or Borough **Coolbaugh Township, Monroe County**  
 Responsible Official **William Sardegna, Operations Manager**  
 Pocono Springs Company  
 P. O. Box 787  
 Mount Pocono, PA 18344

Type of Facility **Bottled Water System**  
 Consulting Engineer **Brian P. Swanson, P. E.**  
 Swanson Engineering, P. C.  
 435 Green Ridge Street  
 Scranton, PA 18509

Application Received Date **October 14, 2003**

Description of Action **The Pocono Springs Company is proposing to add distilled and fluoridated water product lines to their facility in Coolbaugh Township, Monroe County. The existing bottling train and storage silos will be used. The existing ozonation system will be used to maintain residual in the storage silos. The facility will be dedicated to the production of an individual product over the desired production cycle time, either spring water, fluoridated water or distilled water. The distillation facility will bring an existing, currently unused, storage silo online with a new ozone feed. Raw water for the distillation line will be supplied from PAWC public system.**

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

**Permit No. 4403501**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Lewistown**  
 Municipality **Armagh Township**  
 County **Mifflin**  
 Responsible Official **Harris Layton**  
 70 Chestnut St.  
 Lewistown, PA 17044

Type of Facility **PWS**  
 Consulting Engineer **Dennis P. Lingenfelter, P. E.**  
 Uni-Tec Consulting Engineers Inc.  
 2007 Cato Avenue  
 State College, PA 16801

Application Received Date **August 22, 2003**

Description of Action **Replacing existing chlorine gas disinfection system with new onsite sodium hypo-chlorite generation system.**

**Permit No. 0603512**, Public Water Supply.

Applicant **Heritage Building Group Land Division**  
 Municipality **Union Township**  
 County **Berks**  
 Responsible Official **Richard R. Carroll Jr.**  
 Vice President  
 3326 Old York Road, Suite 4100  
 Furlong, PA 18925

Type of Facility **PWS**  
 Consulting Engineer **Mark S. Geosits, P. E.**  
 Schoor DePalma Inc.  
 1555 Bustard Road Suite 5DT  
 Suite 4100  
 Kulpsville, PA 19443-0304

Application Received Date **September 19, 2003**

Description of Action **This PWS permit application is for the construction of a new community water system. The proposed facilities include two wells, a pump house/treatment building, 185,000-gallon finished water storage tank and distribution system.**

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

**Application No. 1403505—Construction.** Public Water Supply.

Applicant **The Pennsylvania State University**  
 University Park, PA 16802-1118

Township **College Township, Centre County**

Responsible Official **Robert E. Cooper, P. E.**  
 Manager, Engineering Services  
 Pennsylvania State University  
 University Park, PA 16802-1118

Type of Facility **PWS**  
 Consulting Engineer **Buchart-Horn, Inc.**  
 Jeffrey S. Culton, P. E.  
 445 West Philadelphia Street  
 P. O. Box 15040  
 York, PA 17405-7040

Application Received Date **October 14, 2003**

Description of Action **Build air stripping towers using packed column aeration to remove Tetrachloroethylene from groundwater wells.**

**Application No. 1403503—Construction.** Public Water Supply.

Applicant **Spring Township Water Authority**  
 1309 Blanchard Street  
 Bellefonte, PA 16823-8625

Township **Spring Township, Centre County**

Responsible Official Paul M. Meister, P. E.  
Uni-Tec Consulting Engineers,  
Inc.  
2007 Cato Avenue  
State College, PA 16801

Type of Facility PWS

Consulting Engineer Paul M. Meister, P. E.  
Uni-Tec Consulting Engineers,  
Inc.  
2007 Cato Avenue  
State College, PA 16801

Application Received Date October 1, 2003

Description of Action Project includes the Pleasant Gap pump station, refurbishment of the 300,000-gallon Pleasant Gap reservoir and approximately 2,725 feet of 10-inch DI pipeline on Mulbarger Road (replacing the proposed 8-inch pipeline) and a submersible well pump capable of 1,000 gallons per minute (replacing the former well pump).

**Application No. 4596431-Amendment 2—Construction.** Public Water Supply.

Applicant **Cedar Mountain Springs Water Company**  
William E. Merkle, Owner  
Box 17  
Gaines, PA 16921

Township Elk Township, **Tioga County**

Responsible Official William E. Merkle, Owner  
Box 17  
Gaines, PA 16921

Type of Facility PWS

Consulting Engineer Peter G. Titlow, P. E.  
R. R. 1, Box 128B  
Tioga, PA 16946

Application Received Date August 15, 2003

Description of Action Install polishing filters in bottled water plant.

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

**Permit No. 0303502,** Public Water Supply.

Applicant **Parker Area Authority**  
P. O. Box 342  
Parker, PA 16049

Township or Borough Parker City

Responsible Official Donald Lowe, Chairperson  
Parker Area Authority  
P. O. Box 342  
Parker, PA 16049

Type of Facility Water Treatment Plant

Consulting Engineer Gray-Warnick Engineering  
662 West New Castle Road  
Butler, PA 16001

Application Received Date September 29, 2003

Description of Action Resubmittal of application for additions to the existing water treatment facilities including a new filtration package plant to replace existing filters, mixing/flocculation tank and process piping.

**Permit No. 1103504,** Public Water Supply.

Applicant **West Carroll Township Water and Sewer Authority**  
P. O. Box 328  
Elmora, PA 15737

Township or Borough West Carroll Township

Responsible Official John Thurman, Chairperson  
West Carroll Township Water and Sewer Authority  
P. O. Box 328  
Elmora, PA 15737

Type of Facility Water Treatment Plant

Consulting Engineer Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive, Suite B  
Altoona, PA 16602

Application Received Date August 29, 2003

Description of Action Addition of filter-to-waste piping at the St. Benedict water treatment facilities.

**Permit No. 1103505,** Public Water Supply.

Applicant **West Carroll Township Water and Sewer Authority**  
P. O. Box 328  
Elmora, PA 15737

Township or Borough West Carroll Township

Responsible Official John Thurman, Chairperson  
West Carroll Township Water and Sewer Authority  
P. O. Box 328  
Elmora, PA 15737

Type of Facility Water Treatment Plant

Consulting Engineer Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive, Suite B  
Altoona, PA 16602

Application Received Date August 29, 2003

Description of Action Addition of filter-to-waste piping at the Bakerton water treatment facilities.

**MINOR AMENDMENT**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

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

**Application No. Minor Amendment.**

Applicant **City of Allentown**

Township or Borough South Whitehall Township,  
**Lehigh County**

Responsible Official	Joseph McMahon, Manager of Operations 435 Hamilton Street Allentown, PA 18101 (610) 437-7643
Type of Facility	Community Water System
Consulting Engineer	David A. Brinjac, P. E. BRINJAC Engineering, Inc. 114 North Second Street Harrisburg, PA 17101 (717) 233-4502
Application Received Date	August 27, 2003
Description of Action	The application seeks approval for installation of an onsite sodium hypo-chlorite generation system at its Schantz Spring Water Treatment Plant to replace the existing chlorine treatment system. The modification will require expansion of the existing pump house facility. In addition, the application seeks approval for a second onsite sodium hypo-chlorite generation system to be at the South Mountain Reservoir Storage Facility to boost the chlorine residual of the finished water stored at the facility prior to distribution.

#### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) regarding the acquisition of rights to divert waters of this Commonwealth

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

**WA46-372A.** Water Allocations, **Borough of East Greenville**, 206 Main Street, East Greenville, PA 10841, Upper Hanover Township, **Montgomery County**. Renewal of the existing 350,000 gallons per day Water Allocation Permit No. WA46-372A.

**WA15-67H.** Water Allocations, **Pennsylvania Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, Caln, East Brandywine and West Brandywine Townships, **Chester County**. Philadelphia Suburban Water Company requests the rights to purchase up to 500,000 gallons per day from the Downingtown Municipal Water Authority.

#### BIOSOLIDS INDIVIDUAL PERMITS (PABIG AND PABIS)

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible

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

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

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

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

*Bureau of Water Quality Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 787-8184.*

**PABIG 9902, Unified Environmental Services Group, LLC**, 130 Brainards Road, Phillipsburg, NJ has applied to have their biosolids approved for beneficial use by land application.

#### 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:

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

**GTE Muncy**, Muncy Township, **Lycoming County**. Manko, Gold, Katcher & Fox, LLP on behalf of Clint GTE Operations Support, Inc., 600 Hidden Ridge Drive, Irving, TX 75038, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, fuel oil no. 2, inorganics, leaded gasoline, other organics and unleaded gasoline. The applicant proposes to remediate site soils 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 15, 2003.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

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

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

#### *Renewal Applications Received*

**Environmental Options Group, Inc.**, 18 Water Street—Tuckertown, Reading, PA 19605, License No. PA-HC 0131. Received on September 9, 2003.

**Med-Trac, Inc.**, 715 William Pitt Highway, Pittsburgh, PA 15238, License No. PA-HC 0086. Received on September 18, 2003.

**Omega Medical Laboratories, Inc.**, 2001 State Hill Road, Wyomissing, PA 19610, License No. PA-HC 0042. Received on September 29, 2003.

**S. H. Bio-Waste Ltd.**, P. O. Box 1866, Norristown, PA 19401-1866, License No. PA-HC 0096. Received on October 1, 2003.

**Verity Medical, Inc.**, P. O. Box 7722, Warren, OH 44483, License No. PA-HC 0212. Received on October 10, 2003.

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

**Permit Application No. 100933. Alliance Sanitary Landfill, Inc.**, 398 South Keyser Avenue, Taylor, PA 18517. An application for the community landscape project (demonstration project) designed to implement and evaluate several vegetative cover alternatives that may offer viable options to the commonly accepted practice of hydro-seeding grasses at this municipal waste landfill in Taylor Borough and Ransom Township, **Lackawanna County**. The application was received in the Regional Office on September 5, 2003. As of September 30, 2003, it was found to be administratively complete.

**Permit Application No. 301295. Hazleton Oil Salvage, Ltd.**, P. O. Box 2339, Hazleton, PA 18072. An application for a name change to Hazleton Oil and Environmental, Inc. and an increase in the overall storage capacity from 249,000 to 347,600 gallons at this residual waste processing facility in Banks Township, **Carbon County**. The application was received in the Regional Office on August 13, 2003. As of September 17, 2003, it was found to be administratively complete.

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

**Permit ID No. 100172. Arden Landfill, Inc.**, 625 Cherrington Parkway, Moon Township, PA 15108. Arden Landfill, 200 Rangos Lane, Washington, PA 15301. Application for a permit renewal of a municipal waste landfill in Chartiers Township, **Washington County**, was received in the Regional Office on October 16, 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.*

**48-306-008D: Northampton Generating Co. LP** (1 Horwith Drive, Northampton, PA 18067) for amendment of the Title V Permit (48-00021) to include an alternative fuel for combustion in the fluidized bed combustion unit at their facility in Northampton Borough, **Northampton County**. The alternative fuel will be high carbon ash and no atmospheric emission changes are anticipated.

**40-305-023: Northampton Fuel Supply Co., Inc.** (7500 Old Georgetown Road, Suite 13, Bethesda, MD 20814) for construction of a coal culm bank processing plant at the Prospect Bank in Plains Township, **Luzerne County**.

**54-322-004: Pine Grove Landfill Inc.** (P. O. Box 307, Pine Grove, PA 17963) for an increase in landfill capacity and the replacement of the two existing landfill gas system flares with a single larger unit at their municipal waste landfill on Schultz Road, Pine Grove Township, **Schuylkill County**.

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

**28-03045: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) for construction of two natural gas fired gas turbine driven natural gas compressors to back up existing electric compressors and an emergency generator at its Chambersburg Station in

Hamilton Township, **Franklin County**. The primary emissions from the sources are NOx of 72 tons per year. The gas turbines are subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines. These sources are controlled by low NOx combustors.

**67-03078A: Snyder's of Hanover** (P. O. Box 917, Hanover, PA 17331-6917) for construction of a pellet fryer controlled by oil mist eliminator in Penn Township, **York County**. The primary emissions from the sources are particulate matter of about 5 tons per year.

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

**32-00368B: T. J. S. Mining** (R. D. 1, Box 260D, Shelocta, PA 15774) for installation of screening and truck loading operation at Rossmoyer No. 1 Deep Mine in South Mahoning, **Indiana County**.

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

**37-0237A: Essroc Cement—McQuiston Plant** (300 Small Ferry Road, Bessemer, PA 16112) for reactivation of a limestone crushing and screening plant controlled with a baghouse in North Beaver Township, **Lawrence County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**AMS 03163: Sunoco Inc.—R and M** (3144 Passyunk Avenue, Philadelphia, PA 19145) for the reactivation of alkylation unit 869 in Philadelphia, **Philadelphia County**.

**AMS 03164: Karabinchak Brothers Inc.** (10 Liberty Street, Edison, NJ 08837) for installation of a portable concrete crusher in Philadelphia, **Philadelphia County**.

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

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

**46-0169C: H and N Packaging, Inc.** (92 County Line Road, Colmar, PA 18915) for installation of a wax laminator/flexographic printing station and one dryer at an existing facility in Hatfield Township, **Montgomery County**. This facility is a non-Title V facility. The VOC emissions from the facility will be capped at 24.7 tons per year so this facility will remain a minor facility. The existing thermal oxidizer will be the control device for this new source. The Plan Approval will contain record-keeping, operating and performance testing requirements designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**40-399-052: Bridon American Corp.** (P. O. Box 6000, Wilkes-Barre, PA 18706) for installation of a fabric collec-

tor to collect soap dust at their facility in Hanover Township, **Luzerne County**. This manufacturing facility is not a Title V facility. The installation of the fabric collector will result in particulate emissions of less than 1 ton per year. The plan approval will include all appropriate monitoring, recordkeeping, inspection and reporting requirements designed to keep the device operating within all applicable air quality requirements.

**45-00017: Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231) for administrative amendment to include operation of a vertical shaft impact crusher at the company's Stroudsburg Quarry in Hamilton Township, **Monroe County**. The crusher is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources. The State-only operating permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

**06-03029B: Yuasa Battery, Inc.** (2900 Montrose Avenue, Reading, PA 19605) for modification of a lead/acid storage battery assembly line controlled by a fabric collector in the Borough of Laureldale, **Berks County**. The facility is a non-Title V (State-only) facility. The facility is subject to 40 CFR Part 60, Subpart KK—Standards of Performance for New Stationary Sources. The modification will result in no changes in the potential emissions. The approval will include limits, monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**06-05090B: Chiyoda America, Inc.** (P. O. Box 470, Morgantown, PA 19543-0470) for installation of an activated carbon filter to control the VOC emissions from the facility's Color Lab and QC/QA area in Caernarvon Township, **Berks County**. The facility is a non-Title V (State-only) facility. The facility's VOC emissions are limited to less than 50 tons per year. The approval will contain VOC emission limits as well as monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

The soil vapor extraction system will be used to extract VOCs and volatile HAPs from soil which has been contaminated by petroleum products (gasoline, and the like). All vapors extracted from the contaminated soil will be directed to the biofilter which will consist of a 900 square foot surface area mulch bed in which the VOCs and volatile HAPs contained in the vapors will decompose due to the presence of microorganisms. The resultant emission of combined VOCs and volatile HAPs to the atmosphere will be no greater than 3.6 tons per year.

The Department has determined that the proposed construction and installation will comply with all applicable regulatory requirements pertaining to air contami-

nation sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue a plan approval.

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

1. All vapors from the soil vapor extraction system shall be directed to the biofilter.

2. The total volume of gases (soil vapors and ambient air) directed to the biofilter shall never exceed 600 cubic feet per minute.

3. The biofilter bed surface shall be 30 feet long by 30 feet wide and the bed shall contain at least 213 cubic yards of filter material (mulch).

4. The biofilter shall achieve a combined VOC and volatile HAP destruction and removal efficiency of at least 92% at all times, including initial startup of the biofilter. Additionally, the total combined VOC and volatile HAP emissions from the biofilter shall not exceed 3.6 tons in any 12 consecutive month period.

5. Upon startup of the soil vapor extraction system and biofilter, the soil vapors from the soil vapor extraction system shall be diluted with ambient air so that the resultant gas stream ducted to the biofilter consists of 10% soil vapors and 90% ambient air (by volume). The percentage of soil vapors shall thereafter be gradually increased and the percentage of ambient air decreased until the gas stream to the biofilter is 100% soil vapors.

6. The permittee shall monitor and record the total flow of all gases to the biofilter, the biofilter influent gas humidity, the biofilter bed temperature, the concentration of VOC/volatile HAPs at the biofilter bed inlet and the concentration of VOC/volatile HAPs emitted from the biofilter bed surface. The permittee shall additionally perform visible inspections of the biofilter bed surface and the biofilter air handling system. The monitoring and inspection shall be performed frequently enough prior to the introduction of 100% soil vapors to the biofilter to ensure compliance with the 92% destruction and removal efficiency requirement and shall thereafter be performed on a weekly basis for the remainder of the first 90 days of operation and twice per month thereafter.

**49-00024B: Sunbury Property, LLC, owner and Knight-Celotex, LLC, operator** (1400 Susquehanna Avenue, Sunbury, PA 17801) for construction of a fiberboard sanding operation in the City of Sunbury, **Northumberland County**. The respective facility is a major facility for which a Title V Operating Permit (No. 49-00024) has been issued.

The particulate matter emissions from the proposed fiberboard sanding operation will be controlled by a cyclone collector and a cartridge collector operating in series. The resultant particulate matter emissions to the atmosphere will be no greater than 2.55 tons in any 12 consecutive month period and are actually expected to be significantly less.

The Department has determined that the fiberboard sanding operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue plan approval for the construction of the respective fiberboard sanding operation.

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

1. The particulate matter emissions from the exhaust of the cartridge collector shall not exceed .01 grain per dry standard cubic foot of exhaust.

2. At no time shall there be any visible air contaminant emissions from the exhaust of the cartridge collector (other than water vapor or steam).

3. The cartridge collector shall be equipped with instrumentation to monitor the pressure differential across the collector on a continuous basis.

4. The air compressor used to supply compressed air to the cartridge collector shall be equipped with an air dryer and oil trap.

5. Spare cartridges for the cartridge collector shall be kept on hand.

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

**03091: Naval Surface Warfare Center—Carderock Division—Ship Systems Engineering Station—NSWCCD-SSES** (5001 South Broad Street, Philadelphia, PA 19112) authorization of construction in the City of Philadelphia, **Philadelphia County**.

The City of Philadelphia Department of Public Health Air Management Services (AMS) proposes to issue Plan Approval No. 03091 This Plan Approval authorizes the construction of the following air contaminant source at the facility:

A marine gas turbine (MGT) test cell for the testing of various marine gas turbines. The test cell will be in Building 633. Only one turbine will be tested at a time, the largest of which is rated at 35,000 hp.

1. Emissions from the MGT test cell will not exceed the following limits in any 12-month rolling period:

Pollutant	Tons
NOx	171.00
CO	4.89
SO <sub>2</sub>	25.70
PM/PM10	3.86
VOC	0.30

2. This source is subject to Federal Prevention of Significant Deterioration regulations for NO<sub>2</sub> and is required to do modeling. The maximum NO<sub>2</sub> increment consumption for the test cell, as determined by modeling, is 6.4 µg/m<sup>3</sup>.

3. This source is subject to State New Source Review regulations and is required to offset its NOx emissions. NSWCCD-SSES will offset a total of 195.7 tons of NOx with either NOx or VOC emission reduction credits at the ratio of 1.3 to 1 or 1.69 to 1, respectively. The certified ERCs shall be transferred by the Department to NSWCCD-SSES prior to commencement of operation of the proposed test cell.

4. This plan approval includes conditions to ensure that emission limits are not exceeded. The conditions include limits on the quantity and quality of fuel used and requirements for stack testing, monitoring and record-keeping.

