

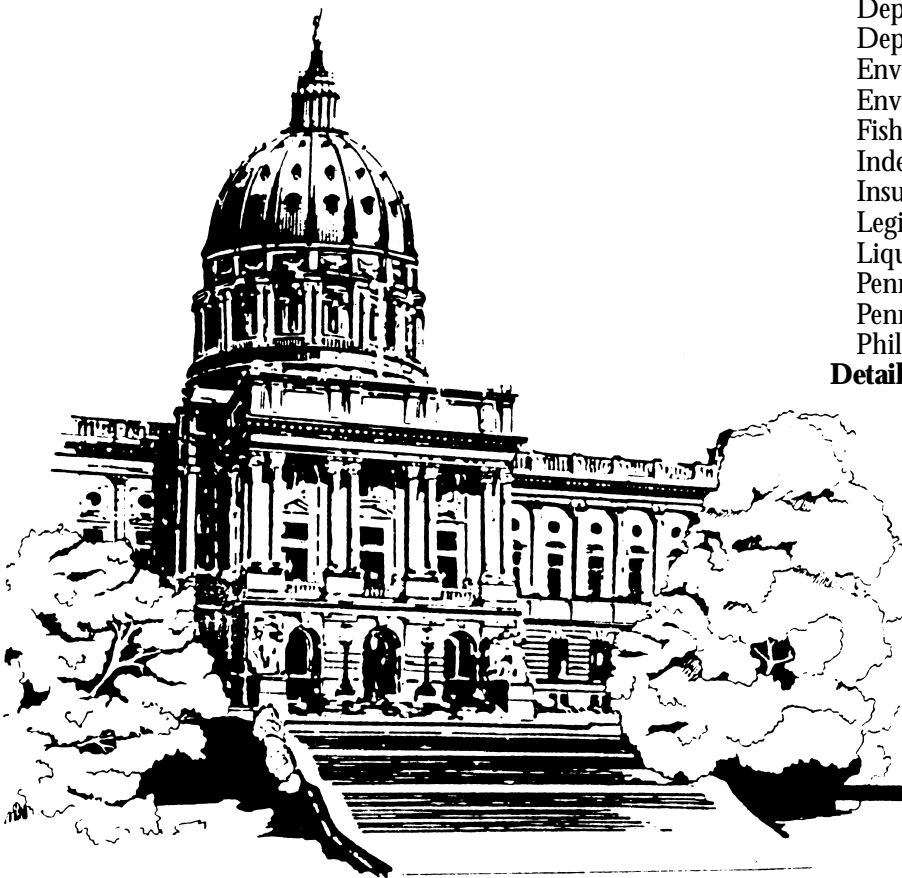
PENNSYLVANIA BULLETIN

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No. 348, November 2003

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CHS. 81 AND 83]

Amendments to the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary En- forcement Relating to Multijurisdictional Practice of Law

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Professional Conduct, as set forth in Annex A, and the Pennsylvania Rules of Disciplinary Enforcement, as set forth in Annex B, to authorize the multijurisdictional practice of law. The changes being proposed follow closely the amendments on this subject to the Model Rules of Professional Conduct and the Model Rules for Lawyer Disciplinary Enforcement adopted by the American Bar Association.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before December 19, 2003.

*By The Disciplinary Board of
the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,
Executive Director and Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

LAW FIRMS AND ASSOCIATIONS

Rule 5.5. Unauthorized Practice of Law; **Multijurisdictional Practice of Law.**

(a) A lawyer shall not [:

(a) aid a non-lawyer in the unauthorized practice of law; or

(b)] practice law in a jurisdiction [where to do so would be] in violation of [regulations] the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules, Pa.B.A.R. 302 or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may, subject to the requirements of Pa.B.A.R. 302, provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Comment

A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person.

The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. [Paragraph (a)] This Rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so

long as the lawyer supervises the delegated work and retains responsibility for their work. See Rule 5.3.

[Likewise, it does not prohibit lawyers from providing] A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants and persons employed in government agencies. **Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services.** In addition, a lawyer may counsel nonlawyers who wish to proceed pro se.

[The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons.]

Other than as authorized by law or this Rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1(a) and 7.5(b).

There are occasions in which lawyers admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraphs (d)(1) and (d)(2), this Rule does not authorize a lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here.

There is no single test to determine whether a lawyer's services are provided on a "temporary basis" in this jurisdiction, and may therefore be permissible under paragraph (c). Services may be "temporary" even though the lawyer provides services in this jurisdiction on a recurring basis, or for an extended period of time, as when the lawyer is representing a client in a single lengthy negotiation or litigation.

Paragraphs (c) and (d) apply to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia and any state, territory or commonwealth of the United States. The word "admitted" in paragraph (c) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who while technically admitted is not authorized to practice, because, for example, the lawyer is on inactive status.

Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a lawyer

admitted only in another jurisdiction associates with a lawyer licensed to practice in this jurisdiction. For this paragraph to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client.

Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission pro hac vice or pursuant to informal practice of the tribunal or agency. Under paragraph (c)(2), a lawyer does not violate this Rule when the lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a lawyer who is not admitted to practice in this jurisdiction to obtain admission pro hac vice before appearing before a tribunal or administrative agency, this Rule requires the lawyer to obtain that authority.

Paragraph (c)(2) also provides that a lawyer rendering services in this jurisdiction on a temporary basis does not violate this Rule when the lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer admitted only in another jurisdiction may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the lawyer is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.

When a lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, paragraph (c)(2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate lawyers may conduct research, review documents, and attend meetings with witnesses in support of the lawyer responsible for the litigation.

Paragraph (c)(3) permits a lawyer admitted to practice law in another jurisdiction to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. The lawyer, however, must obtain admission pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.

Paragraph (c)(4) permits a lawyer admitted in another jurisdiction to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within paragraphs (c)(2) or (c)(3). These services include both legal services

and services that non-lawyers may perform but that are considered the practice of law when performed by lawyers.

Paragraphs (c)(3) and (c)(4) require that the services arise out of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted. A variety of factors evidence such a relationship. The lawyer's client may have been previously represented by the lawyer, or may be resident in or have substantial contacts with the jurisdiction in which the lawyer is admitted. The matter, although involving other jurisdictions, may have a significant connection with that jurisdiction. In other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction or a significant aspect of the matter may involve the law of that jurisdiction. The necessary relationship might arise when the client's activities or the legal issues involve multiple jurisdictions, such as when the officers of a multinational corporation survey potential business sites and seek the services of their lawyer in assessing the relative merits of each. In addition, the services may draw on the lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally-uniform, foreign, or international law.

Paragraph (d) identifies two circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a lawyer who is admitted to practice law in another jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.

Paragraph (d)(1) applies to a lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer's officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. The lawyer's ability to represent the employer outside the jurisdiction in which the lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the lawyer's qualifications and the quality of the lawyer's work.

If an employed lawyer establishes an office or other systematic presence in this jurisdiction for the purpose of rendering legal services to the employer, the lawyer may be subject to registration or other requirements, including assessments for client protection funds and mandatory continuing legal education.

Paragraph (d)(2) recognizes that a lawyer may provide legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by

federal or other law, which includes statute, court rule, executive regulation or judicial precedent.

A lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) or otherwise is subject to the disciplinary authority of this jurisdiction. See Rule 8.5(a).

In some circumstances, a lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) may have to inform the client that the lawyer is not licensed to practice law in this jurisdiction. For example, that may be required when the representation occurs primarily in this jurisdiction and requires knowledge of the law of this jurisdiction. See Rule 1.4(b).

Paragraphs (c) and (d) do not authorize communications advertising legal services to prospective clients in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services to prospective clients in this jurisdiction is governed by Rules 7.1 to 7.5.

[Code of Professional Responsibility Comparison

Rule 5.5 is the equivalent of present DR 3-101 of the Pa.C.P.R.]

MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 8.5. Disciplinary Authority; Choice of Law.

(a) *Disciplinary Authority.* A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. **A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction.** A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction [where the lawyer is admitted] for the same conduct.

(b) *Choice of Law.* In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a [**proceeding in a court or agency**] matter pending before [which a lawyer has been admitted to practice (either generally or for purposes of that proceeding)] a tribunal, the rules [to be applied shall be the rules] of the jurisdiction in which the [**court or agency**] tribunal sits shall be applied, unless the rules of the [**court or agency**] tribunal provide otherwise; and

(2) for any other conduct, **the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct.** A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

[(i) if the lawyer is licensed to practice only in this jurisdiction, the rules to be applied shall be the rules of this jurisdiction, and

(ii) if the lawyer is licensed to practice in this and another jurisdiction, the rules to be applied shall

be the rules of the admitting jurisdiction in which the lawyer principally practices; provided, however, that if particular conduct clearly has its predominant effect in another jurisdiction in which the lawyer is licensed to practice, the rules of that jurisdiction shall be applied to that conduct.]

Comment

Disciplinary Authority

[Paragraph (a) restates] It is longstanding law that the conduct of a lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction. Extension of the disciplinary authority of this jurisdiction to other lawyers who provide or offer to provide legal services in this jurisdiction is for the protection of the citizens of this jurisdiction. Reciprocal enforcement of a jurisdiction's disciplinary findings and sanctions will further advance the purposes of this Rule. See Pennsylvania Rules of Disciplinary Enforcement 201(a)(6) and 216(d). A lawyer who is subject to the disciplinary authority of this jurisdiction under Rule 8.5(a) appoints an official to be designated by this Court to receive service of process in this jurisdiction. The fact that the lawyer is subject to the disciplinary authority of this jurisdiction may be a factor in determining whether personal jurisdiction may be asserted over the lawyer for civil matters.

Choice of Law

A lawyer may be potentially subject to more than one set of rules of professional conduct which impose different obligations. The lawyer may be licensed to practice in more than one jurisdiction with differing rules, or may be admitted to practice before a particular court [or agency] with rules that differ from those of the jurisdiction or jurisdictions in which the lawyer is licensed to practice. [In the past, decisions have not developed clear or consistent guidance as to which rules apply in such circumstances.] Additionally, the lawyer's conduct may involve significant contacts with more than one jurisdiction.

Paragraph (b) seeks to resolve such potential conflicts. Its premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession). Accordingly, it takes the approach of (i) providing that any particular conduct of [an attorney] a lawyer shall be subject to only one set of rules of professional conduct, [and] (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions, and (iii) providing protection from discipline for lawyers who act reasonably in the face of uncertainty.

Paragraph (b)(1) provides that as to a lawyer's conduct relating to a proceeding [in a court or agency] pending before [which the lawyer is admitted to practice (either generally or pro hac vice)] a tribunal, the lawyer shall be subject only to the rules of [professional conduct of that court or agency] the jurisdiction in which the tribunal sits unless the rules of the tribunal, including its choice of law rule, provide otherwise. As to all other conduct, in-

cluding conduct in anticipation of a proceeding not yet pending before a tribunal, paragraph (b)(2) provides that a lawyer [licensed to practice only in this jurisdiction shall be subject only to the rules of professional conduct of this jurisdiction, and that a lawyer licensed in multiple jurisdictions shall be subject to the rules of the jurisdiction where he or she (as an individual, not his or her firm) principally practices, but with one exception: if particular conduct clearly has its predominant effect in another admitting jurisdiction, then only the rules of that jurisdiction shall apply. The intention is for the latter exception to be a narrow one. It would be appropriately applied, for example; to a situation in which a lawyer admitted in, and principally practicing in, State A, but also admitted in State B, handled an acquisition by a company whose headquarters and operations were in State B of another, similar such company. The exception would not appropriately be applied, on the other hand, if the lawyer handled an acquisition by a company whose headquarters and operations were in State A of a company whose headquarters and main operations were in State A, but which also had some operations in State B.] shall be subject to the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in another jurisdiction, the rules of that jurisdiction shall be applied to the conduct. In the case of conduct in anticipation of a proceeding that is likely to be before a tribunal, the predominant effect of such conduct could be where the conduct occurred, where the tribunal sits or in another jurisdiction.

When a lawyer's conduct involves significant contacts with more than one jurisdiction, it may not be clear whether the predominant effect of the lawyer's conduct will occur in a jurisdiction other than the one in which the conduct occurred. So long as the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect will occur, the lawyer shall not be subject to discipline under this Rule.

* * * * *

The choice of law provision [is not intended to apply to] applies to lawyers engaged in transnational practice, unless international law, treaties or other agreements between competent regulatory authorities in the affected jurisdictions provide otherwise. [Choice of law in this context should be the subject of agreements between jurisdictions or of appropriate international law.]

[Code of Professional Responsibility Comparison

There is no counterpart to this Rule in the Code.]

Annex B

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 201. Jurisdiction.

(a) The exclusive disciplinary jurisdiction of the Supreme Court and the Board under these rules extends to:

* * * * *

(6) Any attorney not admitted in this Commonwealth who practices law or renders or offers to render any legal services in this Commonwealth.

* * * * *

Rule 216. Reciprocal discipline.

* * * * *

(c) Upon the expiration of 30 days from service of the notice issued pursuant to the provisions of subdivision (a) of this rule, the Supreme Court may impose the identical or comparable discipline unless Disciplinary Counsel or the respondent-attorney demonstrates, or the Court finds that upon the face of the record upon which the discipline is predicated it clearly appears:

* * * * *

(2) there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Court could not consistently with its duty accept as final the conclusion on that subject; or

(3) that the imposition of the same or comparable discipline would result in grave injustice, or be offensive to the public policy of this Commonwealth[; or

(4) that the misconduct established has been held to warrant substantially different discipline in this Commonwealth]

* * * * *

(d) In all other respects, a final adjudication in another jurisdiction that an attorney, **whether or not admitted in that jurisdiction**, has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Commonwealth.

* * * * *

[Pa.B. Doc. No. 03-2188. Filed for public inspection November 14, 2003, 9:00 a.m.]

[204 PA. CODE CH. 83]

Amendments to the Pennsylvania Bar Admission Rules Relating to In-House Corporate Counsel

Notice is hereby given that the Pennsylvania Board of Law Examiners of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Bar Admission Rules as set forth in Annex A, to regulate the practice of law by in-house corporate counsel in Pennsylvania.

Interested persons are invited to submit written comments regarding the proposed amendments to the Executive Director, Pennsylvania Board of Law Examiners, 5070A Ritter Road, Suite 300, Mechanicsburg, PA 17055-4879 on or before December 19, 2003.

By the Pennsylvania Board of Law Examiners Supreme Court of Pennsylvania
MARK DOWS,
Executive Director

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 C. DISABILITY AND RELATED
MATTERS**

Rule 302. [(Rescinded)] Limited In-House Corporate Counsel License.

(a) *General Rule.* Every attorney not a member of the bar of this Commonwealth, who is employed by and performs legal services in this Commonwealth for a corporation, company, partnership, association or other non-governmental business entity, shall obtain a Limited In-House Corporate Counsel License in order to provide such services if such services are performed in this Commonwealth on more than a temporary basis by the attorney or if the attorney maintains an office or other systematic and continuous presence in this Commonwealth.

(b) *Scope of Legal Activities.* Attorneys issued a Limited In-House Corporate Counsel License may provide advice or legal services to the employer named in the application subject to the following qualifications:

(1) The legal services provided to the employer shall be limited to:

(a) giving legal advice to the directors, officers, employees, and agents of the business organization with respect to its business affairs;

(b) negotiating and documenting all matters for the business organization;

(c) representing the business organization in its dealings with any administrative agency or commission if authorized by the rules of the agency or commission.

(2) In providing legal services, attorneys practicing under a Limited In-House Corporate Counsel License shall not:

(a) represent their employer in any case or matter pending before the courts of this Commonwealth, unless they have been admitted pro hac vice;

(b) represent or give advice to any shareholder, owner, partner, officer, employee or other agent with respect to any personal matter or transaction;

(c) offer legal services or advice to any third party having dealings with the attorney's employer; or

(d) offer legal services or advice to the public or hold themselves out as authorized to offer legal services or advice to the public.

(c) *Application.* An applicant for a Limited In-House Corporate Counsel License shall file with the board a written application, in the form of a verified statement on the form prescribed by the board, setting forth those matters which the board deems necessary, and pay an application fee fixed by the

board. The application shall be processed in accordance with the provisions of Rules 212 through 231.

(d) *Requirements.* The general requirements for issuance of a Limited In-House Corporate Counsel License are:

(1) completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from a law school;

(2) admission to practice law in another state, territory of the United States or the District of Columbia on active status at the time of filing the application;

(3) absence of prior conduct by the applicant which in the opinion of the board indicates character and general qualifications (other than scholastic) incompatible with the standards expected to be observed by members of the bar of this Commonwealth;

(4) Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over admission to the bar and the practice of law in every jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application shall not be eligible for a Limited In-House Corporate Counsel License;

(5) Presentation of a sworn statement by the applicant certifying that he/she will perform legal services in this Commonwealth solely for the employer identified in the application, and that such employer's lawful business consists of activities other than the practice of law or the provision of legal services;

(6) Presentation of a statement signed by an officer, director or general counsel of the applicant's employer stating that the applicant is a full time employee for such employer and performs legal services in this Commonwealth for such employer.