Copies of the application and other pertinent documents are available for public inspection at AMS, Room

218, 321 University Avenue, Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents should contact Karol Bowman, (215) 685-7572.

The comment period on this plan approval ends on December 1, 2003. Comments must be postmarked by the last day of the comment period and sent directly to AMS. AMS may, at its discretion, hold a public hearing. Written requests to hold a hearing must be received before November 17, 2003. A public hearing, if held, will begin at 7 p.m. on December 2, 2003, at the Philadelphia Naval Business Center, Building 4, Auditorium, 5001 South Broad St., Philadelphia, PA 19112.

**AMS 03164: Karabinchak Brothers, Inc.** (10 Liberty Street, Edison, NJ 08837) for installation of a concrete crusher in the City of Philadelphia, **Philadelphia County**. One ton of NOx emissions is expected from the temporary operation. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

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

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

**09-00041: Hines Horticulture, Inc.** (6071 Durham Road, Pipersville, 18947). This is action is a renewal of the Title V Operating Permit in Plumstead Township, **Bucks County**. The initial permit was issued on August 22, 1997. The facility is a wholesale greenhouse and has several boilers (fired on natural gas and/or no. 2 fuel oil and one diesel-fired emergency generator). As a result of potential emissions of NOx, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**06-05014: Garden State Tanning Co.** (16 South Franklin Street, Fleetwood, PA 19522) for operation of a leather finishing operating facility (Fleetwood Plant) in the Borough of Fleetwood, **Berks County**. The facility is subject to 40 CFR Part 63, Subpart TTTT—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations. This action is a renewal of the Title V Operating Permit issued in 1998.

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

**49-00009: Mohawk Flush Doors, Inc.** (U. S. Route 11, P. O. Box 112, Northumberland, PA 17857) the Department intends to issue a revised Title V Operating Permit for their wood door/door components manufacturing facility in Point Township, **Northumberland County** under

25 Pa. Code §§ 127.521 and 127.541. The Title V operating permit revision is to incorporate revised Reasonably Available Control Technology requirements into the operating permit for a wood door/door component prefinish line and three associated spray booths. In addition, this revision also incorporates the name change from Premdor Corporation to Mohawk Flush Doors, Inc. and the applicability of 25 Pa. Code § 129.63(a) to the Graymills Model DMD236 parts cleaner. The Mohawk Flush Doors, Inc. representative to contact regarding this project is Paul Dalkiewicz, Human Resource Manager.

**18-00007: Brodart Co.** (500 Arch Street, Williamsport, PA 17705) for their Brodart McElhattan facility in Wayne Township, **Clinton County**. The facility's sources include 2 boilers, 1 hot water heater, 2 air make up combustion units, 12 paint booths, woodworking operations, 2 process ovens, 1 emergency generator, gluing operations, 2 solvent parts washers, 1 welding booth and 1 no. 2 fuel oil tank. The facility has the potential to emit major quantities of PM<sub>10</sub>, VOCs and HAPs. The facility has the potential to emit NO<sub>x</sub>, CO and SO<sub>x</sub> below the major emission thresholds. The proposed Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**15-00112: Merck and Co., Inc.** (466 Devon Park Drive, Wayne, PA 19087) for operation of their research facility in Tredyffrin Township, **Chester County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include two natural gas-fired boilers and one diesel-fired emergency generator. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**67-03018: Penn Mar Castings, Inc.** (500 Broadway Avenue, Hanover, PA 17331) for operation of an iron foundry in Hanover Borough, **York County**. The facility estimated actual emissions are 40 tons per year of particulate matter. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality regulations.

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

**19-320-005: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) for operation of an eight color heatset web offset lithographic printing press and two associated dryers in the company's facility in Scott Township, **Columbia County**.

The VOC and volatile HAP emissions from the printing press and dryers are controlled by a regenerative thermal oxidizer. The resultant VOC emissions will be no greater than 5.25 tons per 12 consecutive month period and the

emission of volatile HAPs will be no greater than 2.12 tons per 12 consecutive month period.

The Department has determined that the printing press and dryers and associated regenerative thermal oxidizer have been constructed and are being maintained and operated, in accordance with the conditions of Plan Approval 19-320-005, as amended, as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the operation of the respective printing press and dryers and associated regenerative thermal oxidizer.

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

1. The dryers and regenerative thermal oxidizer shall only be fired on natural gas.

2. The dryer shall capture 100% of all VOCs and volatile HAPs emitted from the application of inks.

3. The destruction efficiency of the regenerative thermal oxidizer shall be equal to or greater than 98%.

4. The combustion chamber of the regenerative thermal oxidizer shall be maintained at a temperature of at least 1,575°F whenever the printing press is in operation.

5. The regenerative thermal oxidizer shall be equipped with instrumentation to continuously monitor combustion chamber temperature and shall incorporate interlocks to prevent the dryers from operating if a minimum combustion chamber temperature of 1,575°F is not being maintained.

6. The inks used by the printing press shall not contain more than 50% VOCs and shall contain no volatile HAPs.

7. The amount of fountain solution additive used by the printing press shall not exceed 3,460 gallons during any 12 consecutive month period.

8. The fountain solution additive shall not contain more than 1.2 pounds of VOCs or 1.2 pounds of volatile HAPs per gallon unless prior approval has been obtained from the Department.

9. The vapor pressure of the fountain solution additive shall be no greater than 16 millimeters of mercury at 20°C unless prior approval has been obtained from the Department.

10. The fountain solution shall not contain more than 6 ounces of additive for every gallon of water.

11. The amount of blanket wash solution used by the printing press shall not exceed 600 gallons during any 12 consecutive month period.

12. The blanket wash solution shall not contain more than .11 pound of volatile HAPs per gallon unless prior approval has been obtained from the Department.

13. The vapor pressure of the blanket wash solution shall be no greater than 3 millimeters of mercury at 20°C unless prior approval has been obtained from the Department.

14. All solvent-laden rags used for cleanup shall be stored in closed containers after use until properly disposed of. Solvent-laden rags shall not be treated by allowing solvents to evaporate into the atmosphere.

15. The total combined VOC emissions from the printing press shall not exceed 5.25 tons in any 12 consecutive month period.

16. The total combined volatile HAP emissions from the printing press shall not exceed 2.12 tons in any 12 consecutive month period.

17. The VOC emissions from the Goss press, Harris press and Tensor Tower press shall not exceed 8.05 tons, 5.51 tons and 6.16 tons of VOCs, respectively, in any 12 consecutive month period.

18. Records shall be maintained of the identity and amount of each ink, fountain solution additive and blanket wash solution used for each individual press for each month.

**41-00059: Stroehmann Bakeries, L. C.** (3375 Lycoming Creek Road, Williamsport, PA 17701), for their Lycoming Creek Roll Plant in Old Lycoming Township, **Lycoming County**. The facility's main sources include 2 bread processing lines, 16 combustion units, 1 cold cleaning degreaser and 2 gasoline fired engines. The facility has the potential to emit NOx, SOx, 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.

**17-00039: Clearfield County SPCA** (R. D. 3, P. O. Box 86, Philipsburg, PA 16866) for their animal shelter facility in Decatur Township, **Clearfield County**. The facility's main source is a natural gas fired, small animal incinerator. The facility is classified as a natural minor facility since its potential emissions of PM, CO, VOCs, NOx, SOx and HAPs are below the major emission thresholds. The proposed State Only operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

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

**03-00224: McVile Mining Co.** (301 Market Street, Kittanning, PA 16201) for operation of a coal prep plant in South Buffalo Township, **Armstrong County**.

**30-00112: Equitable Production** (P. O. Box 2347, Charleston, WV 25328) for operation of a natural gas compressor at the Mt. Morris Station in Dunkard Township, **Greene County**.

**63-00101: Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314) for operation of a coal preparation plant in New Eagle Borough, **Washington County**.

**PUBLIC HEARINGS**

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

**49-00009: Mohawk Flush Doors, Inc.** (US Route 11, P. O. Box 112, Northumberland, PA 17857) to issue a revised Title V Operating Permit to their facility in Point Township, **Northumberland County** in accordance with 25 Pa. Code §§ 127.521 and 127.541. The Mohawk Flush Doors representative to contact regarding this application is Paul Dalkiewicz, Human Resource Manager, US Route 11, P. O. Box 112, Northumberland, PA 17857.

In accordance with 25 Pa. Code § 127.541, this Title V operating permit revision is to include revised Reasonably

Available Control Technology (RACT) requirements into the operating permit for Source IDs P101, P102, P103 and P106. This revision also incorporates the name change from Premdor Corporation to Mohawk Flush Doors, Inc. and the applicability of 25 Pa. Code § 129.63(a) to the Graymills Model DMD236 parts cleaner. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve an amendment of a RACT plan and an amendment to the State Implementation Plan (SIP) for a wood door/door component prefinish line and three associated spray booths owned and operated by Mohawk Flush Doors, Inc. (Premdor Corporation) in Point Township, Northumberland County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amendment of the RACT approval for the facility, which are intended to comply with current regulations.

The preliminary RACT determination, if approved, will result in the revision of Title V Operating Permit 49-00009 issued on May 22, 2000, and will be submitted to the EPA as a revision to the Commonwealth's SIP.

The following is a summary of the preliminary RACT determination, which the Department proposes to incorporate into Title V Operating Permit 49-00009, as a revision to that permit:

1. The coatings used in the prefinish line (other than UV topcoats) shall not exceed the following limitations as mixed (with tint pastes, dyes, "additives," thinners, reducers, and the like) for application:

*Maximum Pounds of VOCs per Gallon of Coating*

Washcoats	1.80
Tiecoats	0.10
Sealers	0.60
Stains	0.90
Basecoats	0.15
Floodcoats	0.20
Wipe Stains	3.60
Primers	0.30
Enamels	0.70
Water Based Topcoats	1.60
Inks	0.70
Wood Protectant	6.30
Strippable Booth Coating	1.20

2. The UV topcoats used in the prefinish line shall have a maximum theoretical VOC content of 0.13 pound of VOCs per gallon of coating (based on the identities and quantities of coating constituents mixed together to produce the coating) but may be shown by Method 24 to have a VOC content of up to 0.68 pound of VOCs per gallon of coating.

3. The VOC content of the coating used in the three spray booths (other than strippable booth coating) shall not exceed 1.5 pounds of VOCs per gallon of coating. The VOC content of all strippable booth coating used in the three spray booths shall not exceed 1.2 pounds of VOCs per gallon of coating.

4. No more than 100 gallons of strippable booth coating shall be used in the prefinish line and three spray booths combined in any 12 consecutive month period.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held on December 8, 2003, at 1 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni, (570) 327-3659 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Persons who are unable to attend the hearing but wish to comment should provide written comments to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by the Department by December 19, 2003.

All pertinent documents are available for review, by appointment only, from 8 a.m. to 4 p.m. in the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Appointments for scheduling a review must be made by calling (570) 327-3693.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining

Office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of the NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30 day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

1-year 24-hour event) from coal refuse disposal piles.

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

**35970201R. APHC II, Inc.** (400 Mill Street, Dunmore, PA 18512), renewal of an existing coal refuse reprocessing operation in the City of Scranton, **Lackawanna County**

affecting 26.8 acres, receiving stream: none. Application received October 9, 2003.

**54030202. Michael Coal Company** (470 West Main Street, P. O. Box 11, Tremont, PA 17981), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Reilly Township, **Schuylkill County** affecting 70.6 acres, receiving stream: Muddy Creek. Application received October 15, 2003.

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

**63733701. NPDES Permit No. PA0023400, Champion Processing, Inc.** (P. O. Box 1073, Coraopolis, PA 15108-6064), the Champion Refuse Disposal Area in Robinson Township, **Washington County** and related NPDES permit, no additional discharges. Application received August 25, 2003.

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

**33850123 and NPDES Permit No. PA0106801. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Revision to an existing bituminous surface strip operation in Washington Township, **Jefferson County** affecting 203.2 acres. Receiving streams: three unnamed tributaries to Mill Creek, three unnamed tributaries to Rattlesnake Run, Rattlesnake Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Revision to include a land use change from forestland/noncommercial forestland/pastureland to industrial land on lands of Ivan Starr, Robert Sterrett, Wayne and Evelyn Calhoun et al. Application received October 10, 2003.

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

**56930106 and NPDES Permit No. PA0212458. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 192.2 acres. Receiving streams: unnamed tributaries to/and Casselman River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received October 10, 2003.

**56930112 and NPDES Permit No. PA0212636. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for continued operation of a bituminous surface mine in Black Township, **Somerset County**, affecting 316.0 acres. Receiving streams: unnamed tributaries to/and Rhoades Creek (WWF). There are no potable water supply intakes within 10 miles downstream. Application received October 10, 2003.

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

**03930401 and NPDES Permit No. PA0200662. Seven Sisters Mining Co., Inc.** (220 Route 22, Suite 300, Delmont, PA 15626). Renewal application for reclamation only of an existing large noncoal surface mine, in South Bend Township, **Armstrong County**, affecting 21.3 acres. Receiving stream: unnamed tributary to Crooked Creek (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received October 10, 2003.

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

**14940101 and NPDES Permit No. PA0219931. Junior Coal Contracting, Inc.**, 2330 Six Mile Road, Philipsburg, PA 16866. Transfer of an existing bituminous surface mine-auger, mobile crusher, screens permit in Rush Township, **Centre County** affecting 522 acres. Receiving streams: unnamed tributary to Moshannon Creek (CWF). Application received October 14, 2003.

**17030115 and NPDES Permit No. PA0243612. Hilltop Coal Company**, 12 Dutchtown Road, Houtzdale, PA 16651. Commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County** affecting 199 acres. Receiving streams: Japling Run, unnamed tributaries to Japling Run, unnamed tributary to Muddy Run (CWF). The first downstream potable water supply intake from the point of discharge is: none. Application received October 14, 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.*

**7973SM3C7 and NPDES Permit No. PA0594369. Miller Quarries** (Division of Miller and Son Paving, Inc., Mill Creek Road, Rushland, PA 18956), renewal of NPDES Permit for discharge of treated mine drainage in Wrightstown Township, **Bucks County**. Receiving

stream: Mill Creek (CWF and MF). There is no downstream potable water supply intake from the point of discharge within 10 miles. Application received October 14, 2003.

**8173SM1C9 and NPDES Permit No. PA0594148. Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18044-0231), renewal and correction of NPDES Permit for discharge of treated mine drainage in East Caln Township, **Chester County**. Receiving stream: Valley Creek (CWF and MF). The first downstream potable water supply intake from the point of discharge within 10 miles is the Pennsylvania Subwater Co. Application received October 15, 2003.

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

**08810301 and NPDES Permit No. PA0123315. Calvin C. Cole, Inc.**, 809 N. Elmira Street, Sayre, PA 18840. Transfer of an existing Large Industrial Minerals (Quarry Stone) permit from New Milford Sand & Gravel, Inc. The permit is in Burlington Township, **Bradford County** and affects 7 acres. Receiving streams: Sugar Creek to Susquehanna River. Application received September 29, 2003.

#### ABANDONED MINE RECLAMATION

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

Project No. BF 465-101.1, Clinton Township, Venango County, 23.5 acres

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on December 1, 2003, to be considered. Telephone inquiries shall be directed to Chuck Siders, Division of Mine Hazards, (717) 783-0474.

#### PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

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

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

Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication.

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

#### *Project Proposals Received*

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

**EGS 56006, Wells Creek Watershed Association**, 1019 Pompey Hill Road, Stoystown, PA 15563. A water pollution abatement project to construct a passive abandoned mine drainage treatment system on 0.2 acre of the Robert and Mary Buterbaugh property and on 10.5 acres of the Ralph W. and David R. Moore property, 1 mile northeast of Listie on the east side of T-575 near the intersection of T-575 and T-610 in Somerset Township, **Somerset County**. Wells Creek is the receiving stream for this Adams Station No. 7 Project proposal. Project received October 2, 2003.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E39-426. North Whitehall Township**, 3256 Levans Road, Coplay, PA 18037 in North Whitehall Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain an open-bottom bridge having a 14-foot span and a 5.7-foot underclearance across Copeechan Creek (HQ-CWF). The project is on Copeechan Road (T-713), approximately 0.6 mile west of its intersection with SR 0873 (Slatedale, PA Quadrangle N: 10.6 inches; W: 0.3 inch).

**E40-626. City of Wilkes-Barre**, 40 East Market Street, Wilkes-Barre, PA 18711 in City of Wilkes-Barre,



**Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span prestressed concrete spread box beam bridge, having a clear normal span of 39.0 feet and an underclearance of 12.0 feet, across Mill Creek (CWF). The bridge is along West Sidney Street, approximately 0.8 mile upstream of SR 0309 (Pittston, PA Quadrangle N: 3.3 inches; W: 13.2 inches).

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

**E44-124: Derry Township Board of Supervisors**, 15 West Mill Street, P. O. Box 445, Yeagertown, PA 17099 in Burnham Borough and Derry Township, **Mifflin County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a new bridge with a single clear span of 30 feet on a 75 degree skew with a minimum underclearance of 3.2 feet across Hungry Run (TSF) on T-430 (North Ridge Street) (Burnham, PA Quadrangle N: 2.9 inches; W: 8.0 inches) in Burnham Borough and Derry Township, Mifflin County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E17-391. Department of Transportation, District 2-0**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. US 219 Improvements in City of DuBois and Sandy Township, **Clearfield County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 1.85 inches; W: 3.9 inches).

The applicant proposes to widen SR 219 to accommodate a center turning lane and updated shoulders, intersection improvements at the SR 219/SR 4019 intersection, vertical and horizontal curve improvements, correction of mine subsidence failure area, along with the replacement of curb, sidewalk, drainage system and guide rail as required.

De minimis impacts (0.049 acre) are proposed to an isolated palustrine wetland along the highway right of way, as a result of the widening.

**E41-529. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Streambed paving under SR 0287 in Cogan House Township, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 3.1 inches; W: 0.4 inch).

To perform streambed paving in an unnamed tributary to Second Fork of Larry's Creek along SR 0287, Segment 0300, Offset 0199. This project proposes to permanently impact 50 linear feet of the unnamed tributary (HQ-CWF) and does not propose to impact any jurisdictional wetlands.

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

**E02-1439. Allegheny County Department of Public Works**, 501 County Office Building, 524 Forbes Avenue, Pittsburgh, PA 15219-2904. Scotia Hollow Road Bridge No. 1 in West Elizabeth Borough, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 4.4 inches; W: 4.3 inches) (Latitude: 40°16'30"—Longitude: 79°54'30"). The applicant proposes to remove the existing structures and to construct and maintain a 9-foot by 3-foot 4.5-inch concrete box culvert for a dis-

tance of approximately 99.5 feet with a gabion lined channel for 34 feet on the downstream side and 32 feet on the upstream side and a soldier pile lagging wall on the upstream right bank side in and along a tributary to the Monongahela River (WWF), locally known as Scotia Run. The project is across Scotia Hollow Road approximately 1,500 feet north of its intersection with State Road. This project will impact approximately 271 feet of stream channel.

**E04-240 A1. Beaver Falls Municipal Authority**, 1425 Eighth Avenue, P. O. Box 400, Beaver Falls, PA 15010. Eastvale Water Treatment Plant, New Clear Well Project in Eastvale Borough and Daugherty Township, **Beaver County**, Pittsburgh ACOE District (Latitude: 40°45'40" and Longitude: 80°18'46") (Beaver Falls, PA Quadrangle N: 2.0 inches; W: 8.7 inches). The applicant proposes to amend Permit E04-240, which authorized the construction and maintenance of an intake structure with necessary appurtenance to improve intake capacity, to construct and maintain a backwash water tank and a riprap outlet channel and to place and maintain fill in 0.16 acre of wetlands to improve discharge to the Beaver River. This permit amendment will authorize the construction and maintenance of a new clear well facility and ancillary system with it associated fill and to relocate and maintain two stormwater outfalls to the Beaver River (WWF). The facility is along the left bank side of the Beaver River at the existing Eastvale Water Treatment Plant. This project will place fill in the floodway of the left bank of the Beaver River for a distance of approximately 370 feet.