(e) *Duration.* The Limited In-House Corporate Counsel License shall expire if:

(1) such attorney is admitted to the bar of this Commonwealth under any other rule,

(2) fails to fulfill the obligations required of active members of the bar of this Commonwealth,

(3) is suspended or disbarred from the practice of law in another jurisdiction,

(4) fails to maintain active status for admission to the practice of law in at least one state, territory of the United States or the District of Columbia; or

(5) such attorney ceases to be employed by the employer listed on such attorney's application; provided, however, that if such attorney, within 30 days of ceasing to be an employee for the employer listed on such attorney's application, becomes employed by another employer within this Commonwealth for which such attorney shall perform legal services, such attorney may apply for a new certificate recommending the issuance of a Limited In-House Corporate Counsel License under this Rule by filing with the board, within 30 days of com-

mencing the new employment, a statement identifying his or her new employer, and the date on which his prior employment ceased and his new employment commenced, and submitting the documents required by sections (d)(5) and (6) of this rule with respect to the new employer.

(f) *Issuance of License.* At any time within six months of the receipt of a certificate from the board recommending the issuance of a Limited In-House Corporate Counsel License, an applicant may file a motion with the Prothonotary, on a form prescribed by the board for issuance of a Limited In-House Corporate Counsel License. The motion shall be accompanied by the certificate from the board recommending issuance of the license and the fee required by the Prothonotary. Upon receipt of the appropriate documents and fee, the Prothonotary shall enter the name of the applicant upon the docket of persons issued a Limited In-House Corporate Counsel License, notify the Administrative office of the issuance of a limited license to such attorney and issue an engrossed Limited In-House Corporate Counsel License under seal.

(g) *Status.* When a license is required under this rule for the performance of legal services in this Commonwealth solely for an attorney's employer, the performance of such services by the attorney shall be considered to be the active engagement in the practice of law for all purposes and shall subject the attorney to all duties and obligations of active members of the Pennsylvania bar including, but not limited to the Rules of Professional Conduct, the Rules of Disciplinary Enforcement and the Rules of Continuing Legal Education. Prior to the effective date of this rule, when an attorney performed legal services in this Commonwealth solely as an employee of a business organization, whose business consisted of activities other than the practice of law or the provision of legal services, the rendering of such legal services shall be deemed for all purposes to have been the authorized active engagement in the practice of law in this Commonwealth, if such attorney, at the time of the performance of such legal services met the requirements set forth in sections (d)(1), (2), (3) and (4) of this rule.

[Pa.B. Doc. No. 03-2189. Filed for public inspection November 14, 2003, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 5]

Coverage: Issuing Warrants; Preliminary Arraignment and Summary Trial; and Setting and Accepting Bail

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Pa.R.Crim.P. 117 (Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail),¹ and amend Pa.Rs.Crim.P. 131

¹ To accommodate new Rule 117, current Rule 117 would be renumbered Rule 118 and current Rule 118 would be renumbered Rule 119.

(Location of Proceedings Before Issuing Authority), 132 (Continuous Availability and Temporary Assignment of Issuing Authorities), 525 (Bail Bond), 535 (Receipt for Deposit; Return of Deposit). This proposal addresses the continuous availability of issuing authorities and requires the president judge of each judicial district to ensure sufficient availability of issuing authorities to provide the services required by the Criminal Rules. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed rule changes precedes the Report. Additions are shown in bold, deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
5035 Ritter Road, Suite 800
Mechanicsburg, PA 17055
fax: (717) 795-2106
e-mail: criminalrules@pacourts.us

no later than Monday, December 29, 2003.

By the Criminal Procedural Rules Committee

JOHN J. DRISCOLL,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. BUSINESS OF THE COURTS

(Editor's Note: Rule 117 is new. It is printed in regular type to enhance readability.)

Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

(A) The president judge of each judicial district shall ensure sufficient availability of issuing authorities to provide the services required by the Rules of Criminal Procedure as follows:

(1) continuous coverage for the issuance of search warrants pursuant to Rule 203 and arrest warrants pursuant to Rule 513;

(2) coverage using one of the systems of coverage set forth in paragraph (B) to:

(a) conduct immediate trials or set collateral in summary cases following arrests with a warrant pursuant to Rule 431(D)(1), (2) and following arrests without a warrant pursuant to Rule 441(C);

(b) conduct preliminary arraignments without unnecessary delay whenever a warrant of arrest is executed within the judicial district pursuant to Rule 516;

(c) set bail without unnecessary delay whenever an out-of-county warrant of arrest is executed within the judicial district pursuant to Rule 517(A);

(d) receive complaints and conduct preliminary arraignments without unnecessary delay whenever a case is initiated by an arrest without warrant pursuant to Rule 519(A)(1); and

(3) coverage during normal business hours for all other business.

(B) The president judge, taking into consideration the rights of the defendant and the judicial district's resources and coverage needs, by local rule promulgated pursuant to Rule 105, shall establish one of the following systems of coverage to provide the services enumerated in paragraph (A)(2):

(1) a traditional "24/7" on-call system;

(2) an "after-hours court" or a "night court" in a central location, staffed by an on-duty issuing authority and staff;

(3) a regional on-call system; or

(4) a schedule of specified times for after-hours coverage when the "duty" district justice will be either in his or her office or at another location designated by the president judge to conduct business.

(C) The president judge of each judicial district, by local rule promulgated pursuant to Rule 105, shall ensure that services are provided pursuant to Rule 520(B) to admit defendants to bail on any day and at any time in any case pending in any magisterial district within the judicial district.

Comment

By this rule, the Supreme Court is clarifying the responsibility of president judges in supervising their respective judicial districts to ensure compliance with the statewide Rules of Criminal Procedure to prevent the violation of the rights of defendants caused by the lack of availability of the issuing authority. See also Rule 131 (Location of Proceedings Before Issuing Authority) for the president judges' responsibilities concerning location of proceedings.

Paragraph (A), derived from former Rule 132(A) (Continuous Availability), clarifies that it is the president judge's responsibility to make sure that there are issuing authorities available within his or her judicial district (1) on a "24/7" continuous basis to issue search and arrest warrants, paragraph (A)(1); (2) pursuant to one of the systems of coverage enumerated in paragraph (B) to conduct summary trials and preliminary arraignments, and perform related duties, paragraph (A)(2); and (3) during normal business hours to conduct all other business of the minor judiciary, paragraph (A)(3). It is expected that the president judge will continue the established procedures in the judicial district or establish new procedures to ensure sufficient availability of issuing authorities consistent with this paragraph.

Although the preferred system for coverage to conduct the proceedings enumerated in paragraph (A)(2) is the traditional "24/7" on-call system, by providing the three alternate systems of coverage in paragraph (B), this rule recognizes that the preferred system is not always attainable given the geography, judicial resources, and coverage needs in some judicial districts.

In determining which system of coverage to elect, the president judge must consider the rights of the defendant, see, e.g. *Commonwealth v. Duncan*, 525 A.2d 1177 (Pa. 1987), and the judicial district's resources and coverage

needs, as well as the obligations of the police and attorney for the Commonwealth to ensure the defendant is brought before an issuing authority without unnecessary delay as required by law, see, e.g., Rules 431, 441, 516, 517, and 519, and to obtain statements within the time limits established by law, see, e.g., *Commonwealth v. Duncan*, supra.

Advanced communication technology may be used to facilitate providing coverage under paragraph (A). See, e.g., Rules 203, 513, 518, and 540. See also Rule 131 (Location of Proceedings Before Issuing Authority) for the permitted locations when providing coverage under this rule.

The proceedings enumerated in paragraph (A)(2) include (1) setting bail before verdict pursuant to Rule 520(A) and Rule 540, and either admitting the defendant to bail or committing the defendant to jail, and (2) determining probable cause whenever a defendant is arrested without a warrant pursuant to Rule 540(C).

Pursuant to paragraph (C), the president judge also is responsible for making sure there is an issuing authority or other designated official available within the judicial district on a "24/7" continuous basis to accept bail pursuant to Rule 520(B). The president judge, by local rule, may continue established procedures or establish new procedures for the after-hours acceptance of deposits of bail by an issuing authority, a representative of the office of the clerk of courts, or such other individual designated by the president judge. See Rule 535(A).

When the president judge designates another official to accept bail deposits, that official's authority is limited under this rule to accepting the bail deposit, and under Rule 525 to releasing the defendant upon execution of the bail bond. Pursuant to Rule 535(A), the official is authorized only to have the defendant execute the bail bond and to deliver the bail deposit and bail bond to the issuing authority or clerk of courts.

The local rule requirements in paragraphs (B) and (C)(1) ensure there is adequate notice of (a) the system of coverage, thereby providing predictability in the issuing authority's duty schedule, and (b) the official authorized to accept bail, (2) promote the efficient administration of justice, and (3) provide a means for the Supreme Court to monitor the times and manner of coverage in each judicial district.

The local rules promulgated pursuant to this rule should include other relevant information, such as what are the normal business hours of operation or any special locations designated by the president judge to conduct business, that will assist the defendants, defense counsel, attorneys for the Commonwealth, police, and members of the public.

Concerning other requirements for "24/7" continuous coverage by issuing authorities in Protection from Abuse Act cases, see 23 Pa.C.S. § 6110 and Pa.R.C.P.D.J. 1203.

Official Note: Former Rule 117 adopted September 20, 2002, effective January 1, 2003; renumbered Rule 118 _____, 2004, effective _____, 2004. New Rule 117 adopted _____, 2004, effective _____, 2004.

COMMITTEE EXPLANATORY REPORTS:

Report explaining new Rule 117 published at 33 Pa.B. 5613 (November 15, 2003).

Rule [117] 118. Court Fees Prohibited for Two-Way Simultaneous Audio-Visual Communication.

[NO CHANGES IN THE TEXT OR COMMENT.]

Official Note: New Rule 117 adopted September 20, 2002, effective January 1, 2003; renumbered Rule 118 _____, 2004, effective _____, 2004.

COMMITTEE EXPLANATORY REPORTS:

Final Report explaining new Rule 117 published with the Court's Order at 32 Pa.B. 4815 (October 5, 2002.)

Report explaining the renumbering of Rule 117 as Rule 118 published at 33 Pa.B. 5613 (November 15, 2003).

Rule [118] 119. Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings.

[NO CHANGES IN THE TEXT OR COMMENT.]

Official Note: New Rule 118 adopted August 7, 2003, effective September 1, 2003; renumbered Rule 119 _____, 2004, _____ effective _____, 2004.

COMMITTEE EXPLANATORY REPORTS:

Final Report explaining new Rule 118 published with the Court's Order at 33 Pa.B. 830 (August 30, 2003).

Report explaining the renumbering of Rule 118 as Rule 119 published at 33 Pa.B. 5613 (November 15, 2003).

PART C. Venue, Location, and Recording of Proceedings Before Issuing Authority

Rule 131. Location of Proceedings Before Issuing Authority.

(A) An issuing authority within the magisterial district for which he or she is elected or appointed shall have jurisdiction and authority [at all times] to receive complaints, issue warrants, hold preliminary arraignments, set and receive bail, issue commitments to jail, and hold hearings and summary trials.

(1) Except as provided in paragraph (A)(2), all preliminary arraignments shall be held in the issuing authority's established office, a night court, or some other facility within the Commonwealth designated by the president judge, or the president judge's designee.

(2) Preliminary arraignments may be conducted using advanced communication technology pursuant to Rule 540. The preliminary arraignment in these cases may be conducted from any site within the Commonwealth designated by the president judge, or the president judge's designee.

(3) All hearings and summary trials before the issuing authority shall be held publicly at the issuing authority's established office. For reasons of emergency, security, size, or in the interests of justice, the president judge, or the president judge's designee, may order that a hearing or hearings, or a trial or trials, be held in another more suitable location within the judicial district.

(4) The issuing authority may receive complaints, issue warrants, set and receive bail, and issue commitments to jail from any location within the judicial district, or from an advanced communication technology site within the Commonwealth.

(B) When local conditions require, the president judge may establish procedures for preliminary hearings or summary trials, in all cases or in certain classes of cases, to be held at a central place or places within the judicial district at certain specified times. The procedures established shall provide either for the transfer of the case or

the transfer of the issuing authority to the designated central place as the needs of justice and efficient administration require.

Comment

The 2002 amendments to paragraph (A) divided the paragraph into subparagraphs to more clearly distinguish between the locations for the different types of proceedings and business that an issuing authority conducts.

Paragraph (A)(3) permits the president judge, or the president judge's designee, to order that a hearing or hearings be held in a location that is different from the issuing authority's established office. Nothing in this rule is intended to preclude the president judge, or the president judge's designee, from issuing a standing order for a change in location. For example, this might be done when a state correctional institution is located in the judicial district and the president judge determines that, for security reasons, all preliminary hearings of the state correctional institution's inmates will be conducted at that prison.

See Rule 540 and Comment for the procedures governing the use of advanced communication technology in preliminary arraignments.

See Rule 130 concerning the venue when proceedings are conducted by using advanced communication technology.

Paragraph (B) of this rule is intended to facilitate compliance with the requirement that defendants be represented by counsel at the preliminary hearing. *Coleman v. Alabama*, 399 U.S. 1[, 90 S.Ct. 1999] (1970).

Paragraph (A)(4) permits issuing authorities to perform their official duties from an advanced communication technology site within the Commonwealth. The site may be located outside the magisterial district or judicial district where the issuing authority presides.

This rule allows the president judge of a judicial district the discretion to determine what classes of cases require centralized preliminary hearings or summary trials, and requires the president judge, or the president judge's designee, to establish a schedule of central places within the Commonwealth to conduct such hearings or summary trials, and the hours for the hearings or trials at the central locations.

Ideally, this rule should minimize the inconvenience to defense counsel and the attorney for the Commonwealth by eliminating the necessity of travel at various unpredictable times to many different locations throughout the judicial district for the purpose of attending preliminary hearings or summary trials. Finally, this rule allows preliminary hearings or summary trials for jailed defendants to be held at a location close to the place of detention.

Official Note: Formerly Rule 156, paragraph (a) adopted January 16, 1970, effective immediately; paragraph (a) amended and paragraph (b) adopted November 22, 1971, effective immediately; renumbered Rule 22 September 18, 1973, effective January 1, 1974; renumbered Rule 131 and amended March 1, 2000, effective April 1, 2001; amended March 12, 2002, effective July 1, 2002; amended May 10, 2002, effective September 1, 2002; amended _____, 2004, effective _____, 2004.

COMMITTEE EXPLANATORY REPORTS:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 12, 2002 amendments concerning centralized courts for summary trials published with the Court's Order at 32 Pa.B. 1630 (March 30, 2002).

Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa. B. 2591 (May 25, 2002).

Report explaining the proposed deletion in paragraph (A) of "at all times" published at 33 Pa. B. 5613 (November 15, 2003).

Rule 132. [Continuous Availability and] Temporary Assignment of Issuing Authorities.

[(A) Continuous Availability

(1) The president judge of each judicial district shall be responsible for ensuring the availability at all times within the judicial district of at least one issuing authority.

(2) The issuing authority assigned to be on duty after business hours shall set bail as provided in Chapter 5 Part C, and shall accept deposits of bail in any case pending in any magisterial district within the judicial district.

(B) Temporary Assignment

(1)] (A) The president judge may assign temporarily the issuing authority of any magisterial district to serve another magisterial district whenever such assignment is needed:

[(a)] (1) to satisfy the requirements of [paragraph (A)(1)] **Rule 117;**

[(b)] (2) to insure fair and impartial proceedings;

[(c)] (3) to conduct a preliminary hearing pursuant to Rule 544(B); or

[(d)] (4) otherwise for the efficient administration of justice.

One or more issuing authorities may be so assigned to serve one or more magisterial districts.

[(2)] (B) Whenever a temporary assignment is made under this rule, notice of such assignment shall be filed with the clerk of courts where it shall be available for police agencies and other interested persons.

[(3)] (C) A motion may be filed requesting a temporary assignment under [paragraph (B)(1)] **this rule** on the ground that the assignment is needed to insure fair and impartial proceedings. Reasonable notice and opportunity to respond shall be provided to the parties.

[(4)] (D) A motion shall be filed requesting a temporary assignment under paragraph [(B)(1)(c)] **(A)(3)** whenever the attorney for the Commonwealth elects to proceed under Rule 544(B) following the refile of a complaint.

Comment

This rule is intended to impose the responsibility on the president judge to prevent the violation of the rights of defendants caused by the lack of availability of the issuing authority.

[Paragraph (A)(2) requires an issuing authority on duty after business hours to set bail, as provided by law, and to accept deposits of bail in any case pending in any magisterial district within the judi-

cial district, so that a “defendant may be admitted to bail on any date and at any time.” Rule 520(B).

Nothing in this rule is intended to preclude judicial districts from continuing established procedures or establishing new procedures for the after-hours acceptance of deposits of bail by a representative of the clerk of courts’ office.]

The provisions of former paragraph (A) (Continuous Availability) were incorporated into new Rule 117 in 2004.

Paragraphs [(B)(1)(b)] (A)(2) and [(3)] (C) make explicit the authority of president judges to assign issuing authorities when necessary to insure fair and impartial proceedings, and to provide a procedure for a party to request such an assignment. Temporary assignment in this situation is intended to cover what might otherwise be referred to as “change of venue” at the district justice level. See, e.g., *Sufrich v. Commonwealth*, 447 A.2d 1124 (Pa. Cmwlth. 1982).

The motion procedure of paragraph [(B)(3)] (C) is intended to apply when a party requests temporary assignment to insure fair and impartial proceedings. The president judge may, of course, order a response and schedule a hearing with regard to such a motion. However, this paragraph is not intended to require “a formal hearing . . . beyond the narrow context of a motion for temporary assignment of issuing authority to insure fair and impartial proceedings predicated upon allegations which impugn the character or competence of the assigned issuing authority and which seek the recusal of the assigned issuing authority.” See *Commonwealth v. Allem*, 532 A.2d 845 (Pa. Super. 1987) (filing and service of the written motion and answer, and allowance of oral argument were more than adequate to meet the rule’s requirements).

Paragraphs [(B)(1)(c)] (A)(3) and [(4)] (D) govern those situations in which the attorney for the Commonwealth, after refiling the complaint following the withdrawal or dismissal of any criminal charges at, or prior to, a preliminary hearing, determines that the preliminary hearing should be conducted by a different issuing authority. See also Rule 544 (Reinstituting Charges Following Withdrawal or Dismissal). Under Rule 544, the president judge may designate another judge within the judicial district to handle reassignments.

The motion procedure is not intended to apply in any of the many other situations in which president judges make temporary assignments of issuing authorities; in all these other situations the president judges may make temporary assignments on their own without any motion, notice, response, or hearing.

Official Note: Formerly Rule 152, adopted January 16, 1970, effective immediately; amended and renumbered Rule 23 September 18, 1973, effective January 1, 1974; amended October 21, 1983, effective January 1, 1984; amended February 27, 1995, effective July 1, 1995; amended October 8, 1999, effective January 1, 2000; renumbered Rule 132 and amended March 1, 2000, effective April 1, 2001; amended _____, 2004, effective _____, 2004.

COMMITTEE EXPLANATORY REPORTS:

Final Report explaining the February 27, 1995 amendments published with the Court’s Order at 25 Pa.B. 936 (March 18, 1995).

Final Report explaining the October 8, 1999 amendments concerning motions for temporary assignment of issuing authority following the reinstatement of criminal charges published with the Court’s Order at 29 Pa.B. 5509 (October 23, 1999).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining proposed changes to the rule correlative to the changes in proposed new Rule 117 published at 33 Pa.B. 5613 (November 15, 2003).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART C(1). Release Procedures

Rule 525. Bail Bond.

(A) A bail bond is a document executed by a defendant, and, when applicable, one or more sureties, whereby the defendant agrees that while at liberty after being released on bail, he or she will appear at all subsequent proceedings as required and comply with all the conditions of the bail bond.

(B) The bail bond shall set forth the type or combination of types of release, the conditions of release ordered by the bail authority, the conditions of the bail bond set forth in Rule 526(A), and the consequences of failing to appear or failing to comply with all the conditions of the bail bond.

(C) At the time the bail is set, the bail authority shall prepare the bail bond. If the defendant is unable to post bail, when the bail authority commits the defendant to jail, he or she shall send the unexecuted bail bond and the other necessary paperwork with the defendant to the place of incarceration.

[(C)] (D) The defendant shall not be released until he or she executes the bail bond.

[(D)] (E) A copy of the bail bond shall be given to the defendant, and the original shall be included in the record.

Comment

For the types of release and the conditions of release, see Rule 524.

For some of the consequences when a defendant fails to appear or fails to comply as required, see the Crimes Code, 18 Pa.C.S. § 5124. See also Rule 536.

The form of the bail bond was deleted from the bail rules in 1985 with the expectation that the Court Administrator of Pennsylvania will continue to design and publish such forms pursuant to Rule 104.

Official Note: Former Rule 4004 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4005; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4002. Present Rule 4004 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective [date] dates extended to July 1, 1996; renumbered Rule 525 and amended March 1, 2000, effective April 1, 2001; amended _____, 2004, effective _____, 2004.

COMMITTEE EXPLANATORY REPORTS:

Final Report explaining the provisions of the new rule published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining the proposed addition of new paragraph (C) concerning the bail authority's responsibility to prepare the bail bond published at 33 Pa.B. 5613 (November 15, 2003).

**PART C(2). General Procedures in all Bail Cases
Rule 535. Receipt for Deposit; Return of Deposit.**

[(A) The issuing authority or the clerk of courts who accepts a deposit of cash in satisfaction of a monetary condition of bail shall give the depositor an itemized receipt, and shall note on the transcript or docket and the bail bond the amount deposited and the name of the person who made the deposit.]

(A) Any deposit of cash in satisfaction of a monetary condition of bail shall be given to the issuing authority, the clerk of courts, or another official designated by the president judge by local rule pursuant to Rule 117(B). The issuing authority, clerk, or other official who accepts the deposit shall give the depositor an itemized receipt, and shall note on the bail bond the amount deposited and the name of the person who made the deposit. The defendant shall execute the bail bond, and be given a copy of the executed bail bond.

(1) When the issuing authority accepts [such] a deposit of bail, the issuing authority shall note on the docket transcript the amount deposited and the name of the person who made the deposit. The issuing authority shall have the deposit, the docket transcript, and a copy of the bail bond [shall be] delivered to the clerk of courts.

(2) When another official is designated by the president judge to accept a bail deposit, that official shall deliver the deposit and the bail bond to either the issuing authority, who shall proceed as provided in paragraph (A)(1), or the clerk of courts, who shall proceed as provided in paragraph (A)(3).

(3) When the clerk of courts accepts the deposit, the clerk shall note on the docket the amount deposited and the name of the person who made the deposit, and shall place the bond in the criminal case file.

(B) When the deposit is the percentage cash bail authorized by Rule 528, the depositor shall be notified that by signing the bail bond, the depositor becomes a surety for the defendant and is liable for the full amount of the monetary condition in the event the defendant fails to appear or comply as required by these rules.

(C) The clerk of courts shall place all cash bail deposits in a bank or other depository approved by the court and shall keep records of all deposits.

(D) Within 20 days of the full and final disposition of the case, the deposit shall be returned to the depositor, less any bail-related fees or commissions authorized by law, and the reasonable costs, if any, of administering the percentage cash bail program.

(E) When a case is transferred pursuant to Rule 130(B) or Rule 555, the full deposit shall be promptly forwarded to the transfer judicial district, together with any bail-related fees, commissions, or costs paid by the depositor.

Comment

This rule is not intended to change current practice.

When the president judge has designated another official to accept the bail deposit as provided in Rule 117, the other official's authority under Rule 117 and this rule is limited to accepting the deposit, having the defendant execute the bail bond, releasing the defendant, and delivering the bail deposit and bail bond to the issuing authority or the clerk of courts.

A deposit of cash to satisfy a defendant's monetary bail condition that is made by a person acting as a surety for the defendant may not be retained to pay for the defendant's court costs and/or fines. See *Commonwealth v. McDonald*, 382 A.2d 124 (Pa. 1978).

Paragraph (B) requires the issuing authority or the clerk of courts who accepts a percentage cash bail deposit to explain to the person who deposits the money the consequences of acting as a surety. There will be cases in which a person merely deposits the money for the defendant to post, and is not acting as the defendant's surety. In this situation, the defendant is the depositor and should receive the receipt pursuant to paragraph (A). See Rule 528.

When cash bail that is deposited in a bank pursuant to paragraph (C) is retained by a county in an interest-bearing account, case law provides that the county retains the earned interest. See *Crum v. Burd*, 571 A.2d 1 (Pa. Commw. 1989), allocatur denied 581 A.2d 574 (Pa. 1990).

The full and final disposition of a case includes all avenues of direct appeal in the state courts. Therefore, the return of any deposits would not be required until after either the expiration of the appeal period or, if an appeal is taken, after disposition of the appeal. See Rule 534.

Any fees, commissions, or costs assessed pursuant to paragraph (D) must be reasonably related to the county's actual bail administration costs. Each county should establish local procedures to ensure adequate notice and uniform application of such fees, commissions, or costs. See, e.g., *Buckland v. County of Montgomery*, 812 F.2d 146 (3rd Cir. 1987).

When a case is transferred pursuant to Rules 130(B) and 555, paragraph (E) and Rules 130(B) and 555 require that any bail-related fees, commissions, or costs collected pursuant to paragraph (D) be forwarded to the transfer judicial district. Fees, commissions, or costs that have been assessed but not paid at the time of transfer may not be collected in the transferring judicial district.

When bail is terminated upon acceptance of the defendant into an ARD program, such action constitutes a "full and final disposition" for purposes of this rule and Rule 534 (Duration of Obligation). See Rule 313.

Official Note: Former Rule 4015, previously Rule 4009, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4015, former paragraph (b) integrated into paragraph (a) and new paragraph (b) adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4015. Present Rule 4015 adopted September

13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 535 and amended March 1, 2000, effective April 1, 2001; amended April 20, 2000, effective July 1, 2000; **amended _____, 2004, effective _____, 2004.**

COMMITTEE EXPLANATORY REPORTS:

Final Report explaining the provisions of the new rule published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining new paragraph (E) concerning the interplay with Rules [21] 130(B) and [300] 555 published with Court's Order at 30 Pa.B. 2219 (May 6, 2000).

Report explaining the proposed changes to the rule correlative to the changes in proposed new Rule 117 published at 33 Pa.B. 5613 (November 15, 2003).

REPORT

Proposed new Pa.R.Crim.P. 117, Correlative Amendments to Pa.Rs.Crim.P. 131, 132, 525, and 535, Renumbering Rule 117 as Rule 118 and Rule 118 as Rule 119

COVERAGE: ISSUING WARRANTS; PRELIMINARY ARRAIGNMENT AND SUMMARY TRIAL; AND SETTING AND ACCEPTING BAIL

I. INTRODUCTION

The Criminal Procedural Rules Committee is proposing new Pa.R.Crim.P. 117 (Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail), correlative amendments to Pa.Rs.Crim.P. 131 (Location of Proceedings Before Issuing Authority), 132 (Continuous Availability and Temporary Assignment of Issuing Authorities), 525 (Bail Bond), 535 (Receipt for Deposit; Return of Deposit), and the renumbering of current Rule 117 as Rule 118 and current Rule 118 as Rule 119. As explained more fully in the following background discussion, this proposal is the culmination of several years of work by

- the Criminal Procedural Rules Committee (the Rules Committee)
- the Special Courts Administration Subcommittee of the Supreme Court's Intergovernmental Task Force to Study the District Justice System (the Subcommittee)
- the Supreme Court's District Justice Task Force Ad Hoc Committee (the Ad Hoc Committee) and
- a joint Subcommittee of Criminal Procedural Rules Committee members and District Justice Task Force Ad Hoc Committee members (the Joint Subcommittee).

Through each of these groups, we learned there are problems encountered in various judicial districts in satisfying the Rule 132 requirements that (1) the president judge of each judicial district must ensure the availability at all times within the judicial district of at least one issuing authority, paragraph (A)(1), and (2) the issuing authority assigned to be on duty after business hours shall set bail and shall accept deposits of bail in any case pending in any magisterial district within the judicial district. The members of both the Rules Committee and the Ad Hoc Committee agree the proposal

provides a workable resolution that is fair and equitable for defendants and issuing authorities specifically, and the bench, bar, law enforcement, and the public generally.

II. BACKGROUND

For a number of years, most recently in 2001, the Rules Committee, pursuant to Rule 105 (Local Rules), has been reviewing local rules that have limited the night time and weekend availability of issuing authorities. We learned from this review, in most cases, the president judges are implementing these local rules to accommodate specific problems within their judicial districts, such as geography,² unavailability of one or more district justices in their judicial districts,³ and limited police resources.⁴ Although the Rules Committee thought these local rules may have some merit, we were concerned because the local rules conflicted with the requirements of paragraphs (A)(1) and (A)(2) of Rule 132 (Continuous Availability and Temporary Assignment of Issuing Authorities). Nonetheless, after consulting with the president judges who had promulgated the local rules, we initiated a review of possible means to address their problems and concerns.

As the Rules Committee was considering this matter, on November 1, 2001, the Court's Intergovernmental Task Force to Study the District Justice System released the Report of the Special Courts Administration Subcommittee.⁵ One of the issues the Court directed the Subcommittee to address was night and weekend duty coverage.⁶ After completing its review, the Subcommittee recommended to the Court that changes be implemented that would provide a menu of coverage options from which president judges could choose in order to provide the required coverage, based on the after-hours responsibilities of district justices required by rule, case law, and statute, and the types of things for which a district justice is typically called out to handle.

Following the release of the Task Force's Report, the Court appointed the Ad Hoc Committee to develop implementation strategies for specific recommendations contained in the Task Force's Report, including the recommendation about night and weekend duty coverage. The Ad Hoc Committee met several times during 2002, and developed a draft of proposed changes to the Rule 132 Comment providing for the president judges a suggested menu of coverage options to use in meeting the Rule 132 requirements based on the needs of their respective judicial districts. The Supreme Court asked the Rules Committee to review this proposal and directed both Committees to work together on this matter. In late 2002, the Joint Subcommittee was convened to come up with a

² For example, some judicial districts are rural, with many mountainous roads that are difficult to traverse during the winter months, making the transport of defendants at night to the on-call district justice unsafe and difficult for the police.

³ For example, in the less populated judicial districts, there are many fewer district justices to provide coverage, and when the one on-call district justice is located at the opposite end of the judicial district from the location of an arrest, the defendant and police can face travel times as long as 2 or 3 hours. In addition, when one district justice is ill and another on vacation, the remaining district justice ends up being on-call 24 hours a day for a week or two at a time, making it difficult for the district justice to properly perform his or her duties.

⁴ For example, in the less populated judicial districts and the multi-county judicial districts, where the on-call duty magistrate could be located one or two hours away from the municipality where the offense occurred, when the municipality has only one or two police officers on duty, taking one away to transport the defendant before the duty district justice puts a significant strain on the limited police resources.

⁵ The Task Force's Report may be viewed on Supreme Court's web site at www.courts.state.pa.us.

⁶ The Court, in its directives to the Intergovernmental Task Force to Study the District Justice System, has acknowledged there is need for some procedural changes in providing for after-hours coverage to alleviate some of the burdens on district justices and the strains on the judicial system encountered in some of the judicial districts while continuing to protect the rights of the defendants. The Court's directive was interpreted as suggesting that a relaxation of the "24/7" system would not be inappropriate as long as the changes are consistent with the rules and law. See the Report of the Special Courts Administration Subcommittee of the Court's Intergovernmental Task Force to Study the District Justice System, which enumerates the issues the District Justice Task Force Ad Hoc Committee was to address.

proposal that would incorporate the respective views of the Rules Committee, the Subcommittee, and the Ad Hoc Committee.

The Joint Subcommittee debated at length the merits of the Ad Hoc Committee's proposal for a Rule 132 Comment revision and the Rules Committee's suggestions for changes to Rule 132, and eventually settled on a compromise that the members agreed provides some flexibility to the president judges in determining the manner of coverage for their respective judicial districts, is fair to the defendants and the issuing authorities, and provides a mechanism for the Supreme Court to continue to monitor the various systems of coverage. The Joint Subcommittee submitted its recommendation to the Rules Committee in March 2003.

At several meetings, the Rules Committee reviewed the Joint Subcommittee's recommendation, as well as the Report of the Special Courts Administration Subcommittee of the Court's Intergovernmental Task Force to Study the District Justice System and the Ad Hoc Committee's proposal. Using the Joint Subcommittee's recommendation as the starting point, the Rules Committee developed this proposal, which encompasses the goals of the Joint Subcommittee's recommendation, and (1) will alleviate the concerns that any changes to the continuous availability requirements will lead to abuses in the methods of coverage within the judicial districts and denials of the defendants' rights to a prompt preliminary arraignment, (2) provides clear guidance to the president judges and district justices who have been struggling to comply with present Rule 132, giving president judges reasonable options and flexibility for providing the required coverage without unduly burdening the district justices or the judicial districts while encouraging "24/7" continuous coverage with the preference that the president judges continue current night courts and on-call systems, and (3) satisfies the directive from the Supreme Court to address night and weekend coverage.

III. DISCUSSION

Because the problems with providing coverage by issuing authorities identified by the Subcommittee and the Ad Hoc Committee stem from the Rule 132(A) requirements, the Rules Committee began its analysis with Rule 132. We agreed the continuous availability provisions of Rule 132 raise two issues: (1) whether available "at all times" in paragraph (A)(1) means "24 x 7" availability in all cases; and (2) whether the requirement in paragraph (A)(2) means that issuing authorities must be the individuals who are to accept after-hour deposits of monetary bail. In order to understand the application of the availability requirement, the Rules Committee, as did the Subcommittee and the Ad Hoc Committee,⁷ looked to the Criminal Rules themselves, to the extent that the specific rules address when an issuing authority must be available. We noted the rules requiring coverage break down into several categories:

- Rules requiring continuous or "24/7" availability of an issuing authority
- Rules requiring availability outside normal business hours
- Rules requiring availability during official business hours
- Rules requiring continuous or "24/7" availability of a court official

⁷ See, e.g., page 35 of the Report of the Special Courts Administration Subcommittee of the Court's Intergovernmental Task Force to Study the District Justice System.