**E32-453. P. C. Exploration, Inc.**, 502 Keystone Drive, Warrendale, PA 15086. Clark Stream Culvert in Grant Township, **Indiana County**, Pittsburgh ACOE District (Rochester Mills, PA Quadrangle N: 5.7 inches; W: 7.1 inches) (Latitude: 40°46'53"—Longitude: 78°55'35"). The applicant proposes to operate and maintain an existing stream crossing having 14 1-foot diameter pipes in Rairigh Run (HQ CWF) for the purpose of gaining access to a natural gas well. The existing temporary stream crossing was authorized under General Permit No. 083202208. The project is approximately 1,600 feet downstream from T-932.

**E56-324. Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056. Texas Eastern Transmission Dominion Expansion Project in Allegheny, Brothersvalley and Somerset Townships, **Somerset County**, Pittsburgh ACOE District (Start: Latitude: 39°56'12" and Longitude: 79°0'5.4" and End: Latitude: 39°55'59" and Longitude: 78°46'16.32") (Start: Murdock, PA Quadrangle N: 11.25 inches; W: 0.3 inch and End: New Baltimore, PA Quadrangle N: 10.55 inches; W: 2.9 inches). The applicant proposes to remove the existing pipeline and to install and maintain a 36-inch CRP pipeline system and distribute natural gas. The utility line will reportedly cross 88 feet of watercourse including Millers Run (CWF), Stony Creek (CWF), an unnamed tributary to Stony Creek (CWF) and unnamed tributary to Reitz Creek (CWF), Raystown Branch Juniata River (CWF), an unnamed tributary to Raystown Branch Juniata River (CWF), Hillegas Run (HQ-CWF) and unnamed tributaries to Hillegas Run (HQ-CWF) and will impact 3.9 acres of PEM, PSS and PFO wetlands.

**E56-326. Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905-7707. Tire Hill sewage treatment plant in Conemaugh Township, **Somerset County**, Pittsburgh ACOE District (Johns-

town, PA Quadrangle N: 4.9 inches; W: 6.0 inches) (Latitude: 40°16'36"—Longitude: 78°55'04"). The applicant proposes to construct and maintain the Tire Hill Sewage Treatment Plant in the 100-year flood plain along the left side of Stony Creek (WWF). The sewage treatment plant will occupy approximately 1.83 acres. The project is at the end of Greenhouse Park Road, 1500 feet east of Tire Hill Road (SR 403).

**E63-553. City of Monongahela**, 449 West Main Street, Monongahela, PA 15063. Sanitary Sewer System in the City of Monongahela, **Washington County**, Pittsburgh ACOE District (Monongahela, PA Quadrangle N: 13.5 inches; W: 7.5 inches) (Latitude: 40°11'56"—Longitude: 79°55'44"). The applicant proposes to construct and maintain a sanitary sewer line in, along and across the channels of Pigeon Creek and Dry Run (WWF) for the purpose of providing sewer services to residents. The project is on the east side of Nelson Street, just north from the intersection of East Main Street and Nelson Street.

**E65-826. Salem Township**, Congruity Road, R. D. 4, Box 200, Greensburg, PA 15601. Mark Drive Pipe Replacement in Salem Township, **Westmoreland County**, Pittsburgh ACOE District (Latitude: 40°24'0"—Longitude: 79°34'22") (Slickville, PA Quadrangle N: 4.5 inches; W: 11.3 inches). The applicant proposes to rehabilitate and maintain an existing 75-foot long, 72-inch reinforced concrete pipe culvert in an unnamed tributary to Beaver Run (HQ-CWF) including the placement of an endwall at the culvert outlet as part of the SR 0022, Section B02 improvement project. The project will directly impact 75 linear feet of perennial stream. No vegetated wetlands will be impacted. The project is on Mark Drive (T-710), approximately 200 feet from its intersection with SR 0022.

**E65-827. Department of Transportation, District 12-0**, P. O. Box 459, Uniontown, PA 15401. SR 0022 section B02 Widening Project from Murrysville to Delmont in the Municipality of Murrysville and Salem Township, **Westmoreland County**, Pittsburgh ACOE District. The applicant proposes to conduct the following activities as part of the SR 0022 Section B02 mainline widening project:

1. SR 0022, Station 182+25 (Structure 1) (Latitude: 40°24'57"; Longitude: 79°38'2.44") to extend and maintain an existing 312.0-foot long concrete arch culvert having a normal span of 12.0 feet and a rise of 8.24 feet in kind 21.25 feet downstream in an unnamed tributary to Turtle Creek (TSF).

2. SR 0022, Station 226+25 (Structure A) (Latitude: 40°24'44"; Longitude: 79°37'38") to extend and maintain an existing 276.0-foot long concrete arch culvert having a normal span of 4.0 feet and a rise of 3.55 feet, in kind 5.0 feet upstream and 43.0 feet downstream in an unnamed tributary to Turtle Creek.

3. SR 0022, Station 265+16 (Structure 3) (Latitude: 40°24'32"; Longitude: 79°36'38") to extend and maintain an existing 317.0-foot long concrete arch culvert having a normal span of 14.0 feet and a rise of 11.13 feet, in kind 40 feet downstream in an unnamed tributary to Turtle Creek.

4. SR 0022, Station 296+37 (Structure 5) (Latitude: 40°24'31"; Longitude: 79°36'16") to extend and maintain an existing 289.0-foot long concrete arch culvert having a normal span of 12.0 feet and a rise of 5.12 feet, in kind 88.2 feet downstream in an unnamed tributary to Turtle Creek.

5. SR 0022, Station 314+80 (Structure 6) (Latitude: 40°24'14"; Longitude: 79°35'39") to extend and maintain an existing 134.0-foot concrete arch culvert having a normal span of 8.0 feet and a rise of 7.0 feet in kind 167.75 feet upstream in an unnamed tributary to Turtle Creek.

6. SR 4026, Station 12+64 (Structure B) (Latitude: 40°24'15"; Longitude: 79°36'01") to remove the existing structure and to construct and maintain an 88.0-foot long, 1.0-foot depressed, concrete box culvert having a normal span of 7.0 feet and an underclearance of 3.5 feet in an unnamed tributary to Turtle Creek.

7. SR 0022, Station 295+25 left (Jughandle SR 9429) (Latitude: 40°24'31"; Longitude: 79°36'16") to place and maintain fill along 58.0 feet of an unnamed tributary to Turtle Creek.

8. SR 0022, Station 366+00 (Latitude: 40°24'00"; Longitude: 79°34'22") to construct and maintain a bottom slab 1.0 foot thick for an existing concrete arch culvert having a normal span of 8.0 feet and a rise of 6.0 feet and to extend and maintain the existing 158.0-foot culvert in kind 230.53 feet upstream in an unnamed tributary to Beaver Run (HQ-CWF).

9. To permanently place and maintain fill in 10 wetland areas: (a) 0.752 acre of PEM; (b) 0.121 acre of PSS; (c) 0.05 acre of PFO; and (d) 0.01 acre of POW and to construct 0.923 acre of replacement wetlands as compensation for wetland impacts.

The project proposes to directly affect, through enclosures, extensions to existing culverts and culvert replacements, a total of 683.73 linear feet of perennial stream. The project will directly impact 0.933 acre of wetlands and will create 0.923 acre of replacement wetlands.

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

**E10-384, David K. Mason**, 887 Ekastown Road, Sarver, PA 16055. Mason House Outfall Project in Clinton Township, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle N: 18.5 inches; W: 6.75 inches).

To construct and maintain a 4-inch diameter outfall as part of a single family residence small flow treatment facility discharging to an unnamed tributary to Little Buffalo Creek (HQ-TSF) at a point approximately 700 feet northwest of the intersection of SR 356 and SR 228.

**E43-301, Mercer County Board of Commissioners**, 503 Mercer County Courthouse, Mercer, PA 16137. Haywood St. over Hogback Run Bridge Replacement, in the Borough of West Middlesex, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 9.7 inches; W: 10.6 inches).

The applicant proposes to remove the existing structure and to construct and maintain steel beam bridge no. 2812 having a clear span of 42.96 feet and an underclearance of 8 feet across Hogback Run (WWF, perennial) on Haywood Street approximately 0.4 mile southeast of the intersection of U. S. Interstate 80 and SR 18.

#### ENVIRONMENTAL ASSESSMENTS

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

**D0913-159EA. International Paper Company, Robert McKenna**, P. O. Box 150, Riegelsville, PA 18077,

Durham Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove Durham Dam across Cooks Creek (EV) for the purpose of restoring the stream to a free flowing condition. The dam is at the intersection on SR 611 and SR 212 approximately 1,000 feet upstream of the confluence of Cooks Creek and the Delaware River (Riegelsville, PA Quadrangle N: 14.6 inches; W: 10.5 inches).

**DAM SAFETY**

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

**D50-066. Campbell's Cabin Partnership**, P. O. Box 260, Millerstown, PA 17062. To reconstruct, operate and maintain Campbell's Cabin dam across Wildcat Run (CWF) for the purpose of access and recreation for a private seasonal residence (Reward, PA Quadrangle N: 7.4 inches; W: 14.8 inches) in Greenwood Township, **Perry County**.

**ACTIONS**

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

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

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0057371	John and Lorianne Burdsall 131 Apple Tree Drive Media, PA 19063	Delaware County Upper Providence Township	Ridley Creek 3G	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>
PA0054607	Debra Dell'Orefice 65 Willits Way Glen Mills, PA 19342	Delaware County Concord Township	UNT to Green Creek Ridley Creek 3G	Y
PA0055280	Mr. and Mrs. Van Ellis 6179 Covered Bridge Road Pipersville, PA 18947-1307	Bucks County Plumstead Township	UNT to Tohickon Creek 2D Three Mile Run	Y
<i>Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.</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>
PA0020478 SEW	Bloomfield Borough P. O. Box 144 New Bloomfield, PA 17068	Perry County Bloomfield Borough	UNT Trout Run 7A	Y
PA0087459 SEW	Triple Crown Corporation Meadow View Village MHP 5351 Jaycee Avenue Harrisburg, PA 17112	Perry County Centre Township	UNT Trout Run 7A	Y
PA0084123 SEW	Penn Township Municipal Authority 100 Municipal Road Duncannon, PA 17020	Perry County Penn Township	Core Creek 7A	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>
PA0113972 Nonmunicipal Sewage	Busters 587 Valley Road Danville, PA 17821	Columbia County Montour Township	Montour Run SWP 5C	Y
PA0114367 Sewage	Danny R. Deivert P. O. Box 221 Mifflinburg, PA 17844	Buffalo Township Union County	UNT to Rapid Run 10C	Y
<i>Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</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>
PA0110469 Sewage	Borough of Patton P. O. Box 175 Patton, PA 16668	Cambria County Patton Borough	Chest Creek	Y

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

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

**NPDES Permit No. PA0056847**, Sewage, **East Rockhill Township**, 1622 Ridge Road, Perkasie, PA 18944. This proposed facility is in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the East Branch Perkiomen Creek—3E (Perkiomen Watershed).

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

**PA0028738**, Sewerage SIC, 4952, **Ralpho Township Municipal Authority**, 32 A South Market Street, Elysburg, PA 17824. This existing facility is in Shamokin Township, **Northumberland County**.

Description of Proposed Activity: Proposed action is for amendment of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, Shamokin Creek, is in the State Water Plan watershed 6B and classified for CWF. The nearest downstream public water supply intake for United Water Pennsylvania is on the Susquehanna River, 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.719 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Daily Maximum (mg/l)	Instantaneous Maximum (mg/l)
Total Cl <sub>2</sub> Residual	1.0			2.3
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	6.0 to 9.0 at all times			

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

**NPDES Permit No. PA0218502**, Industrial Waste, **U. S. Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. This proposed facility is in Charleroi, **Washington County**.

Description of Proposed Action/Activity: Discharge from a facility at Concrete Batch Plant, Left Bank Monongahela River, Charleroi Lock and Dam to receiving waters named Monongahela River.

**NPDES Permit No. PA0219291**, Industrial Waste, **U. S. Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. This proposed facility is in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Discharge of treated stormwater, groundwater and wastewater from the Right Bank Site Development—Charleroi Lock and Dam.

**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. 0903416**, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a pump station and sewer extension to service 82 single family homes.

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

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

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

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

**WQM Permit No. 4792402-T3**, Sewerage 4952, **Paul W. Hanna**, 30 Blue School Road, Danville, PA 17821. This facility is in Valley Township, **Montour County**.

Description of Proposed Action/Activity: Transfer of permit, due to change in ownership, for a small flow sewage treatment system to serve the Hanna residence.

**WQM Permit No. 4903402**, Sewerage Public SIC 4952, **Ralpho Township Municipal Authority**, 32-A South Market Street, Elysburg, PA 17824. This existing facility is in Ralpho Township, **Northumberland County**.

Description of Proposed Action/Activity: Issuance of a water quality management permit to re-rate the main sewage plant from 0.625 MGD to 0.719 MGD annual average design flow.

**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**

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI021303001	Smith Partnership P. O. Box 398 Drums, PA 18222	Carbon	Kidder Township	Mud Run and Dilldown Creek HQ-CWF
PAS10S122	DARLAK Properties 5120 Memorial Hwy. Tobyhanna, PA 18466	Monroe	Stroud Township	Wigwam Run, UNT Pocono and McMichaels Creeks HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S104	Department of Transportation District 5-0 1713 Lehigh St. Allentown, PA 18103-4727	Monroe	Smithfield and Middle Smithfield Townships	Delaware River Bushkill Creek Marshalls Creek Pond Creek, Leap Bog and Heron Lake HQ-CWF
PAI024803012	Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Northampton	Upper Nazareth Township	Monocacy Creek HQ-CWF
PAS10S116	The Great Lakes Companies, Inc. 10th Floor, Suite 300 122 W. Washington Ave. Madison, WI 53703	Monroe	Pocono Township	Scot Run and Pocono 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>
PAS10F070	Department of Transportation 1924-30 Daisy St. Clearfield, PA 16830	Centre	Benner, College and Spring Townships	Spring Creek HQ-CWF
PAI041803002	Mark I. Stern Coploff and Stern Partnership 7930 Nittany Valley Dr. Mill Hall, PA 17751	Clinton	Lamar Township	Cedar Run HQ-CWF
PAI041403011	Daniel Hawbaker Wintron LLP 1952 Waddle Rd. State College, PA 16803	Centre	Boggs Township	Wallace Run HQ-CWF
PAI044103003	Department of Transportation P. O. Box 218 Montoursville, PA 17754	Lycoming	Pine Township	Texas Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062403001	Wal-Mart Stores, Inc. 2001 SE 10th St. Bentonville, AR 72716-0550 Wal-Mart 1792 SR 225 Kersey, PA 15846	Elk	Fox Township	Laurel Run 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 Fallowfield Township Chester County	PAG2001503103	Levi Fisher Property 3649 High Point Road Cochranville, PA 19330	Muddy Run TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Concord Township	PAG2002303056	Paul McLaughlin 1657 Warpath Road West Chester, PA 19382	Brandywine Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Norriton Township Montgomery County	PAG2004603102	Department General Services State Police Communication Dispatch Center 18th and Herr Street Harrisburg, PA 17120	Stoney Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Worcester Township Montgomery County	PAR10T906	WB Homes, Inc. Bethel Knoll 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Unnamed tributary Zacharias Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franconia Township Montgomery County	PAG2004603053	LEDA Investments, LLC 665 Forman Road Souderton, PA 18964	Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAG2004603075	McGrath Homes The Villas 1262 Wood Lane, Suite 207 Langhorne, PA 19047	Unnamed tributary Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAG2004603071	Logos Group Proposed Hotel Office Dev. 8110 Caster Avenue Philadelphia, PA 19152	Neshaminy Creek WWF, TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lower Providence Township Montgomery County	PAG2004603097	Americao Moscariello 3025 Ridge Pike 24 Donny Brook Way Collegetown, PA 19426	Mine Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Merion Township Montgomery County	PAG2004603138	The Malvern Dev. Group 841 Merion Square Road 41 Ruthland Avenue Malvern, PA 19355	Mill Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lackawanna County City of Scranton	PAG2003503009	Sam Marranca 41 S. Main St. Pittston, PA 18640	Lackawanna River WWF	Lackawanna County Conservation District (570) 281-9495
Luzerne County Pittston Township Dupont Borough	PAG2004003037	Quail Hill Co. 4A Valley Lane Mountaintop, PA 18707	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County City of Bethlehem	PAG2004803039	Charles Greenwald Phoenix Tube Co., Inc. 1185 Wind Dr. Bethlehem, PA 18017	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Lackawanna County Dickson City Borough	PAG2003503016	Kenneth Powell 1305 Justus Blvd. Clarks Summit, PA 18411	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Bern Township Berks County	PAG2000603081	John Rinehart Reading Regional Airport Authority 2501 Bernville Rd. Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Maxatawny Township Berks County	PAG2000603079	Jeff Grim Kutztown University 15197 Kutztown Rd. Kutztown, PA 19530	UNT to Sacony Creek TSF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Amity Township Berks County	PAG2000603086	Neil Dreslin P. O. Box 5 Limekiln, PA 19535	Manatawny Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201
Cumru Township Berks County	PAG2000603065	Cumru Township 1775 Welsh Road Mohnton, PA 19540	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657 Ext. 201



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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Allen Township Cumberland County	PAG2002103028	Aaron Rubin & Sons Co. Lot No. 5 Upper Allen Business Park 3401 N. Sixth Street Harrisburg, PA 17110	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
East Pennsboro Township Cumberland County	PAG2002103034	Michael Manning and Associates Hickory Ridge Phase III 300 Candlelight Drive Camp Hill, PA 17011	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Halifax Township Dauphin County	PAG2002203032	Mid Penn Bank 349 Union Street Millersburg, PA 17061	Armstrong Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002203044	4507 Associates 110 Sunset Avenue Harrisburg, PA 17112	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 240-8100
Susquehanna Township Dauphin County	PAR10I174R	Vartan Enterprises 3601 Vartan Way Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 240-8100
Upper Leacock Township Lancaster County	PAG2003603102	Richard Stauffer 341 Clay Road Ephrata, PA 17322	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
East Lampeter Township Lancaster County	PAG2003603121	Keystone Custom Homes 214A Willow Valley Lakes Drive Willow Street, PA 17584	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
Mount Joy Borough Lancaster County	PAG2003603125	Hicks-Whitmoyer Partnership 1001 E. Main Street Mount Joy, PA 17552	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
Ephrata Township Lancaster County	PAG2003603128	Burnt Mill Associates 3000 Atrium Way, Suite 219 Laurel, NJ 08054	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361