(1) Rules requiring continuous or "24/7" availability of an issuing authority.

We identified two rules that come within this category, Rules 203 (Requirements for Issuance)—search warrants—and 513 (Requirements of Issuance)—arrest warrants.⁸ Although there is no specific provision in either rule for when an issuing authority must be available to issue warrants, the consensus is that an issuing authority must be available whenever a search or arrest warrant is requested.

(2) Rules requiring availability outside normal business hours.

The rules in this category all affect the amount of time a defendant is detained,⁹ requiring the issuing authority to conduct an immediate trial or a preliminary arraignment¹⁰ without unnecessary delay or set collateral or bail. Included in the category are Rule 431(D)(1), (2) (Procedure When Defendant Arrested with Warrant) and Rule 441(C) (Procedure Following Arrest without Warrant), which require immediate trials or that collateral be set in summary cases following an arrest; Rule 516 (Procedure in Court Cases When Warrant of Arrest is Executed Within Judicial District of Issuance), which requires the issuing authority to conduct a preliminary arraignment without unnecessary delay following execution of an arrest warrant within the county; Rule 517(A) (Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance), which requires the issuing authority to set bail without unnecessary delay following execution of an arrest warrant outside the county;¹¹ and Rule 519(A)(1) (Procedure in Court Cases Initiated by Arrest Without Warrant), which requires the issuing authority to receive complaints and conduct a preliminary arraignment without unnecessary delay following an arrest without a warrant.

(3) Rules requiring availability during official business hours.

The rules in this category require the issuing authorities to perform the functions of the office of the issuing authority but do not have the same impact on a defendant's liberty as the rules in category (2), and therefore these duties ordinarily will be performed during the normal business hours of the issuing authority's office. The list of rules is extensive, but examples include Rules 456 (Default Procedures: Restitution, Fines, and Costs), which requires the issuing authority to conduct an immediate default hearing or set bail whenever a defendant appears pursuant to a 10-day notice or is arrested on a

⁸ The Rules Committee also noted that, although not a Criminal Rule, disposition of emergency Protection From Abuse petitions, 23 Pa.C.S. § 6101 et seq., is another proceeding that necessitates continuous or "24/7" availability by an issuing authority.

⁹ The interrelationship between the case law concerning the "six-hour rule," see, e.g., *Commonwealth v. Futch*, 290 A.2d 417 (Pa. 1972), *Commonwealth v. Davenport*, 370 A.2d 301 (Pa. 1977), and *Commonwealth v. Duncan*, 525 A.2d 1177 (Pa. 1987), and the Criminal Rules requiring a prompt preliminary arraignment has been a source of debate throughout the time the issue of the continuous availability of issuing authorities has been under consideration. Some people maintain that since the courts have eroded the "six-hour" rule the case law no longer implicates the prompt preliminary arraignment rules. Others thought because the case law holds the "six hour rule" relates to the time between arrest and the time the defendant gives a statement, this provides flexibility in the amount of time that is permissible between arrest and preliminary arraignment, and therefore issuing authorities do not need to be continuously available to conduct preliminary arraignments. Still others point out that, notwithstanding the case law application of the "six-hour rule," there are numerous policy reasons why the Court would want an issuing authority continuously available to conduct preliminary arraignments that have nothing to do with the six-hour rule, see, e.g., *Duncan*, supra. Ultimately, the Rules Committee concluded proposed new Rule 117 with a clarification in the Comment adequately covers the procedural aspects of the issue without the need to address the debate.

¹⁰ See also Rule 540 (Preliminary Arraignment), which permits an issuing authority to conduct the preliminary arraignment using two-way simultaneous audio-visual communication.

¹¹ Rule 518 authorizes the use of advanced communication technology for a preliminary arraignment or posting of bail when the warrant is executed outside the judicial district.

warrant for failure to pay costs and fines in a summary case, and 430 (Issuance of Arrest Warrant), which provides the procedures for issuing arrest warrants in summary cases.

(4) *Rules requiring continuous or "24/7" availability of a court official*

A related category of coverage covers any rules that affect the defendant's liberty and therefore require the availability on a continuous or "24/7" basis by a court official, but not necessarily the issuing authority. Rule 520 (Bail Before Verdict) fits in this category because it requires that a defendant to be admitted to bail on any day and at any time, but does not specifically require that it be an issuing authority who accepts the bail deposit.

From our discussions about these rules and Rule 132(A), and the input we received from district justices and judges, the Rules Committee realized there is a great deal of confusion about how the Rule 132(A) continuous availability requirements applies to the different rules. The members agreed the confusion could be eliminated, and the rule would provide more guidance to the bench and bar in determining the issuing authorities' responsibilities, and would be helpful from an administrative perspective, if the rule governing the availability of issuing authorities was broken down into the categories we enumerate above. We also thought the issue of continuous availability and the rule categorization would be easier to understand if the provisions are in a separate rule.

In addition, Rule 132 is a rule specifically for issuing authorities,¹² and with the inclusion of a category of rules applicable to more than issuing authorities, it makes sense to have a separate rule in the general business of the courts section, Chapter 1 Part A. The Rules Committee therefore is proposing the availability/coverage provisions in Rule 132(A) be moved into a separate new rule, new Rule 117.¹³ The title for this new rule, "Coverage: Issuance of Warrants; Summary Trials and Preliminary Arraignments; Acceptance of Bail," reflects the categories we identified and uses a new term, "coverage," to describe more generally the concept of someone being available to conduct the court's business.

A. Proposed New Rule 117

Proposed new Rule 117 retains the provisions from Rule 132(A) that place on the president judges the responsibility for ensuring that the coverage needs of the judicial district are met. Paragraph (A) enumerates the coverage requirements for issuing authorities, separating the requirements into the three categories we identified above: (1) continuous, or "24/7," coverage by issuing authorities to handle search warrants and arrest warrants, paragraph (A)(1); (2) one of the systems of coverage provided in the rule to conduct summary trials and preliminary arraignments following arrests,¹⁴ set collateral or bail, and accept complaints, paragraph (A)(2); and (3) for all other matters handled by the issuing authorities, coverage during normal business hours, paragraph (A)(3).

Paragraph (B) sets forth the only systems of coverage that a president judge may chose from for the conduct of

the proceedings enumerated in paragraph (A)(2).¹⁵ The president judge is given the responsibility to select the system that works best in his or her judicial district. The rule makes it clear that the president judge must consider the rights of the defendant and the judicial resources and the needs of the judicial district in making this selection. Paragraph (B) also requires the president judge to promulgate a local rule pursuant to Rule 105 to enact the selected system of coverage.

The Comment provides a gloss on the provisions of paragraph (B), noting the preference for the traditional "24/7" on-call system, and emphasizing the importance of balancing the rights of the defendant with the judicial districts' resources and coverage needs, and the obligations of the prosecution. Also included in this portion of the Comment are references to the statewide rule requirements for prompt proceedings and the case law on confessions to alert the president judges to the importance of these issues when establishing a system of coverage.

Paragraph (C) addresses the members' conclusion that Rule 520 does not require that the district justice personally handle the proffer of the bond or other security by requiring the president judge to promulgate a local rule that provides for the continuous, or "24/7," coverage by the individual or individuals designated to accept bail pursuant to Rule 520(B). The Comment explains that the designate individual does not have to be limited to an issuing authority or an employee of the clerk of courts, and includes a cross-reference to Rule 535(A). See discussion below of the correlative amendments.

The Comment includes several other provisions.¹⁶ As noted in the fifth paragraph, the president judges are encouraged to use advanced communication technology to facilitate providing the coverage required by paragraph (A).

The ninth and tenth paragraphs highlight the importance and purpose of the local rule requirements in paragraphs (B) and (C), explaining in the ninth paragraph that the properly promulgated local rules ensure the designation information is published and readily available to members of the bench, bar, and public, and provide the means for the Committee and the Court to monitor the systems of coverage. The tenth paragraph recommends the president judges include in these local rules other relevant information such as the normal business hours of the issuing authorities or special locations that have been designated, which provides adequate and easily accessible notice of this information.

Included as the last paragraph of the Comment is a reference to the continuous coverage requirements for issuing authorities to handle emergency petitions under the Protection from Abuse Act, 23 Pa.C.S. § 6110, and the Rule of Civil Procedure Governing Actions and Proceedings before District Justices 1203.

B. Correlative Changes

The Rules Committee is proposing a number of correlative changes to accommodate the procedures in new Rule 117(C).

(1) *Rule 131*

¹² Rule 132 is located in Chapter 1 Part C (Issuing Authorities, Venue, Location, and Recording of Proceedings).

¹³ To accommodate new Rule 117, current Rule 117 would be renumbered Rule 118, and current Rule 118 would be renumbered Rule 119.

¹⁴ At the preliminary arraignment, the issuing authority is required to set bail and if not previously done, to make a probable cause determination. These duties also are contemplated within the requirements of paragraph (A)(2), as explained in the Comment.

¹⁵ The systems of coverage permitted in paragraph (B) are similar to the menu of options proposed by the Subcommittee in its Report to the Court. See page 34 et seq. of the Report of the Special Courts Administration Subcommittee of the Court's Intergovernmental Task Force to Study the District Justice System.

¹⁶ The Comment is lengthy: The detail is necessary because new Rule 117 provides a significant change from what has been the rule for coverage by issuing authorities for at least 30 years. In addition, this area of law has been the source of so much confusion and debate. The Rules Committee believes providing the bench and bar with as much guidance as possible will aid in the smooth transition to the new procedures.

The Rules Committee is proposing that (1) the phrase "at all times" be deleted from Rule 131(A) to avoid any possible misconstruction that this language in some way overrides what is provided in new Rule 117, and (2) a cross-reference to Rule 131 be included in the Rule 117 Comment.

(2) *Rule 132*

Rule 132(A) has been deleted since this is now covered in new Rule 117, and the title changed by deleting "continuous availability and." In addition, the provisions in the Comment addressing paragraph (A) have been deleted.

(3) *Rule 525*

The Rules Committee is proposing amendments to Rule 525 that require the issuing authority to prepare the bail bond at the time bail is set and, if the defendant is unable to post bail, the issuing authority is directed to send the unexecuted bail bond with the defendant to the jail.

(4) *Rule 535*

The proposed amendments to Rule 535 make it clear bail can be accepted by the issuing authority, the clerk of courts, or another official designated by the president judge. Paragraph (A) has been divided into subparagraphs setting forth the procedures applicable to the acceptance of bail deposits by the issuing authority, the clerk of courts, and the other official designated by the president judge. Paragraphs (A)(1) and (3) are taken from current paragraph (A). Paragraph (A)(2) is new and requires the other official to deliver the deposit and bail bond to the issuing authority or the clerk of courts to ensure proper processing of the bail deposit.

[Pa.B. Doc. No. 03-2190. Filed for public inspection November 14, 2003, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No. 2002-0189-MISC

Order

And Now, this 28th day of October, 2003, it is hereby Ordered as follows:

1. L.R.C.P. No. 227.1 and L.R.C.P. No. 1910.25, following this Order, are hereby adopted as new Local Rules of Civil Procedure.

2. L.R.C.P. No. 1915.7 and L.R.C.P. No. 1940.3 are hereby amended to read as shown following this Order.

3. These new and amended Local Rules of Court shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

4. L.R.J.A. No. 1901(a) is rescinded, effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin*.

5. Certified copies of this Order with the new and amended Local Rules of Court shall be distributed by the

Court Administrator as required by pertinent state rules of court, together with a diskette containing the hard copy version where required.

By the Court

JOSEPH A. NICKLEACH,
President Judge

Local Rules of Civil Procedure

Rule 227.1. Motion for Post-Trial Relief. Scheduling Order

A motion for post-trial relief shall be accompanied by a proposed order for the purpose of scheduling an argument thereon, substantially in the form prescribed by Appendix C-1 of these Local Rules.

Rule 1910.25. Support. Contempt Petition. Form of Order.

(a) Every order accompanying a petition for contempt and scheduling a hearing upon the Petition shall designate the "Prothonotary of Armstrong County, Armstrong County Courthouse, Room 103, Kittanning, PA 16201 (telephone: 724-543-2500)" as the person from whom legal help can be obtained.

(b) The Prothonotary, upon receiving an oral or written inquiry as the result of a person being served with a pleading containing a notice to defend, shall, in lieu of advising such person, immediately forward to the person the names, addresses and telephone numbers of all resident members of the Armstrong County Bar Association and of Laurel Legal Services, Inc.

Rule 1915.7. Consent Order. Final and Temporary

(a) unchanged

(b) If after a conciliation conference the parties cannot agree upon a resolution of all the issues, counsel and the parties shall, within seven (7) days after such conference, submit to the Court a proposed temporary order providing for the occurrence of those things agreed upon at the conciliation conference. If the Court has not entered an order immediately after the conciliation conference directing such attendance at a mediation orientation session, the proposed temporary order shall contain a provision requiring the parties together to attend an orientation session before a mediator as required by L.R.C.P. No. 1940.3(a). The proposed temporary order may provide for the deferral of evaluations and home studies until after such time as mediation is rejected or terminated. The proposed temporary order shall not contain a provision for the scheduling of a hearing before the Court. The completed Conciliation Conference Checklist shall be attached to the proposed temporary order.

Comment

If, after an orientation session conducted under the rules pertaining to mediation, mediation is terminated or rejected, a hearing before the Court may be obtained pursuant to L.R.C.P. No. 1940.6.

Rule 1940.3. Order for Orientation Session

(a) unchanged

(b) The Court will not order the parties to attend an orientation session if such an order is prohibited by Pa.R.C.P. No. 1940.3(b). If the parties cannot agree upon whether or not an orientation session is so prohibited, upon motion, the Court will conduct a hearing to resolve the issue.

(c) unchanged

APPENDIX C-1

[CAPTION]

ORDER

AND NOW, this ____ day of ____, 2 __, upon consideration of the Motion for Post-Trial Relief, it is hereby ORDERED as follows:

1) Oral argument upon the Motion will be held on ____ (day of week) ____, ____, 2 __, at __ .M. in Courtroom No. __ of the Armstrong County Courthouse, Kittanning, Pennsylvania.

2) The movant shall file a brief in support of the Motion on or before ____, 2 __.

3) ____ (Name of party defending against Motion) shall file a brief concerning the issues raised in the Motion on or before ____, 2 __.

4) Notice of the entry of this order shall be served upon all parties by the Prothonotary.

BY THE COURT,

____ J.

[Pa.B. Doc. No. 03-2191. Filed for public inspection November 14, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CH. 130]

[Correction]

Architectural and Industrial Maintenance Coatings

A numbering error appeared at 33 Pa.B. 5297 (October 25, 2003) in the adoption of Chapter 130, Subchapter C (relating to architectural and industrial maintenance coatings). The sections in Subchapter C should be numbered §§ 130.601—130.611.

Two additional errors appeared in § 130.303, Table 1 (renumbered § 130.603) and § 130.311(a)(1) (renumbered § 130.611). The corrected version appears in Annex A.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 130. STANDARDS FOR PRODUCTS

Subchapter C. ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

§ 130.603. Standards.

* * * * *

Table 1

* * * * *

<i>Coating Category</i>	<i>VOC Content Limit</i>
—Varnishes	350

* * * * *

§ 130.611. Compliance provisions and test methods.

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

* * * * *

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

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

Where:

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

Ws = weight of volatiles, in grams

* * * * *

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

STATEMENTS OF POLICY

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 204]

Additional Traffic-Control Devices in Highway Work Zones—Statement of Policy

The Department of Transportation adopts this statement of policy in response to the requirements in the act of December 23, 2002 (P. L. 1982, No. 229) (Act 229). These guidelines are designed to improve safety in highway work zones by requiring drivers to light their vehicles' headlights and by delineating the "active work zones" where motorists are exposed to increased penalties for moving violations due to the presence of workers. The signs and lights specified are in addition to the traffic-control devices required by Chapter 203 (relating to work zone traffic control) and apply to all construction, maintenance and utility operations on all public highways within this Commonwealth.

Since the publication of the statement of policy at 33 Pa.B. 1361 (March 15, 2003), the Department has received further suggestions and comments and has continued to reevaluate the guidance provided. The amendments to the statement of policy are the result of the reevaluation.

Effective Date

This amended statement of policy will be effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for this statement of policy is Arthur Breneman, Department of Transportation, Bureau of Highway Safety and Traffic Engineering, P. O. Box 2407, Harrisburg, PA 17105-2047, (717) 787-3620, fax (717) 783-8012.

Authority

This statement of policy is adopted under the authority in section 21 of Act 229.

Order

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

(a) The regulations of the Department, 67 Pa. Code Chapter 204, are amended by amending a statement of policy in §§ 204.1 and 204.3 and by deleting § 204.4 to read as set forth in Annex A.

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

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

ALLEN D. BIEHLER, P. E.,
Secretary

Fiscal Note: 18-SOP-386. (1) Motor License Fund;

	<i>Highway & Safety Improvements</i>	<i>Highway Maintenance</i>	
(2) Implementing Year 2003-04 is	\$6,300,000	\$1,600,000	
(3) 1st Succeeding Year 2004-05 is	\$6,300,000	\$1,000,000	
2nd Succeeding Year 2005-06 is	\$6,300,000	\$1,000,000	
3rd Succeeding Year 2006-07 is	\$6,300,000	\$1,000,000	
4th Succeeding Year 2007-08 is	\$6,300,000	\$1,000,000	
5th Succeeding Year 2008-09 is	\$6,300,000	\$1,000,000	
	<i>Highway & Safety Improvements</i>	<i>Highway Maintenance</i>	<i>Secondary Road— Maintenance & Resurfacing</i>
(4) 2002-03 Program—	\$188,000,000	\$666,000,000	\$64,562,000
2001-02 Program—	\$196,750,000	\$662,750,000	\$61,870,000
2000-01 Program—	\$174,022,000	\$634,819,000	\$62,279,000

(8) recommends adoption. A portion of the expected costs to the Highway Maintenance appropriation may be charged to the Secondary Road—Maintenance and Resurface executive authorization. Also, the Department of Transportation expects to receive Federal funds which would offset these costs. It is estimated that annual costs to the Turnpike Commission for this program will be \$600,000.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 204. GUIDELINES TO IMPLEMENT ACT 229 OF 2002 ADDITIONAL TRAFFIC-CONTROL DEVICES IN HIGHWAY WORK ZONES—STATEMENT OF POLICY

§ 204.1. Purpose and application.

(a) This chapter is in response to the requirements of Act 229. Specifically, this chapter is designed to improve safety in highway work zones by requiring drivers to light their vehicles' headlights; and by delineating those "active work zones" where motorists are exposed to increased penalties for moving violations due to the presence of workers.

(b) The signs and lights specified in this chapter are in addition to the traffic-control devices required by this title. However, there are times when installing additional traffic-control devices would be extremely difficult and other times when it could be counterproductive from a safety and operational perspective. Therefore, in the interest of safety and in keeping with the legislative intent of the law, the application of this chapter is discretionary for the following work zones:

- (1) Mobile operations, where the work moves intermittently or continuously.
- (2) Daytime stationary work where the daily duration of the construction, maintenance, or utility operation is less than 12 hours, and all traffic-control devices are removed at the completion of the daily operation.
- (3) Work on roadways with a posted speed limit of 25 mph or less.
- (4) Work being performed in response to emergency conditions such as major storm emergencies.

§ 204.3. General.

Except as noted in § 204.1(b) (relating to purpose and application), the following actions shall be taken:

(1) Erect the WORK ZONE - TURN ON HEADLIGHTS Sign (R22-1) prior to each work zone. Install the R22-1 sign as the first sign on each primary approach to the work zone, typically at a distance of 250 to 1,000 feet prior to the first warning sign. Use smaller advance distances on low-speed highways and the larger advance distances on high-speed roadways including all expressways and freeways. If work begins near a border to this Commonwealth, the R22-1 sign for traffic coming into this Commonwealth should be installed within this Commonwealth.

(2) Delineate "active work zones" by signs and lights as defined in this chapter to establish those areas where double fines and other increased penalties apply. Do not consider a construction, maintenance or utility operation as an "active work zone" when either of the following exist:

- (i) None of the work is on the roadway or shoulder.

(ii) All workers are protected by a concrete barrier and no ingress or egress to the work area is through an opening in the concrete barrier.

(3) Erect the ACTIVE WORK ZONE WHEN FLASHING Sign (W21-19) as close as practical to the beginning of the "active work zone." Do not compromise motorists' safety by erecting the sign within a transition or at a location where the sign could be especially distracting to motorists or could jeopardize the safety of motorists, or at a location where workers are put at risk when they may need to turn the light on and off. When a construction, maintenance or utility project has more than one active work zone and the active work zones are separated by a distance of more than 1 mile, erect signs for each active work zone. All W21-19 signs shall be installed on either temporary sign posts or on Type III barricades.

(4) Attach a white Type B high-intensity flashing light to the upper portion of each ACTIVE WORK ZONE WHEN FLASHING Sign (W21-19). Activate the light only when workers are present, and deactivate it when workers are not present for 60 minutes or more. Effective January 1, 2004, all white Type B high-intensity flashing lights sold for use in this Commonwealth shall be of a type approved by the Department and listed in Section 901 of the Department's "Bulletin 15: Approved Construction Materials," (which is available at ftp://ftp.dot.state.pa.us/public/pdf/bulletin_15.pdf).

(5) Install the END ACTIVE WORK ZONE Sign (W21-20) immediately at the end of each "active work zone," except this sign is not necessary if either the END ROAD WORK Sign (G20-2a) or the END WORK AREA Sign (G20-3) is installed at the end of the active work zone.

(6) A portable changeable message sign (PCMS) may be used in lieu of the static signs to inform drivers that they have entered an active work zone in which increased penalties apply and that they must turn on headlights, or that they have reached the end of the active work zone. If a PCMS cannot accommodate nine-character words such as "INCREASED" and "PENALTIES," use similar words such as "HIGHER PENALTY," "HEAVY FINES," and the like. PCMSs may be used in lieu of the "official traffic signs" described in this chapter, including the regulatory R22-1 sign. These PCMSs need not be exclusively dedicated to these messages, but may alternately be used to inform motorists of other messages such as "SLOW DOWN," "LEFT LANE CLOSED AHEAD," and the like.

(7) Install appropriate signs and lights identified in this section on side road approaches to the work zone if the side road is a numbered traffic route or a ramp from a freeway. If any of these side roads directly enters the active work zone, include all signs and lights as specified for the primary approaches to the work zone.

(8) On Interstate highway work zones with a project cost exceeding \$300,000, use a "speed display sign" on each approach to the work zone to advise motorists of their vehicles' speed. The following guidance is provided:

(i) Effective January 1, 2004, units used on new construction projects shall be Department-approved speed display signs as published in Section 901 of the Department's "Bulletin 15: Approved Construction Materials." The speed display signs shall display the motorist's speed in numerals at least 18 inches in height using LED or some other type of illuminated numerals.

(ii) As an alternative, Department-approved portable changeable message signs (PCMSs) may be equipped with radar and programmed to display vehicles' speeds. PCMSs may also flash appropriate messages such as "YOU ARE SPEEDING" or "SLOW DOWN." Place the signs 1/2 to 1 mile in advance of the physical work area.

(9) Agencies administering highway construction, utility work and maintenance operations shall mandate the application of the following good management principles:

(i) Keep the work zones as short as practical to avoid long stretches with no work activity.

(ii) Minimize lane restrictions.

(iii) Remove all traffic-control devices as soon as practical after the construction, maintenance or utility operation is complete.

§ 204.4. (Reserved).

STATEMENTS OF POLICY

APPENDIX A

R22-1

WORK ZONE-TURN ON HEADLIGHTS SIGN

(a) Justification. The Work Zone-Turn on Headlights Sign (R22-1) shall be used in advance of work zones in accordance with Department guidelines. When used, the R22-1 sign should generally be installed as the first sign approaching the work zone.

(b) Size. The larger (1800 mm x 1200 mm) size should be used for long-term operations on expressways and freeways.



SIGN SIZE AxB	DIMENSIONS (IN MILLIMETERS)												MAR- GIN	BOR- DER	BLANK STD.
	C	D	E	F	G	H	J	K	L	M	N	P			
1200x900	53	150C	75C	65	150C	22	74	96	515	232	385	505	15	20	B5-1200900
1800x1200	67.5	200D	100D	100	200D	32.5	82	118	804	370	598	777*	15	20	—

* REDUCE SPACING 20%.

COLOR:

LEGEND AND BORDER:
BLACK (NON-REFLECTORIZED)

BACKGROUND:
TOP: ORANGE (REFLECTORIZED)
BOTTOM: WHITE (REFLECTORIZED)

APPROVED FOR THE

Date 2/10/03

Secretary of Transportation

By : Art Breneman
Chief, Traffic Engineering and Operations Division
Bureau of Highway Safety and Traffic Engineering

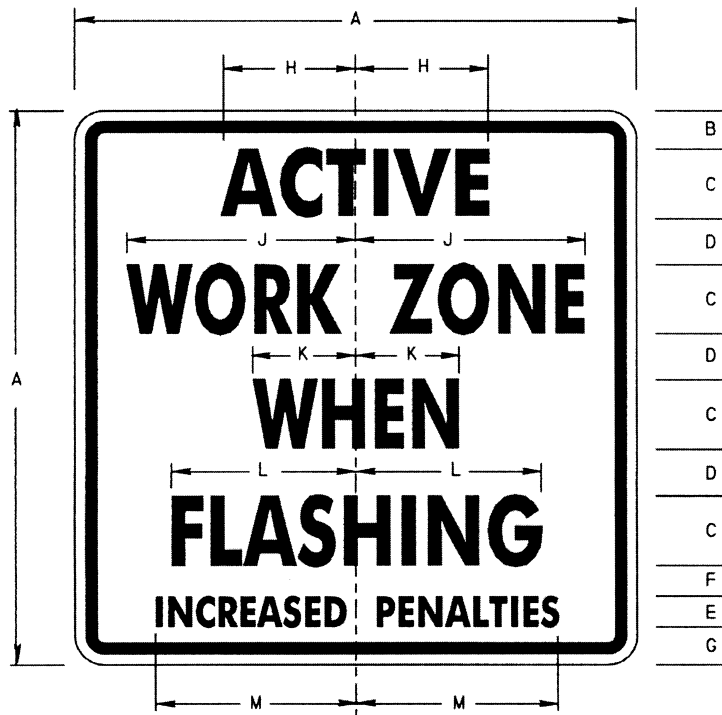
R22_1.DGN

W21-19

ACTIVE WORK ZONE WHEN FLASHING SIGN

(a) Justification. The Active Work Zone When Flashing Sign (W21-19) shall be used in advance of an "active work zone" in accordance with Department guidelines to advise motorists that construction, maintenance or utility workers are on the roadway, berm or shoulder, and that increased penalties apply. The W21-19 sign shall be equipped with a flashing white light that is activated when workers are present and when flashing shall be readily visible both day and night by an ordinarily observant person. When workers are not present for more than 60 minutes, the flashing light shall be turned off.

(b) Placement. When used, the W21-19 sign shall be erected as close as practical to the beginning of the active work zone, except motorists' safety should not be compromised by erecting the signs within transitions or at other locations where the sign could be especially distracting. When a work zone has more than one active work zone and the active work zones are more than 1 mile apart, each active work zone shall be signed individually with this sign.



SIGN SIZE AxA	DIMENSIONS (IN MILLIMETERS)											MAR- GIN	BOR- DER	BLANK STD.
	B	C	D	E	F	G	H	J	K	L	M			
900x900	62	113C	75	50C	50	61	212	367	165	296	322	15	20	B3-900
1200x1200	86	150C	88	75C	75	100	282	490	220	395	483	20	25	B3-1200

COLOR:
LEGEND AND BORDER:
BLACK (NON-REFLECTORIZED)
BACKGROUND:
ORANGE (REFLECTORIZED)

APPROVED FOR THE _____ Date 2/20/03
Secretary of Transportation
By : Attorney
Chief, Traffic Engineering and Operations Division
Bureau of Highway Safety and Traffic Engineering

W21_19.DGN

W21-20

END ACTIVE WORK ZONE SIGN

The End Active Work Zone Sign (W21-20) should be installed immediately at the end of each "active work zone" when signs are erected at the beginning of the active work zone to advise of increased penalties. However, the W21-20 sign is not necessary if the End Road Work Sign (G20-2a) or the End Work Area Sign (G20-3) is located at this location.



SIGN SIZE AxA	DIMENSIONS (IN MILLIMETERS)								MAR- GIN	BOR- DER	BLANK STD.
	B	C	D	E	F	G	H	J			
900x900	246	88	125E	87	75	177	337	267	15	20	B3-900
1200x1200	295	113	150E	112	125	213	404	320	15	20	B3-1200

COLOR:
 LEGEND AND BORDER:
 BLACK (NON-REFLECTORIZED)
 BACKGROUND:
 ORANGE (REFLECTORIZED)

APPROVED FOR THE Date 2/20/03
 Secretary of Transportation
 By : *Art Brewer*
 Chief, Traffic Engineering and Operations Division
 Bureau of Highway Safety and Traffic Engineering

W21_20.DGN

[Pa.B. Doc. No. 03-2192. Filed for public inspection November 14, 2003, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 4, 2003.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-31-03	First Commonwealth Financial Corporation, Indiana, to acquire 100% of the voting shares of Pittsburgh Financial Corp., Wexford	Indiana	Approved
10-31-03	KNBT Bancorp, Inc., Bethlehem, to acquire 100% of First Colonial Group, Inc., Nazareth	Bethlehem	Effective

KNBT Bancorp, Inc., Bethlehem, is a newly organized bank holding company and its sole banking subsidiary is Keystone Nazareth Bank & Trust Company.

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-31-03	Keystone Savings Bank Bethlehem Northampton <i>To:</i> Keystone Nazareth Bank & Trust Company Bethlehem Northampton	Bethlehem	Effective

Represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-27-03	Lafayette Bank Easton Northampton County Purchase of assets/assumption of liabilities of two branch offices of Premier Bank, Doylestown, located at: 2201 Northampton Street Easton Northampton County	Easton 1401 Easton Avenue Bethlehem Northampton County	Effective
10-31-03	First Commonwealth Bank, Indiana, and Pittsburgh Savings Bank, Pittsburgh Surviving Institution—First Commonwealth Bank, Indiana	Indiana	Approved
10-31-03	Keystone Nazareth Bank & Trust Company, Bethlehem, and Nazareth National Bank and Trust Company, Nazareth Surviving Institution—Keystone Nazareth Bank & Trust Company, Bethlehem	Bethlehem	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	<i>Branches Acquired by Means of Merger:</i>		
	1201 Airport Road Allentown Lehigh County	101 South Third Street Easton Northampton County	
	6900 Hamilton Boulevard Trexlerstown Lehigh County	2000 Sullivan Trail Easton Northampton County	
	2540 MacArthur Road Whitehall Lehigh County	553 Nazareth Drive Nazareth Northampton County	
	Route 209 Brodheads ville Monroe County	76 South Main Street Nazareth Northampton County	
	355 Lincoln Avenue East Stroudsburg Monroe County	Moravian Hall Square 175 West North Street Nazareth Northampton County	
	500 Route 940 Mount Pocono Monroe County	33 South Broad Street Nazareth Northampton County	
	1125 North Ninth Street Stroudsburg Monroe County	3856 Easton-Nazareth Highway Easton Lower Nazareth Township Northampton County	
	713 Main Street Stroudsburg Monroe County	2510 MacArthur Road* Whitehall Lehigh County	
	4510 Bath Pike Bethlehem Northampton County	29 North Ninth Street* Allentown Lehigh County	
	44 East Broad Street Bethlehem Northampton County	1504 South Fourth Street* Allentown Lehigh County	

*These three branch offices were approved by the Comptroller of the Currency prior to the merger.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-30-03	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County	100 West Main Street Girardville Schuylkill County	Approved
10-30-03	Sun Bank Lewisburg Union County	220 Highland Park Boulevard Wilkes-Barre Luzerne County	Approved
11-3-03	First Columbia Bank & Trust Co. Bloomsburg Columbia County	Northumberland Drive Ralpho Township Northumberland County	Filed

SAVINGS INSTITUTIONS

Voluntary Dissolutions

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
11-4-03	The Home Building & Loan Association of Minersville Minersville Schuylkill County	Articles of Dissolution filed with Department of State. Corporate existence terminated.

CREDIT UNIONS
Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-30-03	DPC Credit Union, Atglen, and Citadel Federal Credit Union, Thorndale Surviving Institution—Citadel Federal Credit Union, Thorndale	Atglen	Filed

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-2193. Filed for public inspection November 14, 2003, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan for Federal Fiscal Years 2004— 2008

The Department of Community and Economic Development (Department) proposes to adopt the Commonwealth's Consolidated Plan (Plan) for Federal Fiscal Years (FFY) 2004—2008 in addition to the Action Plan for FFY 2004. The Plan is a document submitted to the United States Department of Housing and Urban Development (HUD). The document is both a plan and an annual application for HUD funds administered by the Commonwealth. The HUD funding programs covered by the Plan administered by the Department are the Community Development Block Grant, the Home Investment Partnerships and the Emergency Shelter Grant Programs. The Department of Health administers the Housing Opportunities for Persons with AIDS Program.

This summary is designed to provide an opportunity to citizens, local government officials and interested organizations of this Commonwealth to comment about the Plan. Written comments should be submitted to Karen Overly Smith, Office of Community Development, Center for Community Building, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by November 26, 2003, to be included as testimony at the public hearing or by December 18, 2003, to be included in the Plan.

The public hearing will be held on December 2, 2003, from 10 a.m. to 1 p.m. in PUC Hearing Room 3, Commonwealth Keystone Building, Plaza Level, 400 North Street, Harrisburg, PA 17120-0225.

Individuals who wish to speak must call to schedule a time to give oral testimony at the hearing. The hearing will be shortened if there is no one to testify or if there is minimal response. Contact Karen Overly Smith at (717) 214-5340 to schedule oral testimony before November 26, 2003.

Individuals with a disability who wish to attend the public meeting should contact Karen Overly Smith to

discuss how the Department can accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System, (800) 654-5984. Calls will be relayed to the Department's number.