<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>
Penn Township Lancaster County	PAR100346R	Pleasant View Retirement Community 344 N. Penryn Road Manheim, PA 17545	UNT Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601-3149 (717) 299-5361
Clearfield County Lawrence Township	PAG2001703014	Clearfield-Lawrence Township Joint Airport Authority 800 Airport Rd. Clearfield, PA 16830	Wolf Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Clearfield County Morris Township	PAG2001703018	West Branch Area School District 256 Allport Cutoff Morrisdale, PA 16858	Flat Run CWF Aloer Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Union County Gregg Township	PAG2006003009	Jan Hilliker 137 JPM Rd. Lewisburg, PA 17837	UNT Susquehanna River WWF	Union County Conservation District 88 Bull Run Crossing, Suite 5 Lewisburg, PA 17837 (570) 523-8782
Beaver County New Brighton Borough	PAG2000403021	James Palmer Beaver County Corp. for Economic Dev. 250 Insurance St. Beaver, PA 15009	Beaver River WWF	Beaver County Conservation District (724) 774-7090
Washington County Charleroi Borough	PAG2006303014	Borough of Charleroi 334-338 Fallowfield Avenue Charleroi, PA 15022	Monongahela River WWF	Washington County Conservation District (724) 228-6774
Washington County Peters Township	PAG2006303027	Thomas Colella 3027 South Park Rd. Bethel Park, PA 15102	Unnamed tributary to Brush Run WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Penn Township	PAG2056503019	Shula General Contractors 2193 Harrison City-Export Road Jeannette, PA 15644	Unnamed tributary to Bushy Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Manor Borough	PAG2056503022	TBI Dev. Corp. 10925 Leso Drive North Huntingdon, PA 15642	Unnamed tributary to Bushy Run WWF	Westmoreland County Conservation District (724) 837-5271
Kevin Dr. and Tracey Dr. Crawford County Vernon Township	PAG2002003009	West Real Estate Eric Bridge 1050 Saxonburg Blvd. Glenshaw, PA 15116	French Creek WWF	Crawford County Conservation District (814) 724-1793
Orcutt/Smail AMD Treatment Site East of Township Rd. 342 Corsica, PA 15829 Jefferson County Union Township	PAG2003303006	Manno Construction, Inc. James Manno, Pres. 28 Mohan Run Road Ridgway, PA 15833	Little Mill Creek CWF	Jefferson County Conservation District (814) 849-7463

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*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Scott and South Abington Townships Lackawanna County	PAR232222	Metso USA, Inc. P. O. Box 155 Ivy Industrial Park Clarks Summit, PA 18411-0155	Ackerly Creek TSF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Wilkes-Barre City Luzerne County	PAR122205	The Lion Brewery, Inc. 700 North Pennsylvania Ave. Wilkes-Barre, PA 18705	Mill Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Franklin County Antrim Township	PAR213551	Eldorado Stone, LLC 1370 Grand Ave., Suite B San Marcos, CA 92069	UNT Muddy Run WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*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>
Perry County Buffalo Township	PAG043562	Ronald L. Arnold 1545 Bucks Valley Road Newport, PA 17074	Buck Run WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Valley Township Montour County	PAG045027 Sewerage	Paul W. Hanna 30 Blue School Road Danville, PA 17821	UNT Mauses Creek CWF	Water Management Program 208 West Third Street Williamsport, PA 17701 (570) 327-3666
Findlay Township Allegheny County	PAG046165	John Patarini 66 Economy Grade Road Coraopolis, PA 15108	Boggs Run to Flaugherty Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Winslow Township Jefferson County	PAG048548	Loretta Y. Bliss R. R. 2, Box 325, Apt. 3 Reynoldsville, PA 15851-9744	Unnamed tributary (dry) to Fehley Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAG048507	Gerald S. Pacifico 126 Shenango Park Road Transfer, PA 16154	Tributary Brush 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>
Former G & S Service Main Street, Box 34 Route 322 and 219 Luthersburg, PA 15848	054832	Glenn Hartzfeld R. R. 1, Box 180H Luthersburg, PA 15848	Stump Creek (Stream Code No. 47922)	Northcentral Regional Office 208 West Third Street, Suite 101 Williamsport, PA 17701-6448

<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>
McKean Township Erie County	PAG058316	Erie Petroleum, Inc. Fuel Stop P. O. Box 6345 Erie, PA 16512	Elk Creek 15	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union City Borough Erie County	PAG058314	Country Fair, Inc. Store 95 United Refining Co. of PA P. O. Box 688 Warren, PA 16365	Unnamed tributary to South Branch of French Creek 16-A	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Springfield Township Mercer County	PAG058335	Country Fair, Inc. Store 44 United Refining Co. of PA P. O. Box 688 Warren, PA 16365	Unnamed tributary to Black Run 20-C	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Irwin Township Venango County	PAG058321	Kwik Fill M-209 United Refining Co. of PA P. O. Box 688 Warren, PA 16365	Unnamed tributary to Slippery Rock Creek 20-C	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Center Township Butler County	PAG058327	Kwik Fill S-013 United Refining Co. of PA P. O. Box 688 Warren, PA 16365	Unnamed tributary to Connoquenessing Creek 20-C	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clarion Township Clarion County	PAG058341	Frampton Oil Retail Facility/Heath Oil P. O. Box 1128 Oil City, PA 16301	Trout Run 17-B	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAG058319	Country Fair, Inc. Store 49 United Refining Co. of PA P. O. Box 688 Warren, PA 16365	Unnamed tributary to Walnut Creek 15	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAG058345	Holmes Exxon Car Wash 3906 Peach Street Erie, PA 16509	Unnamed tributary to Mill Creek 15	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North Beaver Township Lawrence County	PAG058343	J. J. Kennedy Petroleum Products P. O. Box 159 Petersburg, OH 44454-0159	Unnamed tributary to Hickory Run 20-A	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union Township Lawrence County	PAG058329	Guttman Oil Company Crossroads Food Mart No. 45 200 Speers Road New Stanton, PA 15012	Unnamed tributary to Shenango River 20-A	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Snyder Township Jefferson County	PAG058304	Luke's Auto Service Center North Route 219 Crenshaw Brockway, PA 15824	Unnamed tributary to Little Toby Creek 17-A	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Borough of Zelienople Butler County	PAG058325	Kwik Fill S-010 United Refining Co. of PA P. O. Box 688 Warren, PA 16365	Connoquenessing Creek 20-CD	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG058307	Spencer's Keystone United Refining Co. of PA P. O. Box 688 Warren, PA 16365	Unnamed tributary to Four Mile Creek 15	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Franklin Venango County	PAG058336	Kwik Fill M-063 United Refining Co. of PA P. O. Box 688 Warren, PA 16365	French Creek 16-D	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Springfield Township Mercer County	PAG058333	Joe's Service 1808 Perry Highway Volant, PA 16156	French Creek 16-D	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Mount Joy Township Adams County	PAG083537	White Run Regional Municipal Authority White Run WWTF 2001 Baltimore Pike Gettysburg, PA 17235	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Upper Mifflin Township Cumberland County	PAG093511	Groff Septic Service 99 Ickes Lane Newville, PA 17241	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-12*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Franklin County Metal Township	PAG123577	Randy and Jacob Wimmer Ruscarora Farms Box 185 Dry Run, PA 17220	UNT West Branch Conococheague Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Rapho Township	PAG123570	William Anchor Wenger's Feed Mill, Inc. 101 West Harrisburg Avenue Rheems, PA 17570	Chickies Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-13*

<i>Facility Location and Municipality</i>	<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>Department Protocol (Y/N)</i>	<i>Contact Office and Telephone No.</i>
Adams Township Butler County	PAG138301	Adams Township 170 Hutchman Road Mars, PA 16046	Y	Northwest Region Water Management Program Manager 230 Chestnut Street Meadville, PA 16335-3481

## 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).

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

**Permit No. 1503504, Minor Amendment.** Public Water Supply.

Applicant	<b>Downingtown Municipal Water Authority</b> 100 Water Plant Way Downingtown, PA 19335
Township	East Brandywine
County	<b>Chester</b>
Type of Facility	PWS

Consulting Engineer	Evans Mill Environmental, Inc. 101 Followship Road Uwchland, PA 19480
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Permit to Construct Issued	October 10, 2003
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*Northeast Region: Water Supply Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Operations Permit** issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID No. 3480055, Lower Nazareth Township, **Northampton County** on October 3, 2003, for the operation of facilities approved under Construction Permit No. 4803501.

**Operations Permit** issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID No. 3540032, West Mahanoy Township and Frackville Borough, **Schuylkill County** on October 8, 2003, for the operation of facilities approved under Construction Permit No. 5401503.

**Operations Permit** issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID No. 2520035, Delaware Township, **Pike County** on October 14, 2003, for the operation of facilities approved under Construction Permit No. 5203502.

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

**Operations Permit** issued to **Mount Holly Springs Borough Authority**, 7210037, South Middleton Township, **Cumberland County** on October 10, 2003, for the operation of facilities approved under Construction Permit No. 2102504 MA.

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

<b>Permit No. 1403502.</b> Public Water Supply.	
Applicant	<b>Bellefonte Borough Authority</b> <b>Robert Davis, Chairperson</b> 236 West Lamb Street Bellefonte, PA 16823
Borough	Bellefonte Borough
County	<b>Centre</b>
Type of Facility	PWS—Construction and operation of Coleville Pump Station, Half Moon Hill Pump Station and the Zion Pump Station.

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related  
Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit to Construct  
and Operate Issued October 21, 2003

**Permit No. 5857-T1.** Public Water Supply.

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

Borough Bellefonte Borough

County **Centre**

Type of Facility PWS—Big Spring source,  
existing Big Spring pump station  
building and Allegheny Street  
Reservoir.

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related  
Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit to Operate  
Issued October 21, 2003

**Permit No. 266-W-018-T1.** Public Water Supply.

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

Borough Bellefonte Borough

County **Centre**

Type of Facility PWS—Two 1,500 gpm pumps for  
the Corning line, disinfection,  
stand pipe and Corning  
distribution line.

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related  
Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit to Operate  
Issued October 21, 2003

**Permit No. 268-W-008-T1.** Public Water Supply.

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

Borough Bellefonte Borough

County **Centre**

Type of Facility PWS—Three pumps for Big  
Spring, disinfection, contact  
piping and a diesel generator.

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related  
Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit to Operate  
Issued October 21, 2003

**Permit No. MA-T1.** Public Water Supply.

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

Borough Bellefonte Borough

County **Centre**

Type of Facility PWS—A cover and liner for the  
Allegheny Street Reservoir and  
two booster pumps for Allegheny  
Street Reservoir

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related  
Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit to Operate  
Issued October 21, 2003

**Permit No. MA-T1.** Public Water Supply.

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

Borough Bellefonte Borough

County **Centre**

Type of Facility PWS—Hypalon cover for Big  
Spring.

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related  
Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit Transfer October 21, 2003

**Permit No. 265-W-011-T1.** Public Water Supply.

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

Borough Bellefonte Borough

County **Centre**

Type of Facility PWS—Denial of permit transfer  
request for gas chlorine at Big  
Spring, a 75,000-gallon contact  
tank and two 3,800 gpm pumps  
to fill the 75,000-gallon tank.

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related  
Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit Denied October 21, 2003

**Permit No. 266-W-008-T1.** Public Water Supply.

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

Borough Bellefonte Borough

County **Centre**

Type of Facility PWS—Denial of permit transfer request for covered dry feed fluoridation at Gamble Mill and Big Spring.

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit Denied October 21, 2003

**Permit No. WA14-23A. Public Water Supply.**

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

Borough Bellefonte Borough

County **Centre**

Type of Facility PWS—Withdrawal of succession of water rights application.

Consulting Engineer Mark Garlicki, P. E.  
HRG Engineering & Related Services  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit Withdrawn October 21, 2003

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

**Permit No. 1100503-T1, Minor Amendment. Public Water Supply.**

Applicant **Highland Sewer and Water Authority**  
120 Tank Drive  
Johnstown, PA 15094

Borough or Township Summerhill Township

County **Cambria**

Type of Facility Transfer of a water storage tank, booster pumping station, transmission main and distribution piping from the Redevelopment Authority of Cambria County.

Permit to Operate Issued October 20, 2003

**STORMWATER MANAGEMENT**

**Action on plans submitted under the Storm Water Management Act (32 P. S. §§ 680.1—680.17)**

*Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.*

**Plan No. 305:19, Susquehanna River Tributaries Stormwater Management Plan**, as submitted by Columbia County, was approved on September 25, 2003.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dublin Township	29195 Great Cove Road Fort Littleton, PA 17223	Fulton

Plan Description: The approved plan provides for the construction of a gravity wastewater collection system and biologically engineered single sludge treatment facility with a discharge to the South Branch of Little Aughwick Creek to serve the Burnt Cabins area. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Township	100 Municipal Building Road Duncannon, PA 17020	Perry

Plan Description: The approved plan provides for a revision to the previously approved plan (DEP Code No. A1-50921-ACT) that proposed an expansion of the existing Cove Wastewater Treatment Facility. The revision provides for a 50,000 GPD expansion instead of the 35,000 GPD expansion previously proposed. No other changes to the previously approved plan are proposed. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Nippenose Township	Geraldine Stout, Secretary P. O. Box 201 Jersey Shore, PA 17720	Lycoming

Plan Description: The approved plan provides for a sewage collection, conveyance and treatment system to serve the Village of Antes Fort. The proposed system will include approximately 25,000 feet of gravity sewer, two pump stations, approximately 5,300 feet of force main and a 70,000-gallon per day package sewage treatment plant. The sewage treatment plant will discharge to the West Branch of the Susquehanna River. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

**Proposed Consent Order and Agreement**

**Quaker City Gear Site  
Lower Moreland Township, Montgomery County**

The Department of Environmental Protection (Department), under the authority of section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.1113), has



entered into a Prospective Purchaser Consent Order and Agreement (CO&A) with Nolan Brothers of Texas, Inc. (Nolan Bros.) for reimbursement of certain response costs incurred to remediate hazardous substances released and threatened to be released at the Quaker City Gear Site, 351 Red Lion Road, Huntingdon Valley, Lower Moreland Township, Montgomery County (Site). This Site is the former location of metal working and gear manufacturing operations. The Department has performed response actions at this Site including an environmental assessment and field investigation of the Site, the characterization of abandoned drums of liquid hazardous substances on the Site and the removal and lawful disposal of these drums at a permitted facility.

Nolan Bros. wishes to purchase the Site and intends to develop it for use as a self-storage facility. In connection with its purchase of the Site, Nolan Bros. wishes to resolve its potential liability to the Department for reimbursement of certain response costs incurred to investigate and remediate abandoned drums of hazardous substances on the Site. The Department has determined that it is in the public interest to resolve its claim against Nolan Bros. Therefore, Nolan Bros. has agreed to reimburse the Department for certain response costs in the amount of \$5,000 and shall receive contribution protection from claims related to its future ownership of this property.

This notice is provided under section 1113 of the HSCA, which states that "settlement shall become final upon the filing of the Department's response to the significant written comments." The CO&A, which contains the specific terms of the agreement, is available for public review and comment. The CO&A can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428 by contacting David Ewald, (610) 832-6200, dewald@state.pa.us or Gina M. Thomas, Esq., (610) 832-6300, githomas@state.pa.us. A public comment period on the CO&A will extend for 60 days from November 1, 2003. Persons may submit written comments regarding the agreement within 60 days from November 1, 2003, by submitting them to David Ewald at the previous address.

**Interim Response under the Hazardous Sites  
Cleanup Act**

**Smiley Drum Garage Site  
East Pennsboro Township, Cumberland County**

The Department, under the authority of the HSCA (35 P. S. §§ 6020.102—6020.1303), is initiating a prompt interim response at the Smiley Garage Drum Site (Site) at the intersection of Enola Road (Route 11/15) and Susquehanna Avenue (a/k/a North Enola Road) in East Pennsboro Township, Cumberland County. The Site is an inactive automobile repair garage and service station with a mailing address of 101 North Enola Road. The property and buildings are part of the Ross H. Smiley Estate.

For the past several years, 21 55-gallon drums of used motor oil (nonaqueous) sludge have been abandoned on the Site. The sludge was generated from the clean-out of an onsite sludge pit. The drums are currently stored on the property, but the building is in disrepair and not secure. Sampling of the drummed motor oil sludge has shown it to contain hazardous substances. East Pennsboro Township officials have concerns for safety and protection of public health with respect to the abandoned drums.

The Department considered two alternatives: (1) no action, which allows the drums to remain in place; and

(2) drum removal and disposal at an appropriate treatment/disposal facility. The Department chose alternative 2 and removed the drums prior to developing the Administrative Record to be protective of human health and safety and the environment. The cost of this action is estimated at \$12,215.

The Department is providing this notice under sections 505(b) and 506(b) of the HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)) and the publication of this notice starts the Administrative Record period under the HSCA. The Administrative Record, which contains information about the Site and supports the Department's decision to perform this action at the Site, is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 by contacting Asuquo Effiong, (717) 705-4853.

The Administrative Record will be open for comment from November 1, 2003, and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before January 24, 2003, by mailing them to Asuquo Effiong at the previous address.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing, scheduled for December 15, 2003, at 7 p.m. at the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA. Persons wishing to present formal oral comment at the hearing should register before 4 p.m. on December 10, 2003, by calling Sandra Roderick, (717) 705-4931. An informational meeting will be held following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should call Sandra Roderick at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 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

tion 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:

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

**JMH Property**, Wyomissing Borough, **Berks County**. ARCADIS G & M, Inc., 3000 Cabot Boulevard West, Suite 3004, Langhorne, PA 19047 on behalf of JMH, Inc., 200 North Park Road, Suite 400, Wyomissing, PA 19610-2908, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils contaminated with PAHs and groundwater contaminated with chlorinated solvents, metals, lead and PAHs. The combined remedial investigation and Final Report demonstrated attainment of the Statewide Health and the Site-Specific Standards and was approved by the Department on October 15, 2003.

**Penn Fuel Gas Lewistown**, Lewistown Borough, **Mifflin County**. Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017, on behalf of PPL Services Corporation, 2 North Ninth Street, Allentown, PA 18101, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with heavy metals, BTEX, PAHs, phenol compounds and cyanide. The Final Report demonstrated attainment of both the Site-Specific Standard and the Nonresidential Statewide Health Standard and was approved by the Department on October 16, 2003.

**W. R. Meadows, Inc.**, West Manchester Township, **York County**. Conestoga-Rovers & Associates, 1801 Old Highway 8 N. W., Suite 114, Saint Paul, MN 55112, on behalf of W. R. Meadows, 2100 Monroe Street, York, PA 17404, submitted a Final Report concerning remediation of site soils and groundwater contaminated with PHCs. The final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 20, 2003.

## HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

*Hazardous Waste Transporter License Renewed*

**Action Resources, Inc.**, 355 County Road 513, Hanceville, AL 35077. License No. PA-AH 0650. Effective September 29, 2003.

**AERC.Com, Inc.**, 2591 Mitchell Avenue, Allentown, PA 18103-6609. License No. PA-AH 0687. Effective October 15, 2003.

**Emerald Environmental Services, Inc.**, 1621 St. Clair Avenue, Kent, OH 44240. License No. PA-AH 0641. Effective October 17, 2003.

**Lacy's Express, Inc.**, P. O. Box 130, Pedricktown, NJ 08067. License No. PA-AH 0243. Effective October 20, 2003.

**Midwest Environmental Transport, Inc.**, 10163 Cincinnati-Dayton Road, Cincinnati, OH 45241. License No. PA-AH 0368. Effective September 22, 2003.

**Republic Services of South Carolina, LLC**, P. O. Box 62679, North Charleston, SC 29419. License No. PA-AH 0542. Effective September 24, 2003.

**Vernon Milling Company, Inc.**, P. O. Box 1617, Vernon, AL 35592. License No. PA-AH 1640. Effective October 14, 2003.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

### Infectious and Chemotherapeutic Waste Transporter License actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

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

*Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated*

**DelVecchio Transport & Materials Handing, Inc.**, P. O. Box 480, Dunmore, PA 18512-1480. License No. PA-HC 0333. Effective July 1, 2003.

**Douglas Brothers, Inc.**, R. R. 1 Box 42, Wolcott Hollow Road, Athens, PA 18810. License No. PA-HC 0617. Effective September 24, 2003.

## MUNICIPAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGM023. Keystone Custom Homes**, 214-A Willow Valley Lake Drive, Willow Street, PA 17584 for the processing and beneficial use of gypsum board from new home construction as an onsite soil amendment. The general permit was issued by Central Office on October 14, 2003.

## 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.*

**Roque Alberta Burga**, 470 Lorette Ave., Coral Gables, FL 33146. Authorization No. WH4863. Effective October 14, 2003.

**DEC Construction Inc.**, 38 East Bridge St., Morrisville, PA 19067. Authorization No. WH5235. Effective October 14, 2003.