Purpose

The Plan describes how the programs will be administered in 2004—2008. HUD must approve the Plan for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. Applicants for funding from Federal housing programs must obtain certification that their proposed use of HUD assistance will be consistent with the applicable Plan for the area.

Content

The Plan includes a strategy, priorities and outcome measures for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities. The Plan governs how affordable housing units will be developed and preserved in this Commonwealth, as well as the infrastructure and public facilities, services and other economic and community development initiatives that communities in this Commonwealth will undertake.

Public Review

The Plan is available on the Department's website or in hardcopy for public comment November 18, 2003, through December 18, 2003, at the following locations:

- Department regional offices and the 27 district libraries in this Commonwealth, call (717) 214-5340 for locations.
- Audio cassette copies of the Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association of the Blind, Patricia Summers, Coordinator, Harrisburg Area Radio Reading Services, 1800 North Second Street, Harrisburg, PA 17102, (717) 238-2531.
- The Draft Plan can be viewed at www.inventpa.com. The Plan will be made available again at these same locations following HUD approval.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 03-2194. Filed for public inspection November 14, 2003, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of 2003-2004 Statewide Demonstration Innovative Learning and Workforce Development Funding for Agriculture Programs

Applications are invited for one Statewide Demonstration Innovative Learning and Workforce Development Funding for Agriculture Programs project. The project period is from November 26, 2003, to June 30, 2004. The maximum amount per application is \$70,000. Available funds total \$70,000.

1. Eligibility Requirements

Funding is available on a competitive basis to high schools and career and technical education centers with approved agriculture programs.

2. Applications Deadline

Applications are due on November 26, 2003, by 5 p.m.

3. How to Apply

The Department of Education (Department) has implemented an internet-based e-grant system that requires eligible applicants to apply for funding on-line. The grant guidelines will be available on the Department's website: www.pde.state.pa.us/. Click on "K-12 Schools," "Career/Technical Education," "Grants and Funding," "Funding Sources." This page provides a listing of the various funding guidelines. Click on "Innovative Learning and Workforce Development for Agriculture Programs Statewide Demonstration Project."

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, jbonchalk@state.pa.us.

VICKI L. PHILLIPS, Ed.D.,
Secretary

[Pa.B. Doc. No. 03-2195. Filed for public inspection November 14, 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

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0061255 Minor Sewage	Wallace R. McDonald 1647 Forest Acres Drive Clarks Summit, PA 18411-9526	Lackawanna County Newton Township	Unnamed tributary to Gardner Creek 4G	Y
PA0063100 Renewal	Harford Township Board of Supervisors HC 31, Box 05A Harford, PA 18823	Susquehanna County Harford Township	Nine Partners Creek 04F	Y
PAI132203 NPDES MS4	Scranton City Rear 800 Providence Road Scranton, PA 18508	Scranton City Lackawanna County	Lackawanna River Meadow, Stafford Meadow and Roaring Brooks Legget's, Leach and Keyser Creeks Lindy and Lucky Runs 05A	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>
PA0087947 SEW	Columbia Gas Transmission Corp. Gettysburg Compressor Station 1700 MacCorkle Ave. SE P. O. Box 1273 Charleston, WV 25314	Adams County Straban Township	Beaverdam Creek 7F	Y
PA0087971 IW	Bedford Borough Water Authority 244 West Penn Street Bedford, PA 15522	Bedford County Bedford Township	Todd Reservoir 11D	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>
PA0103551	Drake Well Museum 202 Museum Lane Titusville, PA 16354-8902	Cherrytree Township Venango County	Oil Creek 16-E	Y
PA0220876	Country Greens 10043 Peach Street Girard, PA 16417-0149	Elk Creek Township Erie County	East Branch Conneaut Creek 15	Y

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

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

PA0044741 Amendment No. 1, Industrial Waste and Stormwater, SIC Code 2033, **Hanover Foods Corporation**, P. O. Box 334, 1486 York Street, Hanover, PA 17331-0334. This facility is in Penn Township, **York County**.

Description of activity: Amendment of an NPDES permit for existing discharges of industrial wastewater, noncontact cooling water and stormwater.

The receiving stream, Oil Creek, is in Watershed 7-H and is classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Wrightsville Water Supply Company is approximately 40 miles downstream on the Susquehanna River. The discharge is not expected to affect the water supply.

The proposed effluent limitations and monitoring requirements for Outfall 001 (industrial waste and NCCW) based on a projected flow of 0.643 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)		from 6.0 to 9.0 inclusive	
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
Total Residual Chlorine	0.1	Monitor and Report	0.3
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
NH ₃ -N			
(5-1 to 10-31)	1.3	2.6	3.25
(11-1 to 4-30)	3.9	7.8	9.75
Total Suspended Solids	30	60	75
Temperature	XXX	Monitor and Report	XXX
Fecal Coliform	XXX	Monitor and Report	XXX

Stormwater outfalls 002—004 are identified in the permit with proposed annual monitoring requirements for pH, CBOD₅, COD, oil and grease, total suspended solids, total kjeldahl nitrogen, total phosphorus and dissolved iron.

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

The EPA waiver is in effect.

PA0088633, Sewage, **Lower Paxton Township Authority (Beaver Creek Wet Weather WWTF)**, 75 South Houcks Road, Harrisburg, PA 17109. This facility is in South Hanover Township, **Dauphin County**.

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

The receiving stream, Beaver Creek, is in Watershed 7-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Middletown Borough is on the Swatara Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.5 MGD (12 MDG peak) are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	15	22.5	30
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Total Phosphorus	2.0		4.0
Total Residual Chlorine	0.26		0.86
Total Nitrogen	Monitor and Report		
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,800/100 ml as a geometric average		

In addition to the effluent limits, the permit contains the following major special conditions: conditions for discharge to occur; and monitoring requirements and conditions for stormwater outfalls.

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

The EPA waiver is not in effect.

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

PA0095826, Sewage, **Rostraver Sewage Corporation**, 1428 Delberts Drive, Monongahela, PA 15063. This application is for renewal of an NPDES permit to discharge treated sewage from the Budget Host in Rostraver Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.021 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5			10
(11-1 to 4-30)	14			28
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			2.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 1503423, Sewerage, **Borough of Phoenixville**, Borough Hall, 140 Church Street, Phoenixville, PA 19460. This proposed facility is in Borough of Phoenixville, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a 1 1/2 diameter force main to serve five houses equipped with individual grinder pumps.

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

WQM Permit No. 5403406, New Ringgold Borough, P. O. Box 180, New Ringgold, PA. This proposed facility is in New Ringgold Borough, **Schuylkill County**.

Description of Proposed Action/Activity: This project is for the construction of a new sanitary sewage collection system and .04 MGD sewage treatment plant to serve New Ringgold Borough.

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

WQM Permit No. 0503407, Sewerage, **Andrew S. and Sonya L. Roland**, 213 Whitetail Lane, Manns Choice, PA 15550. This proposed facility is in Juniata Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their single family residence and correct a malfunctioning system.

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

WQM Permit No. 4303417, Sewerage, **Thomas H. Fenton**, 1055 Hilltop Road, Greenville, PA 16125. This proposed facility is in West Salem Township, **Mercer County**.

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

WQM Permit No. 6203417, Sewerage, **Gary D. Snook**, R. R. 1, Box 90, Sugar Grove, PA 16350. This proposed facility is in Freehold Township, **Warren County**.

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

WQM Permit No. 2003429, Sewerage, **C. Michael and Valerie E. Dudash**, 52 Vt. Rt. 100 South, Moretown, VT 05660. This proposed facility is in Conneaut Township, **Crawford County**.

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

WQM Permit No. 2503428, Sewerage, **Kenneth J. Mosier**, 446 East 5th Street, Erie, PA 16507. This proposed facility is in Conneaut Township, **Erie County**.

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

IV. NPDES Applications for Stormwater Discharges from MS4

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAI136117	West Taylor Township 712 Cooper Avenue Johnstown, PA 15906	Cambria	West Taylor Township	Y

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

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

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>
PAI024803034	Dino Montes LAM Contractors 125 Boro View Dr. Northampton, PA 18067	Northampton	Upper Nazareth Township	Monocacy Creek HQ-CWF
PAI024803035	Forks Township 1606 Sullivan Trail Easton, PA 18040	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503018	Better Homes & Properties, Inc. R. R. 5, Box 5199 East Stroudsburg, PA 18301	Monroe	Smithfield Township	Brodhead Creek TSF, MF Marshalls Creek HQ-CWF

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

Clinton Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI041803004	Samuel R. Stoltzfus Belles Springs 74 Airstrip Dr. Mill Hall, PA 17751	Clinton	Lamar Township	Fishing Creek HQ-CWF

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI045303004	Department of Transportation P. O. Box 342 Clearfield, PA 16830	Potter	Ulysses	Pine Creek HQ Genesee River CWF

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

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI056503005-1	Frederick Crack 10380 Center Highway North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	Unnamed tributary to Long Run HQ-TSF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

CAFO Notices of Intent Received

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

PAG123575, CAFO, Mike Dickson, Eggs Newburg LLC, 301 Three Square Hollow Road, Newburg, PA 17240. This proposed facility is in Hopewell Township, **Cumberland County**.

Description of Size and Scope of Proposed Operation/Activity: Eggs Newburg LLC is an existing poultry layer operation with a total AEUs of 743.8. The operation includes 192,500 laying hens with an estimated total annual manure production of 3,556 tons. The manure storage system for 110,00 of the layers is a stacked cage layer system. The manure produced from the chickens is stored in a 3,000 square foot concrete storage area with 8-foot high 8-inch thick poured concrete walls. The manure produced from the other 82,500 layers is stored in the typical basement of a high-rise cage layer egg laying system. The total 3,556 tons of manure produced on the farm is exported from the farm.

The receiving stream, Newburg Run, is in watershed 7-B and classified for WWF.

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

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>
PAG132254	Lower Milford Township 7607 Chestnut Hill Church Rd. Coopersburg, PA 18036	Lehigh	Lower Milford Township	Licking Creek TSF UNT to Licking Creek TSF UNT to Unami Creek TSF Indian Creek WWF UNT to Indian Creek WWF Hosensack Creek CWF UNT to Hosensack Creek CWF Schmoutz Creek TSF Macoby Creek TSF UNT to Macoby Creek TSF Saucon Creek CWF UNT to Saucon Creek CWF	Y
PAG132243	Exeter Borough Rear 201 Schooley Avenue Exeter, PA 18643	Luzerne	Exeter Borough	Susquehanna River WWF Hicks Creek CWF	Y
PAG132242	Swoyersville Borough 675 Main Street Swoyersville, PA 18704	Luzerne	Swoyersville Borough	Abraham's Creek CWF	Y
PAG132256	Old Forge Borough 314 S. Main Street Old Forge, PA 18518	Lackawanna	Old Forge Borough	St. Johns Creek CWF Mill Creek CWF Lackawanna River WWF	Y
PAG132252	Blakely Borough Municipal Building 1439 Main Street Peckville, PA 18452	Lackawanna	Blakely Borough	Lackawanna River TSF Hulls Creek CWF Wildcat Creek CWF Tinklepaugh Creek CWF	Y
PAG132261	Nazareth Borough 49 E. Center Street Nazareth, PA 18064	Northampton	Nazareth Borough	Shoeneck Creek WWF	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>
PAG132248	Newport Township Municipal Building 1002 Center Street Wanamie, PA 18634	Luzerne	Newport Township	Newport Creek CWF	Y
PAG132225	Forty Fort Borough 1271 Wyoming Avenue Forty Fort, PA 18704	Luzerne	Forty Fort Borough	Abraham's Creek CWF Susquehanna River WWF	Y
PAG132208	South Abington Township P. O. Box 259 104 Shady Lane Road Chinchilla, PA 18410	Lackawanna	South Abington Township	Leggetts Creek TSF, CWF Summit Lake Creek TSF	Y
PAG132231	Hanover Township 1267 Sans Souci Parkway Hanover Township, PA 18706	Luzerne	Hanover Township	Pine Creek CWF Solomon Creek CWF Nanticoke Creek CWF Warrior Creek CWF Susquehanna River WWF	Y

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>
PAG132268	Kingston Borough 500 Wyoming Avenue Kingston, PA 18704	Luzerne	Kingston Borough	Susquehanna River WWF	Y
PAG132269	Bear Creek Township 3333 Bear Creek Blvd. Wilkes-Barre, PA 18702	Luzerne	Bear Creek Township	Laurel Run CWF	Y

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

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

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

Permit No. 3603508, Public Water Supply.

Applicant **Borough of Denver**
 Municipality East Cocalico Township
 County **Lancaster**
 Responsible Official Michael Hession, Borough
 Manager
 501 Main Street
 Denver, PA 17517

Type of Facility PWS
 Consulting Engineer Farley F. Fry, P. E.
 ARRO Consulting Inc.
 649 North Lewis Road, Suite 100
 Limerick, PA 19468-1234

Application Received July 31, 2003
 Date

Description of Action Installation of a new
 750,000-gallon storage reservoir.

Permit No. 5003502, Public Water Supply.

Applicant **Roberts Investment Group
 LLC**
 Municipality Centre Township
 County **Perry**
 Responsible Official Ronald Roberts, Owner
 P. O. Box 114
 Marysville, PA 17053

Type of Facility PWS
 Consulting Engineer James A. Cieri Sr., P. E.
 Act One Consultants Inc.
 2656 Walnut Street
 Harrisburg, PA 17103

Application Received September 24, 2003
 Date

Description of Action Installation of iron and
 manganese treatment system.

Permit No. 2803508, Public Water Supply.

Applicant **Shady Grove Mennonite
 School**
 Municipality Antrim Township
 County **Franklin**
 Responsible Official Christopher G. Foreman,
 Environmental Specialist
 2400 Philadelphia Avenue
 Chambersburg, PA 17201

Type of Facility PWS
 Consulting Engineer Lance S. Kegerreis, P. E.
 Dennis E. Black Engineering
 Inc.
 2400 Philadelphia Avenue
 Chambersburg, PA 17201

Application Received October 8, 2003
 Date

Description of Action Installation of VOC treatment
 using GAC treatment.

MINOR AMENDMENT**Applications Received under the Pennsylvania Safe
 Drinking Water Act.**

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

Application No. 5106519, Minor Amendment.

Applicant **Fox's Water Service**
 Township or Borough Summit Township,
Butler County
 Responsible Official Cory R. Fox
 Type of Facility Bulk Water Hauling
 Consulting Engineer Gray-Warnick Engineering
 662 West New Castle Road
 Butler, PA 16001

Application Received October 22, 2003
 Date

Description of Action Haul water from Pennsylvania
 American Water Co., Thorn Run
 vault to various Butler County
 customers.

Application No. 6203501, Minor Amendment.

Applicant **Pennsylvania American
 Water Co.**
 Township or Borough City of Warren, **Warren County**
 Responsible Official Jerry E. Hankey, P. E.
 Type of Facility PWS
 Consulting Engineer Jerry E. Hankey, P. E.
 Pennsylvania American Water
 Co.
 300 Galley Rd.
 McMurray, PA 25317

Application Received October 30, 2003
 Date

Description of Action To permit installation of 2,480
 feet of 8-inch water main and a
 small booster station to provide
 service to 22 additional
 customers in the Connecticut
 Ave.-Hill Street area of the city.

**LAND RECYCLING AND
 ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995****PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environ-
 mental Remediation Standards Act (act) require the
 Department of Environmental Protection (Department) to
 publish in the *Pennsylvania Bulletin* an acknowledgment
 noting receipt of Notices of Intent to Remediate. An
 acknowledgment of the receipt of a Notice of Intent to
 Remediate is used to identify a site where a person

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

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

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

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

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

2200 Arch Street Vacant Building, City of Philadelphia, **Philadelphia County**. Bruce Speidel, EBI Consultants, Inc., 6876 Susquehanna Trail South, York, PA 17403, on behalf of Paul V. Profeta, PV Profeta Associates, Inc., 2300 Chestnut St., Philadelphia, PA 19103, has submitted a Notice of Intent to Remediate soil contaminated with organics and PAH. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on October 23, 2003.

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

Pennsylvania Steel/Hahn Motor Company Site, Hamburg Borough, **Berks County**. UAI Environmental,

Inc., 6 Commerce Drive, Reading, PA 19607, on behalf of the County of Berks, 633 Court Street, 14th Floor, Reading, PA 19601 and Atchinson Casting Corporation, 200 East Richland Avenue, Myerstown, PA 17067, submitted a Notice of Intent to Remediate site soils contaminated with inorganics. The applicant proposes to remediate the site to meet the requirements of the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on September 12, 2003.

Wampler Residence, Susquehanna Township, **Dauphin County**. Skelly & Loy Engineering—Environmental Consultants, 2601 North Front Street, Harrisburg, PA 17110-1185, on behalf of Richard D. Wampler, II, 4420 Avon Drive, Harrisburg, PA 17112, submitted a Notice of Intent to Remediate site soils contaminated with no. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot-News* on July 21, 2003.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR097. The Department of Environmental Protection (Department), Bureau of Land Recycling and Waste Management (Bureau), proposes to authorize, under General Permit WMGR097, small-scale research and development (R & D) activities to support the beneficial use or processing prior to beneficial use of residual and/or municipal waste. This will be a Statewide residual waste general permit.