**Picozzi Tri-Axle Service Inc.**, Box 79, 52 Camp Road, Tremont, PA 17981-1904. Authorization No. WH5384. Effective October 14, 2003.

**JRL Backhoe & Hauling Service**, 1241 5th St., Whitehall, PA 18052. Authorization No. WH5386. Effective October 14, 2003.

**Zubowicz Building**, 279 Wagner Bridge Road, Catawissa, PA 17820-9567. Authorization No. WH5388. Effective October 14, 2003.

**Zaid C. Mendez**, 230 East 21st St., Paterson, NJ 07513. Authorization No. WH5389. Effective October 14, 2003.

**Terry L. Stoner Trucking**, 1161 South Main St., Chambersburg, PA 17201-8674. Authorization No. WH5390. Effective October 14, 2003.

**LBF Transportation Inc.**, Suite 13, 1533 SW 1st Way, Deerfield Beach, FL 33441-6779. Authorization No. WH5391. Effective October 14, 2003.

**Dennis C. Bishop and Patricia Shallo**, 112 Zenith Road, Nescopeck, PA 18635. Authorization No. WH5392. Effective October 14, 2003.

**Jagdeep Singh**, 76-37 270 St., New Hyde Park, NY 11040. Authorization No. WH5393. Effective October 14, 2003.

**Robert Moyer**, 517 McClelland St., Portage, PA 15946. Authorization No. WH5395. Effective October 14, 2003.

**Bruce G. Dreisbach Contracting**, 1377 Puggy Lane, Bethlehem, PA 18015. Authorization No. WH5397. Effective October 14, 2003.

**Wilfrido I. Vega**, 63 Mott St., Newark, NJ 07105. Authorization No. WH5398. Effective October 14, 2003.

**Montana Transport Inc.**, 243 Jewett Ave., Jersey City, NJ 07304. Authorization No. WH5399. Effective October 14, 2003.

**Anthony Greskewicz**, 54 West Saylor Ave., Plains, PA 18702. Authorization No. WH5402. Effective October 14, 2003.

**Mark A. Miraglia**, 7 Driftwood Drive, Plains, PA 18705. Authorization No. WH5403. Effective October 14, 2003.

**Truckit Co., LLP**, Route 2 Box 221C, Keyser, WV 26726. Authorization No. WH5394. Effective October 15, 2003.

**Roaring Fork Excavating**, 3145 Dark Shade Dr., Windber, PA 15963. Authorization No. WH5396. Effective October 15, 2003.

**J G W Trucking Corp.**, Suite 142, 192 Wilson Ave., Newark, NJ 07105. Authorization No. WH5400. Effective October 15, 2003.

**Geiser Enterprise**, P. O. Box 462, New Berlin, PA 17855-0462. Authorization No. WH5408. Effective October 15, 2003.

**Donald Swift Trucking**, Box 101, Rixford, PA 16745. Authorization No. WH5409. Effective October 15, 2003.

**MC Trucking**, 40 Hurden St., Hillside, NJ 07205. Authorization No. WH5410. Effective October 15, 2003.

**Castillo Trucking**, Apt. 8, 1791 Chester Road, Bethlehem, PA 18017. Authorization No. WH5411. Effective October 15, 2003.

**Eric Town Enterprise t/a A & L septic Services**, 1376 Route 38, P. O. Box 627, Mt Holly, NJ 08060. Authorization No. WH5412. Effective October 15, 2003.

**David McClamy**, 16 Birch St., Lakewood, NJ 08701. Authorization No. WH5428. Effective October 16, 2003.

**Ken Rauch Excavating**, R. R. 1 Box 53A, Montrose, PA 18801. Authorization No. WH5437. Effective October 17, 2003.

**Oscar Vartanian d/b/a Vroom Trucking**, 60 Morningside Avenue, Keansburg, NJ 07734. Authorization No. WH5128. Effective October 17, 2003.

**Alfieri Scrap Metal Company, Inc.**, P. O. Box 385, North Huntingdon, PA 15642-0385. Authorization No. WH5131. Effective October 16, 2003.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**09-323-006GP: Greif Containers Inc.** (695 Louis Dr., Warminster, PA 18974) on October 15, 2003, for a natural gas burn-off oven in Warminster Township, **Bucks County**.

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

**GP6-07-03011: Stevenson's, Inc.** (2501 Eighteenth Street, Altoona, PA 16601) on October 14, 2003, was authorized to operate petroleum dry cleaning under GP6 in Logan Township, **Blair 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.**

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

**31-03032: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on October 14, 2003, for construction of a limestone crushing and screening plant at their Canoe Valley Aggregate Facility in Morris Township, **Huntingdon County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**36-05082B: Clark Filter** (3649 Hempland Road, Lancaster, PA 17601) on October 10, 2003, for construction of a curing oven and installation of a catalytic oxidizer in West Hempfield Township, **Lancaster County**.

**36-05128A: Compass Quarries, Inc.** (47 McIlvaine Road, Paradise, PA 17562) on October 10, 2003, for modifications that include burning of waste derived fuels in their stone dryer and the addition of three nonmetallic conveyors for their facility in Paradise Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**03-00229C: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on October 16, 2003, for construction and installation of a new coal crusher and an air jig equipment system, including an underground coal loadout facility to the existing coal preparation plant. Emissions from the new air jig facility will be controlled by a fabric dust collection system or baghouse.

**65-00837B: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) on October 14, 2003, for modification and installation of air cleaning devices on 12 2,500 Bhp Cooper Bessemer natural gas-fired, stationary, reciprocating IV engines at Oakford Compressor Station in Salem Township, **Westmoreland County**.

**32-00371A: Blairsville Wilbert Vault Co., Inc.** (P. O. Box 7, Blairsville, PA 15717) on October 15, 2003, for installation of a multiple chambered gas-fired crematory incinerator at Blairsville Wilbert Vault in Blairsville, **Indiana County**.

**56-00011B: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on October 16, 2003, for installation of an additional Nonmetallic Mineral Processing Plant at Central City Sand Plant in Shade Township, **Somerset County**.

**04-00707C: Colona Transfer, LP** (P. O. Box 311 Currie Road, Portersville, PA 16051) on October 2, 2003, for construction of a new bridge crane system with a clam shell bucket for off-loading barges at Colona Dock in Monaca Borough, **Beaver County**.

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

**37-307B: Slippery Rock Salvage** (214 Gardner Avenue, New Castle, PA 16101) on October 1, 2003, for modifications to the cutting tables in New Castle, **Lawrence County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**AMS 03039: City of Philadelphia—Northeast Water Pollution Control Plant** (3899 Richmond Street, Philadelphia, PA 19137) was authorized to replace the aeration system in the aeration tanks in Philadelphia, **Philadelphia County**.

**AMS 03053: Mutual Pharmaceutical Co., Inc.** (1100 Orthodox Street, Philadelphia, PA 19124) was authorized to install ten electric dryers and a catalytic oxidizer in Philadelphia, **Philadelphia 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.*

**15-0104A: Tasty Baking Oxford, Inc.** (700 Lincoln Street, Oxford, PA 19363) on October 15, 2003, for operation of the lines 1—3 fryer in Oxford Borough, **Chester County**.

**46-0062: Jefferson Smurfit Corp. US** (500 Church Road, North Wales, PA 19454) on October 15, 2003, for operation of a thermal oxidizer in Upper Gwynedd Township, **Montgomery County**.

**46-0037K: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on October 15, 2003, for operation of a dust collector in Douglass Township, **Montgomery County**.

**23-0066A: PyroPure, Inc. t/a Pyromet** (5 Commerce Drive, Aston, PA 19014) on October 15, 2003, for operation of three crucible and three rotary furnaces in Chester Township, **Delaware County**.

**23-0006D: Foamex LP** (1500 East 2nd Street, Eddystone, PA 19022) on October 15, 2003, for operation of a thermal reticulator in Eddystone Borough, **Delaware County**.

**46-0037D: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on October 15, 2003, for operation of production of Ta and Nb products in Douglass Township, **Montgomery County**.

**09-0123: Better Materials Corp.** (262 Quarry Road, Ottsville, PA 18972) on October 15, 2003, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

**46-0036A: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on October 15, 2003, for operation of an urea selective catalytic reduction in Worcester Township, **Montgomery County**.

**46-0036G: Visteon Systems LLC** (2750 Morris Rd., Lansdale, PA 19446) on October 17, 2003, for operation of a selective solder no. 10 in Worcester Township, **Montgomery County**.

**46-0036F: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on October 17, 2003, for operation of a wave solder no. 13 in Worcester Township, **Montgomery County**.

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

**48-315-004: Newstech PA LP** (6 Horwith Drive, Northampton, PA 18067) for modification of a pulp forming and drying operation and associated air cleaning device at the facility in Northampton Borough, **Northampton County**. The Plan Approval is being extended.

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

**63-307-027: American Iron Oxide Production** (Foster Plaza, No. 7, 661 Andersen Drive, Pittsburgh, PA 15220) on October 14, 2003, for construction of an Iron Oxide Plant in Allenport Borough, **Washington County**. This plan approval was extended.

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

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

**09-00016: Exelon Generation Co.** (955 River Road, Bristol, PA 19007) on October 14, 2003, for operation of a Facility Title V Operating Permit in Bristol Township, **Bucks County**.

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

**05-05021: Creative Pultrusions, Inc.** (214 Industrial Lane, Alum Bank, PA 15521-0006) on October 9, 2003, for operation of a fiberglass reinforced plastic pultrusion operation and a chrome electroplating operation facility in West Saint Clair Township, **Bedford County**. This is a renewal of the operating permit.

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

**10-00266: Resolite—A Division of Stabilit America, Inc.** (100 Perry Highway, Zelenople, PA 16063) on October 7, 2003, for reissuance of a Title V Permit to operate a laminated plastics, plate and sheet manufacturing facility in Jackson Township, **Butler County**. The facility's major emission sources include continuous lamination line and seven zone ovens, plant-wide solvent clean up, resin storage tanks, methyl methacrylate storage tank, solvent blend storage-MEK, Xylene mix and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit of VOCs and Styrene.

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

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

**46-00052: Pottstown Memorial Medical Center** (1600 East High Street, Pottstown, PA 19464) on October 14, 2003, for operation of a synthetic minor operating permit in Pottstown Borough, **Montgomery County**.

**09-00090: Messer Griesheim Industries Inc.** (1 Steel Road East, Morrisville, PA 19067) on October 16, 2003, for operation of a natural minor operating permit in Falls Township, **Bucks County**.

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

**06-03004: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 16001) on October 16, 2003, to operate an electric services facility, which operates five emergency generators in Muhlenberg Township, **Berks County**.

**06-03120: Memorial Park for Pets** (57 Host Road, Womelsdorf, PA 19567) on October 14, 2003, to operate a pet crematory in Tulpehocken Township, **Berks County**. This is Revision 1 of the operating permit.

**22-03013: Pinnacle Health Hospital** (205 S. Front Street, Harrisburg, PA 17110) on October 16, 2003, to operate boilers (natural gas or no. 2 oil fired) and emergency generators (no. 2 oil fired) at the Harrisburg Hospital in the City of Harrisburg, **Dauphin County**.

**36-05106: Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557) on October 9, 2003, to operate their wood furniture surface coating facility in East Earl Township, **Lancaster County**.

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

**63-00624: Golden Eagle Construction Co.** (P. O. Box 945, Uniontown, PA 15401) on September 18, 2003, to operate an asphalt plant at Eighty-Four in North Strabane Township, **Washington County**. This is a Synthetic Minor Facility.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).**

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*Coal Permit Actions*

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

**10803018. Western Hickory Coal Co. Inc.** (R. R. 2, Box 2139, Wampum, PA 16157). Revision to an existing bituminous strip and auger operation to add coal ash placement in Venango Township, **Butler County** affecting 509.9 acres. Receiving streams: three unnamed tributaries of Seaton Creek and two unnamed tributaries to Little Scrubgrass Creek. Application received February 25, 2003. Permit issued October 15, 2003.

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

**56010107 and NPDES Permit No. PA0249114. Marquis Mining Corporation**, 3389 Menoher Blvd., Johnstown, PA 15905. For a new permit, for discharge of treated mine drainage, for commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 74.3 acres. Receiving streams: Fallen Timber Run (CWF). The first downstream potable water supply intake from the point of discharge is Hooversville Borough. Application received December 3, 2001. Permit issued October 16, 2003.

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

**02930201 and NPDES Permit No. PA0200344. Allegheny Valley Resources, Inc.** (623 West Waldheim Road, Pittsburgh, PA 15216-1846). Permit renewal issued for continued reclamation only of a bituminous coal refuse reprocessing facility in West Deer Township, **Allegheny County**, affecting 56.0 acres. Receiving streams: Little Deer Creek and an unnamed tributary to Little Deer Creek. Application received September 8, 2003. Renewal issued October 17, 2003.

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

**17020115 and NPDES Permit No. PA0243370. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Commencement, operation and restoration of a bituminous surface mine-auger permit in Ferguson Township, **Clearfield County** affecting 69 acres. Receiving streams: not applicable for treatment facilities and sediment ponds. The permittee will use nondischarge alternatives. Application received October 9, 2002. Permit issued October 10, 2003.

**17860123 and NPDES Permit No. PA0115436.** Renewal of an existing bituminous surface mine-auger permit in Knox, Ferguson and Jordan Townships, **Clearfield County** affecting 291 acres. Receiving streams: to unnamed tributaries to McNeel Run to Gazzam Run and to Carson Run to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received June 9, 2003. Permit issued October 10, 2003.

#### *Noncoal Permit Actions*

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

**64030809. Rowe Brothers** (R. R. 2, Honesdale, PA 18431-9802), commencement, operation and restoration of a quarry operation in Cherry Ridge Township, **Wayne County** affecting 5.0 acres, receiving stream: tributary to Lackawaxen River. Application received August 12, 2003. Permit issued October 9, 2003.

**60840401C8 and NPDES Permit No. PA0614181. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit for discharge of treated mine drainage in Buffalo Township, **Union County**, receiving stream: Buffalo Creek. Application received August 26, 2003. Renewal issued October 15, 2003.

**58030801. Willard S. Docktor** (R. R. 3 Box 155, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: tributary to Little Meshoppen Creek. Application received April 7, 2003. Permit issued October 16, 2003.

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

**43940802. Vernam Excavating 7 Construction** (224 Clark Road, Jackson Center, PA 16133). Final bond release for a small noncoal mining operation in Jackson Township, **Mercer County**. Restoration of 1 acre completed. Receiving streams: unnamed tributary to Yellow Creek (TSF). Application received July 8, 2003. Final bond release approved October 10, 2003.

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

**17032801. Swisher Contracting, Inc.**, P. O. Box 1223, Clearfield, PA 16830. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Lawrence Township, **Clearfield County** affecting 6.5 acres. Receiving streams: unnamed tributaries to Clearfield Creek. Application received May 21, 2003. Permit issued October 10, 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.*

**39034014. Clair Stahley, Inc.** (P. O. Box 526, Orefield, PA 18069-0526) and **Austin Powder Co.** (P. O. Box 289, Northampton, PA 18067), construction blasting at Timber Ridge Extension in Whitehall Township, **Lehigh County** with an expiration date of November 7, 2004. Permit issued October 14, 2003.

**35034019. Fabcor, Inc.** (1205 Mid Valley Drive, Jessup, PA 18434) and **Austin Powder Co.** (P. O. Box 289, Northampton, PA 18067), construction blasting at Glen Mara in Moosic Borough, **Lackawanna County** with an expiration date of November 7, 2004. Permit issued October 14, 2003.

**35034020. Fabcor, Inc.** (1205 Mid Valley Drive, Jessup, PA 18434) and **Austin Powder Co.** (P. O. Box 289, Northampton, PA 18067), construction blasting at Meadow Avenue Sewer Project in the City of Scranton, **Lackawanna County** with an expiration date of November 7, 2004. Permit issued October 14, 2003.

**35034021. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Mt. Margaret Estates in Dunmore Borough, **Lackawanna County** with an expiration date of September 26, 2005. Permit issued October 14, 2003.

**09034026. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Summer Lea in Hilltown Township, **Bucks County** with an expiration date of November 12, 2004. Permit issued October 14, 2003.

**45034046. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Cobble Creek Estates in Pocono Township, **Monroe County** with an expiration date of September 29, 2005. Permit issued October 14, 2003.

**09034027. 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 County Line Road Water Main Extension in Horsham and Warrington Townships, **Bucks and Montgomery Counties** with an expiration date of March 15, 2004. Permit issued October 14, 2003.

**40034033. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Eagle Rock in Black Creek, Hazle, North Union and East Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of December 31, 2004. Permit issued October 14, 2003.

**48024032. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Hanover Pointe Housing in Hanover Township, **Northampton County** with an expiration date of November 30, 2005. Permit issued October 15, 2003.

**48034031. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Woodside Phase II in Williams Township, **Northampton County** with an expiration date of February 16, 2004. Permit issued October 15, 2003.

**39034015. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Oakwood Fields in Whitehall Township, **Lehigh County** with an expiration date of May 16, 2004. Permit issued October 15, 2003.

**35034022. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Royal Oak Estates in South Abington Township, **Lackawanna County** with an expiration date of December 31, 2005. Permit issued October 15, 2003.

**54034008. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Sewer Main in North Union Township, **Schuylkill County** with an expiration date of April 7, 2004. Permit issued October 15, 2003.

**47034001. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Route 642 Sewer Project in Valley Township, **Montour County** with an expiration date of October 2, 2004. Permit issued October 15, 2003.

**40034034. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Laurel Brook Estates in Bear Creek Township, **Luzerne County** with an expiration date of December 31, 2004. Permit issued October 15, 2003.

**19034001. Wampum Hardware Company** (R. D. 1 Box 112-C, Shelocta, PA 15774), construction blasting at Bloomsburg Lowes in Hemlock Township, **Columbia County** with an expiration date of February 28, 2004. Permit issued October 15, 2003.

**360340105. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Aaron King Farm Building in Paradise Township, **Lancaster County** with an expiration date of February 1, 2004. Permit issued October 16, 2003.

**360340106. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Stauffer Diesel Expansion Project in Ephrata Township, **Lancaster County** with an expiration date of February 1, 2004. Permit issued October 16, 2003.

**360340107. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for house foundation in Clay Township, **Lancaster County** with an expiration date of November 15, 2003. Permit issued October 16, 2003.

**15034038. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting for proposed retention basin and storm sewer line in West Caln Township, **Chester County** with an expiration date of November 1, 2004. Permit issued October 16, 2003.

**67034069. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Fairview Ridge in Fairview Township, **York County** with an expiration date of November 1, 2004. Permit issued October 16, 2003.

**67034068. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Rose Hill Farms Development in Fairview Township, **York County** with an expiration date of November 1, 2004. Permit issued October 16, 2003.

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

**08034001. Great Lakes Geophysical, Inc.**, P. O. Box 127, Williamsburg, MI 49690, for seismic testing, in Litchfield and Windham Townships, **Bradford County**, with an expected duration of 22 days. Permit issued October 8, 2003.

**14034020. Stone Valley Construction, Inc.**, P. O. Box 369, Pine Grove Mills, PA 16868, for construction blasting, in Ferguson Township, **Centre County**, with an expected duration of 74 days. Permit issued October 15, 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 con-

struction 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*

<i>Impact No.</i>	<i>Road Station</i>	<i>Description of Impact</i>
28	SR 402 53+400	Stormwater outfall channel and energy dissipater in floodway of Pond Creek (HQ-CWF)
28B	SR 402 53+400	0.003-acre temporary PEM wetland (EV) impact for drainage ditch to sediment basin
55	SR 402 54+000	0.035-acre PEM wetland impact for roadway construction
56	SR 402 54+000	0.143-acre PEM wetland impact for roadway construction
57	SR 402 54+050	0.010-acre PEM wetland impact for roadway construction
59 and 60	SR 402 54+400	0.436-acre PSS wetland impact for relocated driveway and drainage ditch
61	SR 402 54+500	0.010-acre PSS wetland impact for roadway construction
62	SR 402 54+500	0.301-acre manmade pond conversion to water quality basin
63	SR 402 54+800	0.043-acre PSS/PFO wetland impact for roadway construction
71	T662 85+100	Stormwater outfall structure and energy dissipater in floodway of Marshalls Creek (HQ-CWF)
72	SR 209 100+200	0.016 acre PEM wetland (EV) impact due to a 13.3-foot ext. to a 6.0-foot by 3.7-foot arch culvert in tributary to Marshalls Creek (HQ-CWF)

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E52-185. Tom J. Russo**, 103 Park Drive, Milford, PA 18337. Milford Township, **Pike County**, Army Corps of Engineers Philadelphia District, Subbasin 1-D.

To modify and maintain an existing house along the left bank within the floodway of Vandermark Creek (HQ-CWF), with work consisting of constructing a 4-foot by 14-foot addition to an existing deck and enclosing approximately a 14-foot by 12-foot area to create a screened porch. The project is southeast of the intersection of Moon Valley Road and Park Drive (Milford, PA-NJ Quadrangle N: 15.3 inches; W: 6.7 inches). The project proposes to directly affect 0.001 acre of floodway.

**E45-448. Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103, Middle Smithfield Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain 16 water obstructions and encroachments as described in the following list in and along Marshalls Creek and tributaries thereof, Pond Creek and tributaries thereof, Sand Hill Creek and in 1.006 acres of wetlands. The permittee is required to provide 3.19 acres of replacement wetlands (for the entire project). This work is associated with the Marshalls Creek Traffic Relief Study Project (U. S. 0209, Section 007), a four-lane limited access highway and begins on the north side of Pond Creek (Bushkill, PA-NJ Quadrangle N: 8.5 inches; W: 16.6 inches) in Smithfield Township, Monroe County, continues north to SR 0402, approximately 1,000 feet east of White Heron Lake (Bushkill, PA-NJ Quadrangle N: 11.4 inches; W: 15.8 inches) in Middle Smithfield Township and extends northeast along SR 0209 to SR 1016 (Sellersville Drive) (Bushkill, PA-NJ Quadrangle N: 10.0 inches; W: 12.7 inches) in Middle Smithfield Township, Monroe County. The project also includes roadway improvements at the intersection of SR 0209 and River Road (Bushkill-PA-NJ Quadrangle N: 14.2 inches; W: 3.8 inches) in Middle Smithfield Township, Monroe County. (Subbasin 01E and 01D)



<i>Impact No.</i>	<i>Road Station</i>	<i>Description of Impact</i>
73	SR 209 60+250	Stormwater outfall structure and energy dissipater in floodway of Sand Hill Creek (HQ-CWF)
74	SR 209 60+350	Stormwater outfall structure and energy dissipater in floodway of Sand Hill Creek
75	River Rd. 69+800	Stormwater outfall structure and energy dissipater in floodway of Sand Hill Creek
76	SR 1019 9+950	Stormwater outfall structure and energy dissipater in 0.009 acre PEM wetland (EV) and in floodway of Newton Run (HQ-CWF)

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

**E14-447. Wintron, LLP**, 1952 Waddle Road, State College, PA 16803. Outfall Replacement, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 11.5 inches; W: 10.0 inches).

To remove a total of three existing 12-inch, 8-inch and 15-inch diameter RCP roof drain stormwater outfall pipes and to construct and maintain 2-24-inch and 1-15-inch HDPE roof drain stormwater outfall pipes to Wallace Run (HQ-CWF, wild trout) along SR 144, approximately 1 mile north of the SR 144/SR 220 intersection in Boggs Township, Centre County. The project will not impact wetlands while impacting approximately 35 feet of waterway. There will be approximately 0.1 acre of earth disturbance in the left bank floodway during outfall construction.

**E14-448. Stearns Boal LLC**, 100 North Patterson Street, State College, PA 16803. Small Projects Joint Permit Application, in College Township, **Centre County**, ACOE Susquehanna River Basin District (State College, PA Quadrangle N: 14.0 inches; W: 9.7 inches).

To construct and maintain 40 feet of 36-inch diameter high density polyethylene pipe along Trout Road and 46 feet of 29-inch by 44-inch corrugated metal arch pipe along Houserville Road each outletting into Spring Creek, both 0.5 mile north along Houserville Road from the intersection of SR 0026 and Houserville Road. This permit was issued under section 105.13(e) "Small Projects." The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

**E18-358. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy St., Clearfield, PA 16830. SR 2009 bridge replacement in Logan Township, **Clinton County**, ACOE Baltimore District (Loganton, PA Quadrangle N: 3.05 inches; W: 15.00 inches).

To: (1) remove an existing 35-foot single span single lane bridge; (2) construct and maintain a 65-foot long single-span dual lane concrete adjacent box beam bridge with a 7.6-foot underclearance, concrete wingwalls, R-6 rock filled gabions along each abutment and wingwall; (3) regrade and maintain an elevated floodplain armored with R-6 riprap and turf reinforcement mat under the bridge deck; and (4) replace and maintain 630 feet of roadway, all of which are in the 100-year floodplain of Fishing Creek on SR 2009 1,500 feet south of SR 880. The project proposes to permanently impact 192 linear feet of Fishing Creek (HQ-CWF).

**E18-360. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 1008, Section A01, structure replacement over little Plum Run in Dunnstable Township, **Clinton County**, Baltimore U. S. Army Corps

of Engineers District (Lock Haven, PA Quadrangle N: 8.31 inches; W: 0.46 inch).

To: (1) remove the existing bridge and appurtenant structures; (2) to construct and maintain a box culvert stream enclosure with concrete wing walls and a concrete apron with a 20-foot clear span, a 6-foot rise (1.0-foot depressed invert and alternating baffles) and a 39.3-foot length; (3) place and maintain R-6 riprap for 55 feet upstream and 40 feet downstream of the stream enclosure; (4) temporarily place and maintain a flexible pipe of approximately 180 feet in length will be used during construction in conjunction with sandbags as a temporary bypass device; and (5) realignment and maintain 140 linear feet of the perennial stream channel at an average width of 25 feet through the structure area (Lock Haven, PA Quadrangle N: 8.31 inches; W: 0.46 inch) in Dunnstable Township, Clinton County. The 0.05-acre de minimis wetland impact will not be replaced.

#### WATER QUALITY CERTIFICATIONS

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

The Department of Environmental Protection (Department) certifies that there is reasonable assurance that the Lake Wallenpaupack Hydroelectric Project (Project), owned and operated by PPL Holtwood, LLC (Owner), on the Lackawaxen River will comply with section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341) and 25 Pa. Code Chapters 93 and 96, provided that the Project is operated and monitored in a manner consistent with the following conditions.

Conditions of Certification under section 401(d) of the Clean Water Act:

##### 1. *Water Quality Limitations*

a. Operation of the Project shall not cause the dissolved oxygen concentration, measured as follows, to be less than the instantaneous minimum and/or the minimum daily average as specified in 25 Pa. Code § 93.7.

b. Operation of the Project shall not cause the pH, measured as follows, to be less than or greater than the standards as specified in 25 Pa. Code § 93.7.

##### 2. *Monitoring and Reporting*

a. The Owner shall conduct effluent monitoring of the turbine discharge for the following parameters at the railroad bridge (discharge location) as follows:

<i>Parameter</i>	<i>Minimum Measurement Frequency</i>
DO	Daily
pH	Daily
Temperature	Daily
Total—Iron	Weekly
Flow	Daily

Analytical methods promulgated in 40 CFR Part 136 must be used.

Samples shall be taken when discharging at a time representative of the entire discharge period. Iron samples shall be a composite sample (minimum of four grabs) evenly spaced throughout the discharge period. Dissolved oxygen sampling shall consist of a minimum of four grab samples evenly spaced throughout the discharge period. Grab samples shall be taken for the other parameters. Flow shall be measured and reported as a daily average. The Owner may request the Department to change the monitoring schedule in this paragraph after the completion of a 1-year monitoring cycle conducted in accordance with this paragraph. The Owner retains the right to challenge any Department decision concerning a request to change the monitoring schedule submitted in accordance with this paragraph.

Monitoring results obtained during each month shall be summarized for that month and submitted to the Department and received no later than the 28th day of the following month. The monthly reports shall include sample results, collection time and date, discharge start and end times and comments.

b. The Owner shall conduct annual in-stream benthos monitoring for 5 consecutive years at two stations: Station 1 above the discharge approximately 600 feet and Station 2 below the discharge approximately 1,300 feet, in accordance with *PADEP—RBP Benthic Macroinvertebrate Sample Collection and Processing Methodology for Cause/Effect Surveys*. Thereafter, the Owner shall conduct in-stream benthos monitoring as set forth in this paragraph once every 3 years. The station locations are fixed and should not change without prior approval from the Department. The Owner will follow the sample collection protocol set forth for a stream greater than 50 feet in width. Samples must be collected between August 1 and October 31 during normal to low stream flow conditions. The benthic macroinvertebrate report shall be submitted by February 1st of the following year to the Department.

c. The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any hydrogen sulfide treatment process that may be employed by the Owner.

3. *Operation*—The Owner shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed by the Owner to achieve compliance with the terms and conditions of this Certification. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls and appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the Owner.

4. *Inspection*—The Project, including all relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this Certification and the Commonwealth's water quality standards. A copy of this Certification shall be available for inspection by the Department during inspections of the Project.

5. *Transfer of Project*—If the Owner intends to transfer any legal or equitable interest in the Project which is affected by this Certification, the Owner shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer and shall simultaneously

inform the Regional Office of the Department of intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage and liability between them.

6. *Correspondence*—Correspondence with and submittals to the Department concerning this Certification should be addressed to Department of Environmental Protection, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711.

7. *Reservation of Rights*—The Department may suspend or revoke this Certification if it determines that the Owner has not complied with the terms and conditions of this Certification. The Department may require additional measures to achieve compliance with applicable law, subject to the Owner's applicable procedural and substantive rights.

8. *Other Laws*—Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve the Owner from any responsibilities, liabilities or penalties established under any applicable Federal or State law or regulation.

9. *Severability*—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

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.

*Regional Office:* Department of Environmental Protection, Northeast Regional Office, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711

*Certification Request Initiated by:* PPL Holtwood, LLC, Two North Ninth Street, Allentown, PA 18101

*Date of Initial Pennsylvania Bulletin Notice:* 33 Pa.B. 217 (January 11, 2003)

Project Description: PPL Holtwood, LLC has requested a Section 401 State Water Quality Certification for the operation of the Wallenpaupack Hydroelectric Project (Project) near the Hawley Borough in Wayne and Pike

Counties. The Project is used primarily to meet the peak demands within Pennsylvania-New Jersey-Maryland Interconnection, with limitations on generation set by both natural inflows to the lake and seasonal recreational demands. The Project operates on an annual storage basis, which is achieved through the use of seasonal "target" lake elevations that are at times specifically constrained by the license terms and conditions. With both generator units, a total outflow ranging up to 1,800 cfs were typically started and shut down simultaneously and were operated at a relatively fixed generation level over the course of the day. PPL Holtwood, LLC expects to continue to operate the project under its current peaking mode of operation, to continue to provide ancillary power services as previous and to continue to operate for recreational, environmental, drought and flood control needs with certain modifications and enhancements: implementation of a new monthly lake elevation target schedule during normal nondrought periods; implementation of a revised drought operation plan; implementation of a deferred trout temperature regulation program for the Lackawaxen River (from river miles 4–10 not to exceed a maximum of 77°F); implementation of restricted weekend generation during the spring trout seasons; implementing operation and testing of recently installed turbine draft tube aeration system for downstream dissolved oxygen; curbing the range of area regulation operations during 6 summer weekdays to enhance week-day whitewater boating opportunities; and scheduling of two weekend whitewater boating flow releases.

*Location:* Lake Wallenpaupack in Hawley Borough, Wayne and Pike Counties, ACOE Philadelphia District, Hawley Quadrangle N: 16.25 inches; W: 0.75 inch (discharge), source water (Lake Wallenpaupack) is approximately 3.5 miles up-stream.

*Final Action on Request:* Certification granted on September 23, 2003.

[Pa.B. Doc. No. 03-2115. Filed for public inspection October 31, 2003, 9:00 a.m.]

### **Draft General Permit for Beneficial Use of Biosolids by Land Application (PAG-8); Additional Comment**

In accordance with the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1–691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904), the Department of Environmental Protection (Department) issues this general permit for use by eligible persons for the beneficial use of exceptional quality biosolids, biosolids or residential septage that will be land applied, who are required by 25 Pa. Code Chapter 91, Chapter 92 or Chapter 271 (relating to general provision; National Pollutant Discharge Elimination System permitting, monitoring and compliance; and municipal waste management—general provisions), as applicable, to obtain a permit for the beneficial use of biosolids in this Commonwealth.

Notice of proposed revisions to PAG-8 was published at 32 Pa.B. 376 (January 19, 2002) with a 30-day public comment period that closed on February 19, 2002. The Department then extended the public comment period

until March 25, 2002. PAG-8 was further amended and published for public comment at 32 Pa.B. 5213 (October 19, 2002) with a 30-day comment period that was to close on November 18, 2002, but was extended until December 23, 2002.

The Department is proposing additional amendments to PAG-8. PAG-8 Section 3.g was added to include a rebuttable presumption for post-lime treated biosolids. The rebuttable presumption excludes coverage under PAG-8 for post-lime treated products that cannot be shown to be land applied without creating odor problems. The rebuttable presumption will apply to new applications for coverage or coverage renewals. PAG-8 Section 4.g was modified to provide additional enforcement tools specifically regarding odor management. The Department will only accept comments relevant to these specific changes since PAG-8 was previously published for public comment in its entirety on two separate occasions.

A copy of the new draft revised PAG-8 is available on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate; scroll down to "Proposals Open for Comment" and choose "Regulations and Other Proposals"). A copy of the new draft revised PAG-8 is also available by contacting the Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, [trutrutma@state.pa.us](mailto:trutrutma@state.pa.us).

The public is invited to comment on the proposed revisions to PAG-8 Sections 3.g and 4.g only. Comments must be received by December 1, 2003. If there is significant public interest in the proposed revisions to PAG-8 or if formally requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received within the specified period will be considered in the formulation of final PAG-8. Persons wishing to comment should submit their name, address, telephone number and a concise comment and the relevant facts upon which it is based. A public meeting or hearing may be held if the Department considers the public interest and/or comments significant. Written comments should be submitted to the previous address. Comments will not be accepted by facsimile or on voice mail. Comments will also be accepted by e-mail and should be sent to [jafrica@state.pa.us](mailto:jafrica@state.pa.us) by December 1, 2003.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comment and response document and prepare final document packages for this permit. An availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-2116. Filed for public inspection October 31, 2003, 9:00 a.m.]

### **Draft General Permit for Beneficial Use of Exceptional Quality (PAG-7); Additional Comment**

In accordance with the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1–691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P. S. §§ 6018.101–

6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) issues this general permit for use by eligible persons for the beneficial use of exceptional quality biosolids, biosolids or residential septage that will be land applied, who are required by 25 Pa. Code Chapter 91, Chapter 92 or Chapter 271 (relating to general provision; National Pollutant Discharge Elimination System permitting, monitoring and compliance; and municipal waste management—general provisions), as applicable, to obtain a permit for the beneficial use of biosolids in this Commonwealth.

Notice of proposed revisions to PAG-7 was published at 32 Pa.B. 377 (January 19, 2002) with a 30-day public comment period that closed on February 19, 2002. The Department then extended the public comment period until March 25, 2002. PAG-7 was further amended and published for public comment at 32 Pa.B. 5213 (October 19, 2002) with a 30-day comment period that was to close on November 18, 2002, but was extended until December 23, 2002.

The Department is proposing additional amendments to PAG-7. PAG-7 Section 3.f was added to include a rebuttable presumption for post-lime treated biosolids. The rebuttable presumption excludes coverage under PAG-7 for post-lime treated products that cannot be shown to be land applied without creating odor problems. The rebuttable presumption will apply to new applications for coverage or coverage renewals. PAG-7 Section 4.g was modified to provide additional enforcement tools specifically regarding odor management. PAG-7 Section 4.j was originally part of PAG-7 Section F. PAG-7 Sections E.3 and F were amended to provide additional detail and clarity. PAG-7 Section E.5 was added for regulatory clarity. PAG-7 Section G was added for clarification purposes. The Department will only accept comments relevant to these specific changes since PAG-7 was previously published for public comment in its entirety on two separate occasions.

A copy of the new draft revised PAG-7 is available on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate; scroll down to "Proposals Open for Comment" and choose "Regulations and Other Proposals"). A copy of the new draft revised PAG-7 is also available by contacting the Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, [trutrutma@state.pa.us](mailto:trutrutma@state.pa.us).

The public is invited to comment on the proposed revisions to PAG-7 Sections 3.f, 4.g, 4.j, E.3, E.5, F and G only. Comments must be received by December 1, 2003. If there is significant public interest in the proposed revisions to PAG-7 or if formally requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received within the specified period will be considered in the formulation of final PAG-7. Persons wishing to comment should submit their name, address, telephone number and a concise comment and the relevant facts upon which it is based. A public meeting or hearing may be held if the Department considers the public interest and/or comments significant. Written comments should be submitted to the previous address. Comments will not be accepted by facsimile or on voice mail. Comments will also be accepted by e-mail and should be sent to [jafrica@state.pa.us](mailto:jafrica@state.pa.us) by December 1, 2003.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988

(voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comment and response document and prepare final document packages for this permit. An availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 03-2117. Filed for public inspection October 31, 2003, 9:00 a.m.]

### Draft General Permit for Beneficial Use of Residential Septage by Land Application (PAG-9); Additional Comment

In accordance with the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) issues this general permit for use by eligible persons for the beneficial use of exceptional quality biosolids, biosolids or residential septage that will be land applied, who are required by 25 Pa. Code Chapter 91, Chapter 92 or Chapter 271 (relating to general provision; National Pollutant Discharge Elimination System permitting, monitoring and compliance; and municipal waste management—general provisions), as applicable, to obtain a permit for the beneficial use of biosolids in this Commonwealth.

Notice of proposed revisions to PAG-9 was published at 32 Pa.B. 377 (January 19, 2002) with a 30-day public comment period that closed on February 19, 2002. The Department then extended the public comment period until March 25, 2002. PAG-9 was further amended and published for public comment at 32 Pa.B. 5213 (October 19, 2002) with a 30-day comment period that was to close on November 18, 2002, but was extended until December 23, 2002.

The Department is proposing additional amendments to PAG-9. PAG-9 Section 4.g was modified to provide additional enforcement tools specifically regarding odor management. The Department will only accept comments relevant to this specific change since PAG-9 was previously published for public comment in its entirety on two separate occasions.

A copy of the new draft revised PAG-9 is available on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate; scroll down to "Proposals Open for Comment" and choose "Regulations and Other Proposals"). A copy of the new draft revised PAG-9 is also available by contacting the Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, [trutrutma@state.pa.us](mailto:trutrutma@state.pa.us).