The Department is authorized under the Solid Waste Management Act and 25 Pa. Code § 287.611 to issue general permits for any category of beneficial use or processing that results in beneficial use of residual waste on a Statewide basis when the Department determines that the use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined small-scale R & D activities can be adequately regulated using standard conditions.

Persons requesting approval to operate under the terms of the general permit will be required to obtain a registration from the Bureau, Division of Municipal and Residual Waste. The following minimum information will be required to obtain registration:

- a. Name and street address of applicant.
- b. Number and title of general permit.
- c. The information required in Condition 2 of the proposed permit for the initial R & D project.
- d. A description of the R & D project location, including a detailed site drawing showing the permit boundary, processing equipment, placement of storage piles and other significant features.

e. For projects involving processing, a Preparedness, Prevention and Contingency Plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans."

f. Proof that copies of the notification have been submitted to the municipality, county, county planning agency and county health department in which the R & D activities will be conducted.

g. Proof that the R & D activities will be consistent with the general permit.

h. Signed and notarized statement by the applicant who seeks to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit.

i. A application fee in the amount specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania."

j. Information that identifies the applicant (that is, individual, corporation, partnership, government agency, association, and the like), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company.

k. A list of all previous permits or licenses issued to the permittee by the Department or Federal government under the environmental protection acts, the date of issuance and current status of those permits and the permittee's compliance history concerning the environmental protection acts.

l. Proof that any independent contractors retained by the permittee to perform any activities proposed under this permit are in compliance with Department regulations.

m. Proof that the applicant has legal right to enter the land and operate the facilities proposed for coverage under this permit.

n. An irrevocable written consent from the landowner giving the Department permission to enter upon the land where the applicant will be conducting waste management activities.

Comments concerning the proposed general permit should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Persons interested in obtaining more information, or obtaining copies of, the proposed general permit may contact the Division of Municipal and Residual Waste at the previous phone number. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend additional conditions or revisions to or approval or denial of the proposed general permit.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the

owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

49-00009B: Mohawk Flush Doors, Inc. (P. O. Box 112, Northumberland, PA 17857) for modification of spray booth no. 4 by increasing its allowable VOC emission limit from 1 ton per year to 7.5 tons per year in Point Township, Northumberland County.

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

03-00218B: DLR Mining, Inc. (3065 Airport Road, Indiana, PA 15701) for installation of coal screen at Triple K No. 1 Deep Mine in Burrell Township, Indiana 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.

46-0198H: Blommer Chocolate Co. (1101 Blommer Drive, P. O. Box 45, East Greenville, PA) for the modification of the cocoa alkalization process in Hanover Township, **Montgomery County** without changing permitted emissions. This facility is a Major for VOC. Emissions from this modification increases 4.26 tons of VOCs per year. The Plan Approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

40-310-055: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 18711) for construction of a stone crushing and screening operation at their Salem Sand Plant in Salem Township, **Luzerne County**. This facility is not a Title V facility. The stone crushing operation will be controlled by wet spray dust suppression system and will result in particulate emissions of 3.56 tons per year. The equipment used in the operation is subject to NSPS Subpart OOO of the Federal Standards of Performance for Nonmetallic Mineral Processing Plants, 40 CFR 60.670—60.676. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

61-007B: IA Construction—Franklin Hot Mix Plant (Routes 8 and 62, Franklin, PA 16323) In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to modify existing Permit 61-007A by replacing burner, dryer, baghouse, including exhaust fan and automatic damper. The plant will increase rated capacity from 180 tons to 400 tons per hour. Alternative fuels: reprocessed fuel no. 5 (RFO no. 5), no. 2 fuel oil, liquid propane and natural gas will be burned. This is the Franklin Hot Mix Asphalt (HMA) Plant in Sugar Creek Township, **Venango County**.

This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

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

1. This facility is limited to producing 400 tons per hour and an annual cap of 495,000 tons of HMA paving materials to be produced during any 12 consecutive months.

2. Particulate emissions from the source shall not exceed 0.02 grain/dscf and the visible emissions shall not exhibit 20% opacity or greater. EPA Method 9 shall be used to determine opacity.

3. The facility shall be permitted to use the following fuels: RFO no. 5, no. 2 fuel oil, liquid propane or natural gas.

4. Air pollutant emissions from the source from the use of no. 2 fuel oil shall not exceed:

<i>Criteria Pollutants</i>	<i>Emission Limit lbs/ton</i>	<i>Emission Limit tons/year 12-month rolling total</i>
SOx	0.088	21.78
CO	0.4	99.00
NOx	0.120	29.70
VOC	0.0082	2.03

5. Air pollutant emissions from the source from the use of RFO no. 5 shall not exceed:

<i>Criteria Pollutants</i>	<i>Emission Limit lbs/ton</i>	<i>Emission Limit tons/year 12-month rolling total</i>
SOx	0.088	21.78
CO	0.4	99.00
NOx	0.12	29.70
VOC	0.036	8.91

6. The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41.

7. The plant entrance road must be maintained to keep fugitive emissions to a minimum. The road shall be routinely swept or dust suppressant shall be applied on an as needed basis. A log shall be kept onsite documenting road maintenance.

8. A magnehelic gauge shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the collector.

9. The pressure drop across the collector shall be recorded on a daily basis. A daily log shall be maintained and kept on file for at least 2 years and made available to Department personnel upon request.

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

11. The operating range for pressure drop of the collector shall be determined within 30 days of startup of the control device and shall be indicated to the Department in writing. If stack testing is required, the pressure drop range developed during compliant stack testing shall become standard operating parameters for the control device. The pressure drop ranges shall be made part of the facility operating permit.

12. An inspection/maintenance log for the collector shall be maintained onsite. The log shall contain all records of maintenance, as suggested by the manufacturer. The records shall be kept on file for 5 years and shall be made available to Department personnel upon request.

13. The company shall maintain hourly production rates for both base coarse and wearing coarse (top) types of mixes. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

14. Twenty percent of the total number of bags in the baghouse is required to be onsite (157 bags).

15. The two aboveground storage tanks (1-10,000 gallon for no. 2 fuel oil and 1-20,000 gallon for RFO no. 5) are subject to New Source Performance Standards, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels for which Construction, Reconstruction, or Modification Commenced after July 23, 1984. Specifically, the tank is subject to 40 CFR 60116b—Monitoring of Operations.

16. Within 7 days of changing to a permitted fuel that has not been used before, the Department shall be notified in writing.

17. The company shall not accept shipment of RFO no. 5 without an analysis. This analysis shall meet the specifications listed in Attachment A. This documentation must be kept on file for 2 years and shall be made available to Department personnel upon request.

18. Within 30 days after the affected facility will be operated using RFO no. 5 or no. 2 fuel oil as a fuel, test procedures for PM, CO, SOX, NOx and VOC including a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Department.

19. Within 45 days of the Department's approval of the test protocol or a schedule approved by the Department, stack tests shall be performed in accordance with 25 Pa. Code Chapter 139 to demonstrate compliance with conditions 5, 7 and 8.

a. EPA Reference Method 5 shall be used to determine the particulate matter concentration.

b. During the stack tests, opacity observations shall be conducted in accordance with EPA Reference Method 9.

20. At least one of the runs of the stack tests for particulate emissions and opacity shall be performed while top mix or the product produced by the facility containing the greatest percentage of sand is being produced at the maximum rate possible. The production rate during the stack tests will then become the legal operating limit of the plant for each type of fuel used for this particular product.

21. After the protocol has been approved and at least 2 weeks prior to the test, the Department shall be informed of the date and time of the test.

22. Within 30 days after completion of the test, two copies of the complete test report, including all operating conditions, shall be submitted to the Department for approval.

23. If the results of the stack tests performed in conformance with the conditions of this plan approval exceed the emission levels specified in any condition of this approval, the permittee shall take appropriate corrective actions. The permittee shall submit a description of these corrective actions to the Department, within 30 days of receipt of the test results. The permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. The Department shall notify the permittee with 30 days, if the corrective actions taken are deficient. The permittee shall submit a description of additional corrective actions taken to the Department within 30 days of receipt of the notice of deficiency. The Department reserves the authority to use enforcement activities to resolve noncompliant stack tests.

24. If the results of the stack tests performed in conformance with the conditions of this plan approval

exceed the emission levels specified in any condition of this approval, a retest to demonstrate compliance shall be performed within 120 days of receipt of the original test results. Should the permittee demonstrate to the Department that retesting in 120 days is not practicable, the Department may extend the deadline. Failure of the second test to demonstrate compliance with the appropriate approval conditions may be grounds for immediate revocation of the approval to operate the affected facility.

25. Within 30 days of changing to a permitted fuel other than RFO no. 5 or no. 2 fuel oil that has not been previously used at the facility, a procedure for stack testing shall be submitted and a stack test performed as required by conditions 22—27. The Company may request in writing to the Department a waiver of stack testing when switching fuels. The Department in its sole discretion may grant a waiver on a case by case basis.

26. This facility may process recycled asphalt product (RAP). A maximum of 25% RAP will be added to the mix. Records will be kept of amounts of RAP processed and the percentage of RAP used in both top and base mixes. At least one of the runs during stack testing shall be performed when the maximum percentage of RAP is being added to the mix. This percentage of RAP will become the legal operating limit of RAP for the plant.

27. This source is subject to Subpart I of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies should be forwarded to Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch St., Philadelphia, PA 19103-2029.

OPERATING PERMITS

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

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

46-00043: Glasgow, Inc.—Ivy Rock (1200 Conshohocken Road, Conshohocken, PA 19428) for a non-Title V Facility, State-only Synthetic Minor Operating Permit in Plymouth Township, **Montgomery County**. Glasgow, Inc.—Ivy Rock produces hot mix asphalt for use in road construction. The facility's major emission points are two batch asphalt plants, from which the main pollutants emitted are NOx, SOx and CO. The facility pollutant potentials to emit for NOx and CO exceed the major facility thresholds of 25 and 100 tons per year, respectively. The facility will restrict their actual emissions NOx emissions to below 24.9 tons/year cap. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

PUBLIC HEARINGS

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

OP-15-0104: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA) for revision to the State implementation plan for VOCs at their facility in Oxford Township, Chester County.

The Department has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan as an amendment to the State Implementation Plan (SIP) for the aforementioned facility. The proposed SIP revision does not adopt any regulations. The SIP revision incorporates the provisions and requirements contained in the RACT approval for the aforementioned facility to comply with current regulations. This preliminary determination, if finally approved, will be incorporated into Operating Permit OP-15-0104 for the facility and will be submitted to the EPA as a revision to the Commonwealth's SIP.

The preliminary RACT determination for this facility is that VOCs from the production lines be limited to 48.8 tons/year and that control techniques include good house-keeping and conformance with manufacturer's specifications.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the Department of Environmental Protection, Southeast Regional Office, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428. To make an appointment, contact Records Management at (610) 832-6003.

Individuals wishing to provide the Department with additional information they believe should be considered may submit the information to the following address. Written comments should include the name, address and telephone number of the person submitting comments, identification of proposed Permit No. OP-15-0104 and a concise statement regarding the relevancy of the information or any objections to issuance of the Operating Permit.

Written comments should be directed by December 17, 2003, to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

A public hearing will be held for the purpose of receiving comments on the proposed RACT operating permit. The hearing will begin at 2 p.m. on December 17, 2003, at the Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, Montgomery County.

Individuals wishing to present testimony at the hearing should register by December 15, 2003, by contacting Community Relations Coordinator Lynda Rebarchak, (610) 832-6219, lrebarchak@state.pa.us. Individuals with questions on a proposal should contact Lynda Rebarchak by phone or e-mail prior to the hearing date. Individuals with a disability should call Lynda Rebarchak to discuss how the Department may accommodate their needs.

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:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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.

54930201R2. Wheelabrator Culm Services, Inc. (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 117.0 acres, receiving stream: none. Application received October 28, 2003.

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

32841312. NPDES Permit No. PA0037087, Indiana Investments Inc. (R. D. 2, Box 305, Shelocta, PA 15774), to transfer the permit for the Urling 1 and 3 Mines in Armstrong and Washington Townships, **Indiana County** and Plumcreek and South Bend Townships, **Armstrong County**, from Keystone Coal Mining Corporation, no additional discharges. Application received October 1, 2003.

30831303. RAG Cumberland Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, ACOE Pittsburgh District (Oak Forest, PA Quadrangle N: 15.2 inches; W: 1.3 inches to N: 15.4 inches; W: 1.8 inches and N: 16.2 inches; W: 4.0 inches to N: 16.1 inches; W: 4.2 inches and N: 15.7 inches; W: 12.0 inches to N: 15.9 inches; W: 1.9 inches and N: 16.4 inches; W: 4.1 inches to N: 16.6 inches; W: 4.1 inches and N: 16.1 inches; W: 3.4 inches to N: 16.1 inches; W: 3.6 inches).

This is a Chapter 105 Water Obstruction and Encroachment Permit application (Stream Module 15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the Dyers Fork Stream Restoration Project over Longwall Panels 45—47.

Written comments or objections on the request for section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office previously identified. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit

application (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment Permit application is available for review at the California District Mining Office, by appointment, at the previous address.

Application received September 26, 2003.

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

10990101 and NPDES Permit No. PA0241512. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip in Eau Claire Borough and Venango Township, **Butler County** affecting 41.3 acres. Receiving streams: unnamed tributary to South Fork of Little Scrubgrass Creek and South Fork of Little Scrubgrass Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received October 24, 2003.

33990106 and NPDES Permit No. PA0228010. Falls Creek Energy Co., Inc. (R. R. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in McCalmont Township, **Jefferson County** affecting 168.7 acres. Receiving streams: Turnip Run to Big Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 24, 2003.

33930111 and NPDES Permit No. PA0211869. Falls Creek Energy Co., Inc. (R. R. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Young, Bell and McCalmont Townships, **Jefferson County** affecting 213.4 acres. Receiving streams: unnamed tributaries to Elk Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 24, 2003.

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

32880107 and NPDES Permit No. PA0598305. Urey Coal Company, 6015 Ferguson Road, Indiana, PA 15701, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 133.3 acres. Receiving streams: unnamed tributary to Cush Creek (HQ-CWF); unnamed tributary to South Branch Bear Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 24, 2003.

56930110 and NPDES Permit No. PA0212610. Future Industries, Inc., P. O. Box 157, Meyersdale, PA

15552, permit renewal for continued operation of bituminous surface mine in Black Township, **Somerset County**, affecting 129.0 acres. Receiving streams: unnamed tributaries to Rhoades Creek (WWF); Rhoades Creek (WWF); unnamed tributary to Iser Run (EV); and unnamed tributary to Casselman River (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 21, 2003.

11980202 and NPDES Permit No. PA0234788. Smith Energy, Inc., 1056 Maple Street, Nanty Glo, PA 15943, permit renewal for reclamation only and for continued restoration of a bituminous coal refuse processing surface mine commencement, operation and restoration of a bituminous surface mine in Blacklick Township, **Cambria County**, affecting 10.0 acres. Receiving streams: Coalpit Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 20, 2003.

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

26980103 and NPDES Permit PA 0212312. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Transfer application from Purco Coal, Inc. for operation and reclamation of an existing bituminous surface mine in Wharton and Stewart Townships, **Fayette County**, affecting 206 acres. Receiving stream: unnamed tributary to Meadow Run (CWF). There is no potable water supply intake within 10 miles from the point of discharge. Transfer application received October 29, 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.

28940801. Allen L. Mills (7201 Slabtown Road, Waynesboro, PA 17268), Stage I and II bond release for a quarry operation in Antrim Township, **Franklin County** affecting 5.0 acres on property owned by Fred Christopher. Application received October 27, 2003.

7373SM1C2 and NPDES Permit No. PA0595683. Haines & Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage in Penn Forest Township, **Carbon County**, receiving stream: Stony Creek (EV). Application received October 29, 2003.

ABANDONED MINE RECLAMATION

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

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

Letters of interest must be received by 4 p.m. on December 15, 2003, to be considered 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. Telephone inquiries should be directed to Chuck Siders, Division of Mine Hazards, (717) 783-0474.

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

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

E36-770: Robert C. Wenger, 402 S. State Street, Ephrata, PA 17522 in Warwick Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain two reception pits and a circular concrete manure storage pit, a utility line stream crossing and an outfall structure within the floodway of an unnamed tributary to Lititz Run at a point along a creek (Lancaster, PA Quadrangle N: 5.7 inches; W: 3.4 inches) in Warwick Township, Lancaster County.

E05-311: James S. Claycomb, 1532 Gordon Hall Road, Osterburg, PA 16667 in West St. Clair Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a 40-foot-long steel beam bridge with a wooden deck having a clear span of 38 feet across Georges Creek (WWF) to move farm machinery across the stream (Alum Bank, PA Quadrangle N: 12.2 inches; W: 12.5 inches) in West St. Clair Township, Bedford County.

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

E19-238. Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754. Bridge stream paving in Main Township, **Columbia County**, ACOE Baltimore District (Shumans, PA Quadrangle N: 18.31 inches; W: 18.9 inches).