The public is invited to comment on the proposed revisions to PAG-9 Section 4.g only. Comments must be received by December 1, 2003. If there is significant public interest in the proposed revisions to PAG-9 or if formally requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received within the specified period will be considered in the formulation of final

PAG-9. Persons wishing to comment should submit their name, address, telephone number and a concise comment and the relevant facts upon which it is based. A public meeting or hearing may be held if the Department considers the public interest and/or comments significant. Written comments should be submitted to the previous address. Comments will not be accepted by facsimile or on voice mail. Comments will also be accepted by e-mail and should be sent to [jafrica@state.pa.us](mailto:jafrica@state.pa.us) by December 1, 2003.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988

(voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comment and response document and prepare final document packages for this permit. An availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-2118. Filed for public inspection October 31, 2003, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### 2003 Group One Exception Requests; Medical Assistance Long Term Care Participation Review

The Department of Public Welfare (Department), by statement of policy effective December 18, 1996, adopted an interim policy announcing that it intended to exercise its discretion to refuse to enter into new Medical Assistance (MA) provider agreements and to terminate any provider of MA nursing facility services that sought to increase the number of MA certified nursing facility beds through expansion, unless the Department granted an exception on a case-by-case basis to permit that provider to enroll or expand. A statement of policy that sets forth the guidelines the Department will use when making its case-by-case exception request decisions was published at 28 Pa.B. 138 (January 10, 1998) and is codified at 55 Pa. Code § 1187.21a (relating to nursing facility exception requests—statement of policy).

By this notice, published under 55 Pa. Code § 1187.21a(e)(4), the Department announces the 2003 Group One Exception Requests covering the submission period of January 1, 2003, through June 30, 2003.

#### New Facility Requests

Number	Facility	Address	County	Beds
JJ03001	Ventcare		Philadelphia	20
JJ03002	Maple Winds Care Center	4112 Spring Hill Road Portage, PA 15946	Cambria	77
JJ03003	Northwood Nursing & Convalescent Center	4621 Castor Avenue Philadelphia, PA 19124	Philadelphia	148

Copies of the previously listed exception requests are available for review by the public during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

#### Public Comment

Interested persons are invited to submit written comments regarding to this notice within 30 days of publication to the Department of Public Welfare, Bureau of LTC Programs, Attention: Policy Section, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

**Fiscal Note:** 14-NOT-374. No fiscal impact; (8) recommends adoption.

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 03-2119. Filed for public inspection October 31, 2003, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Implementation of Exhaust Emission Testing Provisions through On-Board Diagnostic Systems

The Department of Transportation (Department), Bureau of Motor Vehicles, under 75 Pa.C.S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104, has a final rulemaking pending before the Independent Regulatory Review Commission (IRRC) amending 67 Pa. Code Chapter 177 (relating to emission inspection program). The revised regulations provide for the implementation, upon

notice in the *Pennsylvania Bulletin*, of alternative procedures for the emissions testing of vehicles of model years 1996 and newer through the use of the vehicle's on-board diagnostic (OBD) system.

Subject to approval of the regulatory revisions by IRRC, effective January 1, 2004, the Department will begin implementation of 67 Pa. Code § 177.51(f)(2) (relating to program requirements) and, effective April 1, 2004, the Department will begin implementation of 67 Pa. Code § 177.51(f)(4).

Certified emission inspection stations in the Pittsburgh region must be capable of performing the OBD—inspection/maintenance (I/M) check by March 31, 2004. Certified emission inspection stations in the Philadelphia

region must be capable of performing the OBD—I/M check by June 30, 2004. From January 1, 2004, to March 31, 2004, vehicles of model year 1996 and newer in the Pittsburgh region may comply with the I/M program (emissions inspection) through the performance of either an I/M emission test (tailpipe test) or the OBD—I/M check. From April 1, 2004, to June 30, 2004, vehicles of model year 1996 and newer in the Philadelphia region may comply with the I/M program through the performance of either an I/M emission test (tailpipe test) or the OBD—I/M check.

Questions or comments regarding this notice should be directed to Cindy Cashman, Department of Transportation, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-2304, ccashman@state.pa.us.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 03-2120. Filed for public inspection October 31, 2003, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### County of Berks v. DEP; EHB Doc. No. 2003-247-K

The County of Berks has appealed the issuance by the Department of Environmental Protection of NPDES Part II Permit No. PA0033995, Amendment No. 1 (September 12, 2003) and Water Management Permit No. 0602404 to same for a facility in Bern Township, Berks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 03-2121. Filed for public inspection October 31, 2003, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, November 5, 2003, Data Systems Committee meeting—10

a.m., Education Committee meeting—1 p.m.; Thursday, November 6, 2003, Council meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Individuals in need of accommodation due to a disability who wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 03-2122. Filed for public inspection October 31, 2003, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Property Management Services; Request for Proposals

The Housing Finance Agency (Agency) is seeking proposals for property management services for all aspects of building management and systems supervision at its new headquarters facility located at 211 North Front Street, Harrisburg, PA. The services will be needed on or around January 5, 2004.

The Agency has prepared an invitation to submit proposals (invitation) for interested applicants. The invitation is available in its entirety on the Agency's website at [www.phfa.org](http://www.phfa.org). Information set forth in this notice provides only a summary of the invitation. Interested applicants must review the invitation in detail for a description of the services and the components of the Statement of Qualifications and Management Plan. The invitation requires submission of complete responses by 12 p.m. on Friday, November 28, 2003.

The Agency seeks proposals from qualified contractors capable of providing all aspects of management of the physical plant of the Agency. The facility is comprised of approximately 117,000 square feet of professional offices located on five floors, with three floors of parking and one additional floor of mixed use space. Management of the facility will entail all building management duties, general maintenance services, supervision of janitorial services, specialized maintenance, coordination and management of parking and subcontractors, oversight of security contracts and 24-hour response capacity, coordination of all aspects of mechanical, electrical and elevator service contracts and management of components under warranty.

Interested contractors must attend a preproposal conference on Friday, November 14, 2003. Preregistration for the conference is required by November 10, 2003, by contacting Deborah A. Zlogar, Director of Human Resources, Housing Finance Agency, 2101 North Front Street, Harrisburg, PA 17110, fax (717) 780-1897, [dzlogar@phfa.org](mailto:dzlogar@phfa.org).

The invitation may be obtained on the website. Additionally, copies of the invitation may be requested in writing by contacting the addressee listed in this notice. The Agency reserves the right to amend this process, to extend the process and deadlines and to withdraw its invitation at any time. Further, the Agency may negotiate

separately with competing contractors and may request supplemental information and oral presentation as it deems appropriate to evaluate bid qualifications.

BRAIN A. HUDSON,  
*Executive Director*

[Pa.B. Doc. No. 03-2123. Filed for public inspection October 31, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the Committee comment period. The Commission comments are based upon the criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
18-374	Department of Transportation Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers  (33 Pa.B. 4171 (August 23, 2003))	9/22/03	10/22/03
18-385	Department of Transportation Vehicle Equipment and Inspection  (33 Pa.B. 4175 (August 23, 2003))	9/22/03	10/22/03

### Department of Transportation Regulation No. 18-374

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

October 22, 2003

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Transportation (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 22, 2003. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

### 1. Section 83.2. Definitions.—Clarity.

“Aura” is defined as “an epileptic seizure which does not alter an individual’s ability to think clearly or interfere with an individual’s mechanical or sensory ability to operate a motor vehicle.” This differs from the description of “aura” in the preamble. The preamble describes an “aura” as the physical warning many people experience prior to a seizure. The definition of “aura” in the final-form regulation should be amended to rectify the inconsistency between the proposed definition and the description in the preamble.

### 2. Section 83.3. Visual standards.—Clarity.

#### *Subsections (a) and (b)*

Under subsections (a)(1) and (b), the phrase “less visual acuity than” should be changed to “visual acuity less than” for consistency with the wording in subsection (a)(2).

#### *Subsection (c)*

Subsection (c)(1)(iii) uses the term “freeway.” The final-form regulation should contain a cross-reference to the definition of “freeway” in 75 Pa.C.S. § 102.

Subsection (c)(1)(v) states that a person’s driving privilege could be limited to a certain geographic area if “determined by the Department to be appropriate.” Under what circumstances would the Department limit a driver to a specific geographic area? What criteria would be used to establish the boundaries of the geographic area?

### 3. Section 83.4. Seizure disorder.—Clarity.

The last sentence of subsection (a) states that a person who has experienced only “an aura” during a 6-month period will not be disqualified to drive. A strict reading of this provision would disqualify from driving a person who experienced more than one aura during the 6-month period. It is our understanding that this is not the Department’s intent. Therefore, the phrase “an aura” should be changed to “auras.”

### 4. Section 83.5. Other physical and medical standards.—Clarity.

#### *Subsection (b)*

Subsection (b)(2)(i) and (3)(i) states the following: “The provider shall inform the patient of the prohibition against driving due to the functional impairment.” How does the Department intend to enforce this provision against both providers and patients?

In its comments, the Pennsylvania Psychological Association (PPA) suggests that the phrase “examination by the physician” in subsection (b)(5) be changed to “examination by the provider” since psychologists as well as physicians use the Diagnostic and Statistical Manual of Mental Disorders. The PPA’s proposed revision would be consistent with the terminology used throughout subsection (b), and we suggest the Department include this revision in the final-form regulation.

In subsection (b)(5), the last sentence refers to the “applicant’s history as provided by self or *others*.” (Emphasis added.) The final-form regulation should clarify who is included in “others.”

#### *Subsection (c)*

Subsection (c) provides that a person with any of certain conditions “*may* be required to undergo a special driving examination to determine driving competency.”

(Emphasis added.) What does a special driving exam entail? Under what circumstances will a special driving examination be required?

#### 5. Miscellaneous clarity issues.

Throughout this rulemaking, the word “physician” and the phrase “licensed physician” are used interchangeably. “Physician” is used in §§ 83.2 (definition of “seizure”), 83.4(a) and (c), 83.5(b)(5) and 83.6. “Licensed physician” is used in 83.3(c)(1), 83.4(b) and 83.5(b)(6). The term “licensed physician” is defined in § 83.2. For consistency, the Board should use the defined term “licensed physician” in the sections previously noted.

**Department of Transportation**  
**Regulation No. 18-385**  
**Vehicle Equipment and Inspection**  
**October 22, 2003**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Transportation (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 22, 2003. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

#### 1. Vehicles exempted from emission inspections—Reasonableness; Consistency with other regulations; Need; Economic impact.

The proposed regulation incorporates a visual inspection of emission control equipment into the annual safety vehicle equipment inspection for passenger cars and light trucks covered by Chapter 175, Subchapter E. The proposed regulation will apply only to the counties that are not subject to the emission inspection program under Chapter 177. Although both Chapters 175 and 177 contain the same provisions for visual inspections, the exemptions from these requirements are not the same.

Chapter 177 is the comprehensive emission inspection program for nonattainment areas as required by the Clean Air Act. Chapter 177 contains various types of exemptions from emission inspections. For example, the exemptions in § 177.101(c)(4) and (12) include “classic, antique or collectible motor vehicles” and “vehicles driven less than 5,000 miles in the previous 12 months.” Vehicles that meet any of the exemptions under § 177.101(c) are not required to have any visual inspection or emission test. On the other hand, the exemptions for owners of passenger cars in Chapter 175 are limited essentially to “antique” and “specially constructed” vehicles.

In addition to this proposed regulation, the Department is promulgating amendments to Chapter 177 in a final-omitted regulation (No. 18-384). Section 177.51(c) of the final-omitted regulation contains new provisions for “pre-MY (model year) 1996 vehicles.” These provisions reduce or eliminate the emission inspection requirements for pre-MY 1996 vehicles if certain conditions apply. For example, these cars will not be subject to the emission program if they represent less than 20% of the total subject vehicles in a county provided that emissions in the county are at or below levels that are in compliance with the State Implementation Plan.

The exemptions that apply to the proposed regulation are limited compared to Chapter 177. The result will be

an inconsistent application of the rules. Some vehicles in attainment areas will be required to undergo visual inspections and make repairs while similar vehicles in nonattainment areas (or areas with greater pollution) will be exempt. We question why the exemptions in Chapter 177 are not being allowed for the visual inspection of emission control equipment in Chapter 175. If the exemptions will not be the same, the Department should explain the need for this more stringent implementation of the rules in less polluted areas. Additionally, the Department should provide an estimate of the compliance costs for affected vehicle owners.

#### 2. Section 175.80. Inspection procedure.—Reasonableness; Economic impact; Consistency with other regulations; Clarity.

*Equivalent aftermarket replacement component meeting the same standards*

The language added to subsection (d) allows use of original vehicle equipment or “an equivalent aftermarket replacement component meeting the same standards.” A commentator has suggested revisions to allow aftermarket parts that meet equivalency standards of the United States Environmental Protection Agency (EPA) or California Air Resources Board (CARB). If these parts achieve equivalent pollution reductions as prescribed by the EPA or CARB, they should be explicitly permitted by the regulation.

*Inconsistent language*

The visual inspection provisions in subsection (d)(2) require the inspector to reject a component if it “. . . appears to be the wrong type for the certified vehicle configuration.” (Emphasis added.) The phrase “appears to be” may allow a vehicle to be rejected based on an appearance rather than an actual problem. It is also not completely consistent with the language in Chapter 177. The phrase “appears to be” is used to describe “visual inspection procedures” in § 177.203(d) of the recently submitted final-omitted regulation. However, the final-omitted regulation retains existing language in § 177.204(4) entitled “basis for failure” that states:

A vehicle shall fail the visual inspection if applicable required emission control equipment specified in § 177.203(d) *is not present, is not properly connected or is not the correct type for the certified equipment.* (Emphasis added.)

In the final-form regulation, the Department should use similar language in § 175.80(d)(2) since the objective is to require that emission control components are present and connected.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 03-2124. Filed for public inspection October 31, 2003, 9:00 a.m.]

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.



<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
12-60	Department of Labor and Industry Uniform Construction Code; Administration and Enforcement; Elevators and Other Lifting Devices	10/22/03
JOHN R. MCGINLEY, Jr., <i>Chairperson</i>		

[Pa.B. Doc. No. 03-2125. Filed for public inspection October 31, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate to this Commonwealth

American Millennium Insurance Company, a New Jersey stock property and casualty insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the State of Delaware to this Commonwealth. The filing was made under the Business Corporation Law of 1988 (15 Pa.C.S. §§ 1101—4162) and The Insurance Company Law of 1921 (40 P.S. §§ 341—1007.14). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [sohnmacht@state.pa.us](mailto:sohnmacht@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-2126. Filed for public inspection October 31, 2003, 9:00 a.m.]

### Michele M. Catanzano; Hearing

#### Appeal of Michele M. Catanzano under 40 P. S. §§ 991.2101—991.2193; Doc. No. HC03-08-031

A telephone hearing initiated by this office shall be conducted on October 28, 2003, at 1 p.m. Parties shall provide the Hearings Administrator telephone numbers to be used for the telephone hearing on or before October 28, 2003. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Documents which will be presented at the hearing must be provided to the opposing party on or before October 24, 2003, and copied to the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid,

service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-2127. Filed for public inspection October 31, 2003, 9:00 a.m.]

### James E. Dwyer and James & Son, Inc.; Prehearing

#### Order to Show Cause; Doc. No. SC03-07-048

A prehearing telephone conference initiated by this office is scheduled for November 4, 2003, at 2 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before October 21, 2003, to the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 27, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before October 31, 2003.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-2128. Filed for public inspection October 31, 2003, 9:00 a.m.]

### Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice 2003-09

The Insurance Department (Department), Medical Care Availability and Reduction of Error Fund, by Sarah H. Lawhorne, Special Assistant to the Insurance Commissioner, under section 712 of the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P.S. § 1303.712), has determined that the annual assessment to be levied for calendar year 2004 shall be 46% applied to the prevailing primary premium for each participating health care provider.

The act defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 2004 annual assessment, the JUA rates to be used are \$500,000 per occurrence/\$1.5 million per annual aggregate for participating health care providers other than hospitals and \$500,000 per occurrence/\$2.5 million per annual aggregate for hospitals.

Participating health care providers having approved self-insurance plans shall be assessed an amount equal to the assessment imposed on a participating health care provider of like class, size, risk and kind as determined by the Department.

Payment of this assessment will be deferred until April 1, 2004. Therefore, for all policies which incept or renew before April 1, the assessment is not due until 60 days later.

In addition, Governor Rendell continues to pursue abatement of this 2003-2005 assessment through the legislative process.

This action is subject to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure)

SARAH H. LAWHORNE,  
*Special Assistant to the Insurance Commissioner*

[Pa.B. Doc. No. 03-2129. Filed for public inspection October 31, 2003, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Kathleen L. Jones; file no. 03-182-10137; Mutual Benefit Insurance Company; doc. no. P03-10-013; November 25, 2003, 10:30 a.m.

Appeal of Karen Gibson; file no. 03-181-09823; Erie Insurance Company; doc. no. P03-10-016; November 26, 2003, 10:30 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Harvey Lubin; file no. 03-280-04763; Hartford Insurance Group; doc. no. PH03-10-019; November 20, 2003, 9 a.m.

Appeal of Nicholas A. Davalos; file no. 03-265-04737; Erie Insurance Group; doc. no. PH03-10-010; December 11, 2003, 3:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-2130. Filed for public inspection October 31, 2003, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for all Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on December 3, 2003, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the Class I over-order premium that is scheduled to expire on December 31, 2003, and whether an adjustment should be made to the level of the over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board by 4 p.m. on November 14, 2003, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board by 3 p.m. on May 15, 2003, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on November 24, 2003, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on December 1, 2003, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on November 14, 2003.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (relay service for TDD users).

LYDIA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 03-2131. Filed for public inspection October 31, 2003, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Order

Public Meeting held  
October 16, 2003

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice Chairperson; Terrance J. Fitzpatrick; Kim Pizzingrilli

Joint application of Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Lakewood, Inc. Frontier Communications of Oswayo River, Inc. and Frontier Communications of Pennsylvania, Inc.	Doc. Nos.: A-310400 F0004 A-310550 F0004 A-311750 F0004 A-312600 F0003 A-311250 F0004
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for approval of restructurings from corporations to limited liability companies.

## Order

*By the Commission:*

On July 17, 2003, Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Lakewood, Inc., Frontier Communications of Oswayo River, Inc. and Frontier Communications of Pennsylvania, Inc. (together, the Frontier Utilities or applicants) filed jointly under Chapter 11 of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1101 et seq., an application for approvals of the applicants restructuring from business corporations to limited liability companies (LLCs). A copy of the application was served upon the Office of Consumer Advocate and the Office of Small Business Advocate. Further notice was not required and no protest period was established. No protests or comments have been received.

On September 25, 2003, the Frontier Utilities filed an amendment to their joint application clarifying the relation of the current corporate utilities to the new LLCs. Specifically, the applicants confirmed that: (a) the new LLCs will be the successor utilities to the existing corporations; and (b) that all the managerial, technical and financial resources available to each of the existing corporate utilities will be unchanged and available to the respective successor LLCs.

Each of the Frontier Utilities is an incumbent local exchange carrier (ILEC), and together they serve over 40,000 access lines in largely rural areas in eight counties of Pennsylvania. They are currently direct subsidiaries of Frontier Subsidiary Telco, LLC which, in turn, is a direct subsidiary of Citizens Communications Company (Citizens), a publicly held company.

The joint applicants propose restructurings by which each of the utilities would change its type of business entity from a Pennsylvania business corporation to a Pennsylvania LLC.<sup>1</sup> The change will be accomplished by the merger of each corporate ILEC into its similarly-named LLC counterpart, with the LLC thereby becoming the jurisdictional ILEC. The parties have averred that the new entities will remain under the direct or indirect control of Frontier Telco and Citizens, and that there will be no adverse effect upon customers. Each successor utility will continue to provide the same services to customers under the tariff currently effective for each of the present Frontier Utilities. The parties have also pointed to the expected realization of organizational efficiencies as constituting an affirmative public benefit as required by *City of York v. Pennsylvania Public Utility Commission*, 446 Pa. 136, 295 A.2d 825 (1972).

In the past we have interpreted a utility's change in its type of business entity to constitute the entry into public service by the new entity and the abandonment of service by the former entity, and we have assigned a new utility code to the successor utility. With the instant changes by the Frontier Utilities, we find that a more streamlined approach to granting the authority necessary under Chapter 11 of the Code is in order. If a new business entity will indeed be the successor to a utility in good standing, succeeding to all rights and responsibilities of the incumbent utility, and if all the resources—technical, managerial and financial—of the incumbent utility will be at the disposal of the new business entity, then we can

<sup>1</sup> The applicants have cited Delaware law as providing that a change from a corporation to an LLC results in no change in business entity. 6 Del. Code § 18-214(e)–(g). We fail, however, to recognize the relevance of Delaware law to the present situation. The cited statute three times includes the phrase "for all purposes of the laws of the State of Delaware," but this application is before a Pennsylvania agency. Moreover, all of the Frontier Utilities are, and will remain, Pennsylvania business entities, not Delaware entities.

grant the appropriate authority forthwith, and the existing utility code will apply to the successor utility. It will not be necessary for the successor utility to demonstrate fitness to provide service, as for all practical purposes the entities are one and the same. Moreover, since there will be no change in control of the utility services nor any change in the resources available to the incumbent and successor utilities, it will not be necessary to demonstrate an affirmative public benefit or the promise thereof under *City of York* as is normally required for acquisitions and changes in control of a utility.

However, if the change in business entity is accompanied by any change in the ownership of the utility, changes in senior management or diminution of resources, a conventional application will be required and the standards of *City of York* will apply.

Having reviewed the instant joint application, we have determined that the proposed succession of each of the Frontier Utilities by an LLC is necessary or proper for the service, accommodation, convenience or safety of the public, and that the application should be approved; *Therefore,*

*It Is Ordered That:*

1. The application of Frontier Communications of Breezewood, Inc. concerning its succession by Frontier Communications of Breezewood, LLC is hereby approved.
2. The application of Frontier Communications of Canton, Inc. concerning its succession by Frontier Communications of Canton, LLC is hereby approved.
3. The application of Frontier Communications of Lakewood, Inc. concerning its succession by Frontier Communications of Lakewood, LLC is hereby approved.
4. The application of Frontier Communications of Oswayo River, Inc. concerning its succession by Frontier Communications of Oswayo River, LLC is hereby approved.
5. The application of Frontier Communications of Pennsylvania, Inc. concerning its succession by Frontier Communications of Pennsylvania, LLC is hereby approved.
6. Within 30 days of the consummation of the succession by a limited liability company, each of the successor Frontier Utilities file with this Commission notice of consummation together with: (a) a copy of the Department of State's registration of the entity's certificate of organization; and (b) a tariff adoption supplement by which the successor utility adopts as its own the tariff in effect for its predecessor utility.
7. If the parties determine that the successions by LLCs will not be implemented, the Frontier Utilities promptly file notice with this Commission of determination.
8. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-2132. Filed for public inspection October 31, 2003, 9:00 a.m.]

## Order

Public Meeting held  
October 16, 2003

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzigrilli

*Ratification and Adoption of Amendment to Part 192 of Title 49 of the Code of Federal Regulations; Doc. No. M-00031766*

## Order

*By the Commission:*

At 52 Pa. Code § 59.33(b) the Commission has adopted, except as otherwise indicated, the Federal safety standards for natural gas transmission and distribution facilities. The Federal standards are established by the United States Department of Transportation (DOT) at 49 U.S.C.A. § 60101 et seq. and are set forth in Parts 191, 192, 193 and 199 of Title 49 of the *Code of Federal Regulations*. Section 59.33(b) provides, in pertinent part, that amendments to Title 49 will become effective in this Commonwealth upon the date of entry of a Commission ratification order where that order is served upon all jurisdictional natural gas companies or, alternatively, upon the date of such order's publication in the *Pennsylvania Bulletin*.

A. On August 6, 2002, at 67 *Federal Register* 50824, amendment 192-77 was adopted and codified by the DOT at 49 CFR 192. The primary purpose of this amendment is to define areas where a pipeline rupture would lead to the greatest consequences to the public. The rule defines areas of high consequence where a gas pipeline accident could do considerable harm to people and their property. The definition includes: current class 3 and 4 locations; facilities with persons who are mobility impaired, confined or hard to evacuate and places where people gather for recreational and other purposes. For facilities with mobility impaired, confined or hard-to-evacuate persons and places where people gather, the corridor of protection from the pipeline is 300 feet, 660 feet or 1,000 feet depending on the pipeline's diameter and operating pressure.

Copies of the aforementioned *Federal Register* publications follow the original order.

Keeping in mind the safety of the public, we have reviewed the previously-referenced amendments in accordance with the provisions of 52 Pa. Code § 59.33. Based upon this review, we find that the DOT amendment to be in the public interest and adopt them as our own. The effective date of our adoption of the aforementioned amendments shall be the date upon which this order is entered.

*Therefore:*

*It Is Ordered That:*

1. The following amendment adopted by the DOT is hereby ratified and adopted in accordance with the provisions of 52 Pa. Code § 59.33(b).

(a) On August 6, 2002, at 67 *Federal Register* 50824, to 49 CFR 192.761.

2. The Secretary shall serve copies of this order together with its attachments upon all jurisdictional gas utilities. Accordingly, the effective date shall be the entry

date of this order. Concurrently, the Secretary shall cause this order, without attachments, to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-2133. Filed for public inspection October 31, 2003, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the applicant, on or before November 24, 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-00120055 Folder 3. Choice Cab Company** (1311 Robinwood Drive, Clarion, Clarion County, PA 16214), a corporation of the Commonwealth—persons, in limousine service, between points in the County of Clarion, and from points in said county, to points in the Counties of Jefferson, Clearfield, Elk, Erie, Venango, Butler and Indiana and to the Pittsburgh International Airport in the County of Allegheny, and return. *Attorney:* Ray F. Middleman, Northridge Office Plaza, 117 IVP Drive, Suite 310, Wexford, PA 15090.

**A-00120235. Marylouise M. Forcine** (4 Jamie Lane, Phoenixville, Chester County, PA 19460)—persons upon call or demand in the Borough of Malvern, Chester County, and within an airline distance of 15 statute miles of the limits thereof.

**A-00120233, F.2. Russell L. Probst** (328A Georgetown Road, Strasburg, Lancaster County, PA 17579)—persons in paratransit service, between points in Lancaster County, and from points in said county, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-00120241. Carl Diller** (2112 South View Road, Lancaster, Lancaster County, PA 17602)—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.

#### **Application of the following for amendment to the contract carrier permit approving the operation of motor vehicles as contract carriers for transportation of persons as described under the application.**

**A-00111207, Folder 1, Am-B. Keystone Quality Transport Company** (313 West Baltimore Pike, Media,

Chester County, PA 17063), a Pennsylvania corporation, inter alia—contract carrier—persons, for Keystone Care, Inc. and Rockwell Productions, Inc., between points in the County of Delaware, and from points in said county, to points in Pennsylvania, and vice versa: *So As To Permit* the transportation of persons for Keystone Care, Inc. and Rockwell Productions, Inc. t/a Keystone Quality Services, between points in that part of Pennsylvania, in and east of the Counties of Lancaster, Dauphin, Northumberland, Columbia, Sullivan and Bradford, and from points in said area, to points in Pennsylvania, and vice versa. *Attorney:* James W. Patterson, Centre Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102-2186.

#### **Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.**

**A-00106960, F.3. Delaware County Transportation Service, Inc.** (700 Ashland Avenue, Folcroft, Delaware County, PA 19032), a corporation of the Commonwealth—additional right—persons in paratransit service, between points in the City and County of Philadelphia, and within an airline distance of 100 statute miles of the limits thereof, provided no right, power or privilege is granted to provide service to, from or between points in the County of Chester; which is to be a transfer of the right authorized under the certificate issued at A-00117931, F.2 to Qconnections, Inc., subject to the same limitations and conditions. *Attorney:* Reginald A. Krasney, Bay Colony Executive Park, 565 East Swedesford Road, Suite 206, Wayne, PA 19087.

#### **Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00118319, F.2. Michael Allen Homer t/d/b/a Deer Lake Limousine Services** (1728 Centre Turnpike, Auburn, Schuylkill County, PA 17922)—additional right—persons in group and party service, using vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Berks, Carbon, Columbia, Dauphin, Lebanon, Luzerne, Northumberland and Schuylkill, and from points in said counties, to points in Pennsylvania, and return.

**A-00117748, Folder 2. Harper Transportation, Inc.** (2728 Espy Avenue, Pittsburgh, Allegheny County, PA 15216), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Beaver, Butler, Fayette, Somerset, Washington and Westmoreland, and from points in said counties and the County of Allegheny, to points in Pennsylvania, and return. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

**A-00120108 Folder 3. Northern Car & Truck Rental, Inc.** (626 W. Lackawanna Avenue, Scranton, Lackawanna County, PA 18503), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Lackawanna, Luzerne, Wayne, Monroe, Carbon, Pike, Wyoming and Susquehanna, and from points in said counties, to points in Pennsylvania, and return.

**Complaint**

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Maria Jacqueline Disen Colon t/a Rainy Day Taxi, PO Box 554, Tobyhanna PA 18466; Doc. No. A-00117324C*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Maria Jacqueline Disen Colon, T/A Rainy Day Taxi, respondent, maintains her principal place of business at P. O. Box 554, Tobyhanna, PA 18466.

2. That respondent was granted a Certificate of Public Convenience on April 3, 2001, at Application Docket No. A-00117324.

3. That respondent, on May 14, 2003, at approximately 9:50 a.m., at SR 611, Stroudsburg, Monroe County, Pennsylvania, permitted a certain 1999 Ford sedan bearing Pennsylvania License No. TX38623, Vehicle Identification No. 2FAFP72W5XX227251, to be operated.

4. That vehicle described in Paragraph 3 of this complaint, was inspected by Enforcement Officer Richard Kawski, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 3 and the following violation was disclosed:

(a) Tariff not visible. Penalty is \$50.

5. That respondent, by failing to have tariff visible while its vehicle was in operation, violated 52 Pa. Code § 29.316.

6. That respondent, on April 14, 2003, at approximately 12:20 p.m., at SR 611, Mt. Pocono, Monroe County, Pennsylvania, permitted a certain 1999 Ford sedan bearing Pennsylvania License No. TX38623, Vehicle Identification No. 2FAFP72W5XX227251, to be operated.

7. That vehicle described in Paragraph 6 of this complaint, was inspected by Enforcement Officer Richard Kawski, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 6 and the following violation was disclosed.

(a) No battery securement. Penalty is \$100.

8. That respondent, by not having the battery properly secured while its vehicle was in operation violated 52 Pa. Code § 29.402(1).

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Maria Jacqueline Disen Colon, T/A Rainy Day Taxi, the sum of one hundred fifty dollars (\$150.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Michael E. Hoffman

**NOTICE**

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complain and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. In such case, the Bureau of Transportation and Safety will request that the Commission direct the Department of Transportation, pursuant to the Vehicle Code, 75 Pa.C.S. § 1375, to suspend the registration of any vehicle(s) involved in the alleged violations.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 03-2134. Filed for public inspection October 31, 2003, 9:00 a.m.]

**Telecommunications**

**A-311163F7001. Verizon North Inc. and AT&T Communications of Pennsylvania, Inc. Joint petition of**

Verizon North Inc. and AT&T Communications of Pennsylvania, Inc. for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and AT&T Communications of Pennsylvania, Inc., by its counsel, filed on October 14, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and AT&T Communications of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-2135. Filed for public inspection October 31, 2003, 9:00 a.m.]

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### Telecommunications

**A-310213F7001. Verizon North Inc. and Teleport Communications Group Inc. d/b/a TCG Pittsburgh and TCG Delaware Valley, Inc.** Joint petition of Verizon North Inc. and Teleport Communications Group Inc. d/b/a TCG Pittsburgh and TCG Delaware Valley, Inc. for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Teleport Communications Group Inc. d/b/a TCG Pittsburgh and TCG Delaware Valley, Inc., by its counsel, filed on October 14, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Teleport Communications Group Inc. d/b/a TCG Pittsburgh and TCG Delaware Valley, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-2136. Filed for public inspection October 31, 2003, 9:00 a.m.]

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## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

December 17, 2003	Mary B. Schreiner (Purchase of Service)	1 p.m.
	Michael B. Schreiner (Purchase of Service)	1 p.m.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to The Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Interim Executive Director*

[Pa.B. Doc. No. 03-2137. Filed for public inspection October 31, 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.

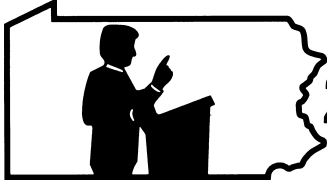
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) 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

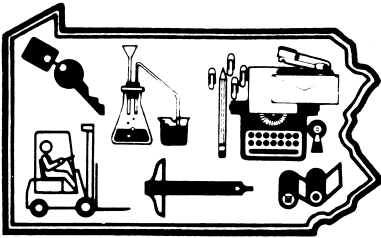


## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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@ptreasury.org

BARBARA HAFER,  
*State Treasurer*



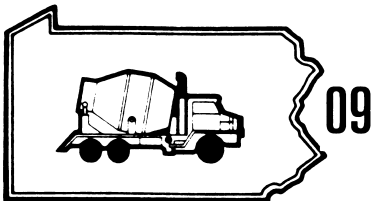
### Commodities

**012043** Provide one three-way combination V-box spreader, capable of pre-wetting, anti-icing and spreading granular material for snow removal service. Unit to be of stainless steel construction, hydraulically driven and compatible with GL-400 spreader control. Complete specifications provided in bid package.

**Department:** Transportation  
**Location:** PennDOT, Erie County, 9031 Peach Street, Waterford, PA 16441  
**Duration:** Delivery within 45 days of bid award  
**Contact:** William Sachse, (814) 871-4411

**10320787** Weil McLain BG-988R-SF (2482 Input/1991 Gross) 1546 Steam Boiler.  
**Department:** Corrections  
**Location:** SCI-Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403  
**Contact:** Heather Taylor, (814) 398-5400

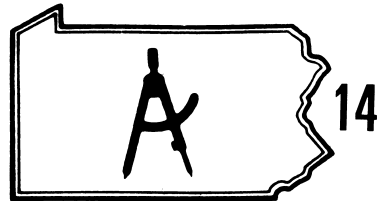
## SERVICES



### Construction & Construction Maintenance

**IN-865** Miller Stadium Synthetic Field Turf Replacement - Indiana University of Pennsylvania is seeking firms to replace the artificial turf at Miller Stadium. Interested and qualified firms can obtain a Request for Proposal (RFP) by contacting IUP Engineering & Construction Office at (724) 357-2289. Requests for the RFP can also be faxed to (724) 357-6480 or E-mailed to Ray Wygonik at rwygonik@iup.edu. Responses are due November 19, 2003 at 4:00 p.m. A Pre-bid Conference is mandatory and will be held at IUP Engineering & Construction Office, Robertshaw Bldg., 650 So. 13th St., Indiana, PA 15705 on November 6, 2003 at 11:00 a.m.

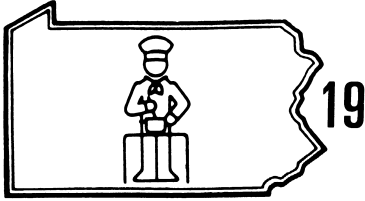
**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Miller Stadium, 670 S. Eleventh Street, Indiana, PA 15705  
**Duration:** Approximately 100 days after award  
**Contact:** Ray Wygonik, (724) 357-2289



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



**Food**

**CN00005663** Dairy Products.  
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** January 1, 2004 - March 31, 2004  
**Contact:** Tina Robbins, (570) 271-4578

**CN00005665** Meat & Meat Products.  
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** January 1, 2004 - March 31, 2004  
**Contact:** Tina Robbins, (570) 271-4578

**CN00005664** Miscellaneous Foods.  
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** January 1, 2004 - March 31, 2004  
**Contact:** Tina Robbins, (570) 271-4578

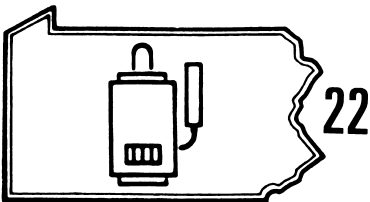
**CN00005667** Frozen Vegetables.  
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** January 1, 2004 - June 30, 2004  
**Contact:** Tina Robbins, (570) 271-4578

**CN00005616** Vendor to supply Meat & Meat Products for Warren State hospital for delivery 1/07/04 in accordance with bid specifications available from W. S. H.  
**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** Jan. - March 2004  
**Contact:** John D. Sample, (814) 726-4448

**CN00005617** Vendor to supply Frozen Fruits & Vegetables for Warren State Hospital for delivery 1/07/04 in accordance with bid specifications available from W. S. H.  
**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** Jan. - March 2004  
**Contact:** John D. Sample, (814) 726-4448

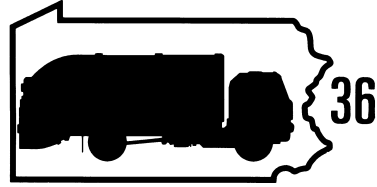
**CN00005615** Vendor to supply Misc. Frozen Foods for Warren State Hospital for delivery 1/07/04 in accordance with bid specifications available from W. S. H.  
**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** Jan. - March 2004  
**Contact:** John D. Sample, (814) 726-4448

**CN00005666** Poultry.  
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** January 1, 2004 - March 31, 2004  
**Contact:** Tina Robbins, (570) 271-4578



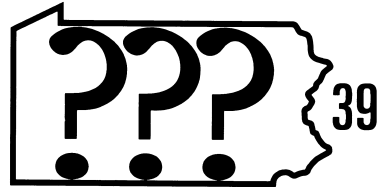
**HVAC Services**

**10320803** Vendor to install one Weil McLain boiler supplies by SCI-Cambridge Springs. Project includes assembly of all sections, covers, gas/fuel oil piping, steam piping supply and return, as well as flue venting. Project also includes all new steam connective piping materials, as well as traps and start-up labor.  
**Department:** Corrections  
**Location:** SCI-Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403  
**Contact:** Heather Taylor, (814) 398-5400



**Sanitation**

**012042** Provide trash removal at various PennDOT facilities in Erie County. Sites and container requirements provided in specifications.  
**Department:** Transportation  
**Location:** Various stockpiles in Erie County  
**Duration:** One year with two two-year renewals (total 5 years)  
**Contact:** William Sachse, (814) 871-4411



**Miscellaneous**

**CN00005668** Provide advocacy services to individuals living in state operated MR centers.  
**Department:** Public Welfare  
**Location:** Commonwealth of Pennsylvania  
**Duration:** TBD  
**Contact:** Sandra Repak, (570) 443-4232

**KURFP-0061** Kutztown University is seeking proposals from qualified firms able to provide dining services for students, faculty and staff on a year-round basis. Dining facilities consist of a dining hall (residential & food court), student union building (cafe & coffee house), and a library coffee concept. Currently there are approximately 3,800 students on meal plans with a total school enrollment of approximately 8,500 students. Interested firms must submit a written request to receive a Request for Proposal packet to: Kutztown University, Attn: Craig Kleinsmith, Purchasing, P. O. Box 730, Kutztown, PA 19530; Fax: (610) 683-4674; or e-mail: kleinsmi@kutztown.edu. RFP packets will be available from 8 AM on November 3, 2003 through 12 Noon on November 24, 2003. Questions requiring clarification prior to proposal submission must be submitted in writing prior to 4 PM on November 24, 2003. Proposals are due by 1 PM on January 15, 2004. Late submissions will not be accepted.  
**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA  
**Duration:** 6/1/04 - 5/31/09  
**Contact:** Craig Kleinsmith, (610) 683-4774

[Pa.B. Doc. No. 03-2138. Filed for public inspection October 31, 2003, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*