To pave the entire streambed, 6 inches deep, under an existing bridge for an area of 32 feet long by 11 feet wide in an unnamed tributary to Catawissa Creek (CWF) on SR 2011 Section 0010 approximately 0.5 mile north of Mainville near the Evangelical Lutheran Church. Upstream water will be collected and pumped around the work zone during a low flow period. It is anticipated that less than 0.02 acre of earth will be disturbed by the project. The project will not impact wetlands while impacting 35 feet of waterway.

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

E32-454. Penneco Oil Company, Inc., P. O. Box 300, 200 U. S. Route 22, Delmont, PA 15626. Pomposini bridge crossing in Conemaugh Township, **Indiana County**, Pittsburgh ACOE District (Avonmore, PA Quadrangle N: 2.2 inches; W: 6.6 inches) (Latitude: 40° 30' 44"—Longitude: 79° 25' 28"). The applicant proposes to construct and maintain a 12.0-foot long single span bridge having a normal span of 50.0 feet and an underclearance of 5.0 feet across Blacklegs Creek (CWF) for the purpose of providing access to an existing well. The bridge is off of SR 0268, 2.65 miles south of Clarksburg.

E32-457. P. C. Exploration, Inc., 520 Keystone Drive, Warrendale, PA 15086. Anderson Stream Crossing in

Washington Township, **Indiana County**, Pittsburgh ACOE District (Ernest, PA Quadrangle N: 11.9 inches; W: 7.2 inches) (Latitude: 40° 41' 26"—Longitude: 79° 10' 37"). The applicant proposes to construct and maintain an 18.0-foot long R-4 rock ford crossing having a span of 18.0 feet in an unnamed tributary to Crooked Creek (CWF) for the purpose of providing access to the Anderson well. The project is off of SR 4008, approximately 0.3 mile northeast of its intersection with SR 0954.

E56-325. Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. Shade Creek bridge in Paint Township, **Somerset County**, Pittsburgh ACOE District (Windber, PA Quadrangle N: 10.4 inches; W: 14.7 inches) (Latitude: 40° 10' 55"—Longitude: 78° 51' 19"). The applicant proposes to remove the existing structures and: (1) to construct and maintain a single span prestressed concrete adjacent box beam bridge having a normal span of 110.5 feet and an underclearance of 8.5 feet over Shade Creek (CWF); (2) to construct and maintain a 30-inch diameter reinforced concrete pipe in the old mill race at the western approach to the bridge; (3) to construct and maintain temporary cofferdams and a temporary causeway consisting of four 48-inch diameter corrugated metal pipes in Shade Creek; and (4) to place and maintain fill in 0.007 acre of PEM wetland. The project proposes to directly affect a total of 80 linear feet of stream channel and 0.007 acre of PEM wetland. The impacted wetlands have been replaced at the Louie Beach Advance Wetland Compensation Site.

E63-555. Chad and Michelle Subrick, 455 Lively Road, Eighty Four, PA 15330-2121. Subrick Residential Dam Pond in Somerset Township, **Washington County**, Pittsburgh ACOE District (Hackett, PA Quadrangle N: 8.9 inches; W: 6.8 inches) (Latitude: 40° 10' 24"—Longitude: 80° 2' 56"). The applicant proposes to construct and maintain a pond in a tributary to the North Branch of Pigeon Creek (WWF). This will require the excavation of the stream channel, the relocation of the stream channel as part of the ponds outfall structure and the construction of a nonjurisdictional dam. The applicant also proposes to construct and maintain a 36-inch diameter culvert for a minor road crossing to provide access to a proposed residence also across a tributary to the North Branch of Pigeon Creek. The project is on the east side of TR 802 (Sumney Road) approximately 3,000 feet south of its intersection with SR 136. The total stream impact is approximately 400 feet to one tributary and 30 feet to the other tributary.

E65-831. Department of Transportation, District 12-0, P. O. Box 459, Uniontown, PA 15401. Parnassus Triangle in the Cities of New Kensington and Lower Burrell, **Westmoreland County**, Pittsburgh ACOE District (New Kensington West, PA Quadrangle N: 9.3 inches; W: 1.1 inches) (Latitude: 40° 33' 10"—Longitude: 79° 45' 31"). The applicant proposes to rehabilitate the intersections of SR 0366, SR 4085 and SR 4087, also known as the Parnassus Triangle. As part of this highway improvement project, the applicant will remove the existing structures and: (1) construct and maintain a single span, prestressed concrete, spread box beam bridge on SR 4087, Station 20+96 having a normal span of 26.5 feet and an underclearance of 12.33 feet over Little Pucketa Creek (TSF). Also to construct and maintain a 42-inch diameter outfall with a concrete headwall at SR 4087, Station 21+09, 54.0 feet right and an 18-inch diameter outfall at Station 20+63, 47.0' left, Latitude: 40° 33' 10"—Longitude: 79° 45' 31"; (2) construct and maintain a

single span, prestressed concrete spread box beam bridge on SR 0366, Station 110+60 having a normal span of 39.06 and an underclearance of 9.0 feet over Little Pucketa Creek. Also to construct and maintain a 42-inch diameter outfall with a concrete headwall at SR 4087, Station 21+09, 54.0 feet right and an 18-inch diameter outfall at Station 20+63, 47.0 feet left (Latitude: 40° 33' 14.5"—Longitude: 79° 45' 28.5"); and (3) construct and maintain an 18-inch diameter outfall with a 25-foot long rock-lined stilling basin in Pucketa Creek (TSF) at SR 4085, Station 0+95, 43.0' right (Latitude: 40° 33' 0"—Longitude: 79° 45' 31"). The project proposes to directly affect 150 linear feet of perennial stream; no vegetated wetlands will be impacted.

E65-832. The Meritage Group, L. P., 772 Pine Valley Drive, Pittsburgh, PA 15239. Kerber Farm Estates Subdivision in North Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District (Irwin, PA Quadrangle N: 10.8 inches; W: 17.0 inches) (Latitude: 40° 18' 34"—Longitude: 79° 44' 50"). The applicant proposes to maintain an on-stream stormwater detention basin that was constructed by enlarging a former approximately 0.24-acre pond and to fill in approximately 0.08 acre of wetland. In addition, construct and maintain: (1) 225 linear feet of channel relocation of an unnamed tributary within the Crawford Run Watershed (WWF); (2) an 80-foot long roadway culvert in another tributary within the Youghiogheny Watershed (WWF) which will affect 80 feet of watercourse and 0.04 acre of wetlands; and (3) fill in approximately 150 linear feet of an unnamed watercourse within the Youghiogheny River Watershed (WWF). The aforementioned activities are associated with the construction of 115-lot residential development, referred to as the Kerber Farm Estates, which is near the intersection of Pickford and Mickanin Roads. The applicant will develop a mitigation plan.

E65-833. Ligonier Township, One Municipal Park Drive, Ligonier, PA 15658. Clark Hollow Road culvert in Ligonier Township, **Westmoreland County**, Pittsburgh ACOE District (Derry, PA Quadrangle N: 5.11 inches;

W: 4.18 inches) (Latitude: 40° 16' 41"—Longitude: 79° 16' 48"). The applicant proposes to operate and maintain a corrugated metal pipe arch culvert having a single waterway opening 64 inches wide and 43 inches high (invert depressed 12 inches) and a 30-inch smooth lined corrugated plastic pipe in tandem in an unnamed tributary to Loyalhanna Creek (CWF). The project is on Clark Hollow Road approximately 1 mile north of SR 30. The culvert was constructed under Emergency Permit No. EP65032204, dated September 4, 2003.

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

E25-680, Millcreek Township School District, Millcreek Education Center, 3740 West 26th Street, Erie, PA 16506-2096. Asbury Playfields in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 11.2 inches; W: 7.3 inches).

The applicant proposes to fill 0.048 acre (de minimis) of nonexceptional value wetland for the construction of playfields adjacent to the Asbury Middle School in Millcreek Township, Erie County approximately 0.2 mile southwest of the intersection of West 38th Street and Asbury Road. The project proposes to directly affect 0.048 acre of wetlands.

E33-218, Jefferson County Commissioners, 155 Main Street, Jefferson Place, Brookville, PA 15825. JC-10 (T-542) Bridge Replacement Project in Winslow Township, **Jefferson County**, ACOE Pittsburgh District (DuBois, PA Quadrangle N: 22.7 inches; W: 17.0 inches).

To remove the existing steel "pony" truss bridge having a normal clear span of 87 feet, a curb to curb width of 13 feet and a skew of 90 degrees and to construct and maintain a steel plate girder bridge having a normal clear span of 148 feet, a curb to curb width of 26 feet, a skew of 75 degrees all at a point along Township Road 542 across Sandy Lick Creek (TSF), approximately 700 feet south of SR 950.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03010	Aaron Rutter Marchem Northeast Inc. 855 Oak Hill Road Crestwood Industrial Park Mountaintop, PA 18707	Luzerne	Wright	Six ASTs storing hazardous substance	7,000 gallons each

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 (NOI) 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 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 of 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

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0060780 Sewage	Leggett & Platt, Inc. 515 Salem Boulevard Berwick, PA 18603	Salem Township Luzerne County	Susquehanna River 5D	Y
PA0061107 Sewage	Stillwater Sewer Corp. c/o NEPA Management Associates 304 Park Avenue Stroudsburg, PA 18360	Monroe County Coolbaugh Township	UNT Stillwater Lake 1E	Y
PA0063797	Pocono Valley Personal Care R. R. 1, Box 1416 Stroudsburg, PA 18360	Monroe County Hamilton Township	Cherry Creek 1E	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>
PA0063843 Renewal	Milford Borough Municipal Authority 120 Pear Alley P. O. Box 459 Milford, PA 18337	Pike County Milford Township	Vantine Brook 1D	Y
PAS802219 Renewal	United States Postal Service 5315 Campbell's Run Road One Marquis Plaza Pittsburgh, PA 15277-7060	Northampton County Bethlehem Township	UNT Monocacy Creek 02C	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>
PA0026069	Latrobe Municipal Authority Sewage Treatment Plant P. O. Box 88 Latrobe, PA 15650	Westmoreland County Latrobe Borough	Loyalhanna Creek	N
PA0090620	White Township Municipal Authority 950 Indian Springs Road Indiana, PA 15701-3506	Indiana County White Township	UNT of Two Lick Creek	Y
PA0098043	Somerset County Industrial Development Authority P. O. Box 48 125 North Center Avenue Somerset, PA 15552	Somerset County Elk Lick Township	UNT of the Casselman River	Y
PA0205753	East Bethlehem Township Municipal Authority P. O. Box 136 Fredericktown, PA 15333	Washington County East Bethlehem Township	Monongahela River	Y
PA0217417	Kiski Area School District 200 Poplar Street Vandergrift, PA 15690	Westmoreland County Washington Township	UNT of Beaver Run	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0002534	Morgan Advanced Materials and Technology, Inc. 441 Hall Avenue St. Marys, PA 15857	City of St. Marys Elk County	Elk Creek 17-A	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. PA0011274, Industrial Waste, **Pennsylvania Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is in Middletown Township, **Bucks County**.

The following reflects changes to the notice published at 33 Pa.B. 4082 (August 16, 2003):

Effluent limits for Total Residual Chlorine has been revised from 0.045 mg/l (average monthly) to 0.105 mg/l at Outfall 001. Effluent limits for Total Residual Chlorine has been revised from 0.09 mg/l (daily maximum) to 0.17 mg/l and effluent limits for Aluminum has been revised from 1.0 mg/l (daily maximum) to 1.2 mg/l for Outfall 002.

NPDES Permit No. PA0058726, Industrial Waste, **Turkey Hill Minit Markets**, 257 Centerville Road, Lancaster, PA 17603. This proposed facility is in City of Coatesville, **Chester County**.

Description of Proposed Action/Activity: Approval for the discharge from a facility at Turkey Hill Store No. 177-GWCU, 1000 West Kings Highway, Coatesville, PA 19320. Into an unnamed tributary to West Branch Brandywine Creek—3H Brandywine.

The following reflects changes to the notice published at 33 Pa.B. 4313 (August 30, 2003):

Effluent limit for MTBE has been revised from Nondetect to 0.02 mg/l

NPDES Permit No. PA0055263, Sewage, **Executive Center Condo Association**, P. O. Box 376, Fountainville, PA 18923. This proposed facility is in Plumstead Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge in an unnamed tributary to the North Branch of Neshaminy Creek.

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

NPDES Permit No. PA0022276-A1, Sewage, **Southmoreland School District**, 609 Parker Avenue, Scottdale, PA 15683. This proposed facility is in Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Discharge of treated sewage from Southmoreland School District STP to unnamed tributary of Stauffer Run.

NPDES Permit No. PA0025950-A1, Sewage, **Municipal Authority of the City of Monongahela**, 521 West Main Street, Monongahela, PA 15063. This proposed facility is in City of Monongahela, **Washington County**.

Description of Proposed Action/Activity: Addition of stormwater outfalls SW-1—SW-5 for the discharge of stormwater runoff from areas in and around the City of Monongahela STP.

NPDES Permit No. PA0027219-A1, Sewage, **Greater Uniontown Joint Sewage Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401. This facility is in North Union Township, **Fayette County**.

Description of Proposed Action/Activity: Addition of stormwater outfalls SWO-1—SWO-3. These outfalls discharge to receiving waters known as Redstone Creek.

NPDES Permit No. PA0252492, Sewage, **Shippingport Borough**, P. O. Box 76, Shippingport, PA 15077. This proposed facility is in Shippingport Borough, **Beaver County**.

Description of Proposed Action/Activity: Discharge treated sewage from Shippingport STP in Shippingport Borough, Beaver County.

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

NPDES Permit No. PA0002135, Industrial Waste, **Penreco**, 138 Petrolia Street, Karns City, PA 16041. This proposed facility is in Borough of Karns City, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the South Branch of Bear Creek and an unnamed tributary to Bear Creek.

Changes to the limitations included in the notice published at 33 Pa.B. 774 (February 8, 2003):

Limitations at outfall 001 based on a flowrate of 0.276 MGD instead of 0.347 MGD. No interim limitations are included at Outfall 001 in the final permit. All limitations are included as final limitations. The average monthly copper limitation was revised from 0.02 to 0.025 mg/l. The maximum daily limitation for copper was revised from 0.04 to 0.063 mg/l. The average monthly limitation for lead was revised from 0.009 to 0.013 mg/l. The maximum daily limitation for lead was revised from 0.018 to 0.026 mg/l. The oil and grease limitation was replaced with a requirement to monitor and report at Outfalls 002, 006—014, 023 and 031—034.

NPDES Permit No. PA0020141, Sewage Amendment No. 1, **Brookville Municipal Authority**, Three Jefferson Court, Brookville, PA 15825. This proposed facility is in Borough of Brookville, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Redbank Creek.

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

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

WQM Permit No. 1503414, Sewerage, **Brandywine Creek Campground**, 1091 Creek Road, P. O. Box 257, Lyndell, PA 19354. This proposed facility is in East Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a pump station for use on campgrounds.

WQM Permit No. 1598412, Sewerage, **Greenhill Sewer Associates**, 1500 Greenhill Road, West Chester, PA 19380. This proposed facility is in East Goshen Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of the Hershey's Mill Village STP serving the Hershey's Mill Village Retirement Community.

WQM Permit No. 0903415, Sewerage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is in Upper Makefield Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of an eight-lot age restricted development.

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

WQM Permit No. 0294413-A1, Industrial Waste, **Wilksburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221. This proposed facility is in Penn Hills, **Allegheny County**.

Description of Proposed Action/Activity: Construction of industrial waste facilities to serve Tyler Road water filtration plant.

WQM Permit No. 0302402, Sewerage, **Leechburg Borough**, 260 Market Street, Leechburg, PA 15656. This proposed facility is in Leechburg Borough, **Armstrong County**.

Description of Proposed Action/Activity: Construction of partial combined sewer replacement for First and Second Street sewers.

WQM Permit No. 0469402-A2, Sewerage, **Borough of Ambridge Municipal Authority**, Municipal Building, 600 Eleventh Street, Ambridge, PA 15003. This proposed facility is in Ambridge Borough, **Beaver County**.

Description of Proposed Action/Activity: Upgrade of headworks and renovation of digesters at the Ambridge treatment plant.

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

WQM Permit No. 6202203, Industrial Waste, **United Refining Company**, 15 Bradley Street, Warren, PA 16365-2399. This proposed facility is in City of Warren, **Warren County**.

Description of Proposed Action/Activity: This project is to modify the existing wastewater treatment facility to meet stringent new EPA requirements for low sulfur gasoline and to support a new coker unit.

WQM Permit No. 2703401, Sewerage, **Jenks Township**, 2 Pine Street, P. O. Box 436, Marienville, PA 16239. This proposed facility is in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: This project is for the construction and operation of sewer extensions, gravity sewers, lift station, force main and necessary appurtenances to serve the new prison, 40 homes and the VFW along SR 0066.

WQM Permit No. 2501427, Sewerage, **Hickory Hill Country Village**, 11962 US Route 19, Waterford, PA 16441. This proposed facility is in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of sewerage facilities consisting of flow equalization, extended aeration, final settling, chlorine tablet disinfection and chlorine contact tank.

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.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903011	Thomas S. Parana 5278 Acorn Dr. Emmaus, PA 18049	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF
PAI024503005	Cornerstone Community Baptist Church P. O. Box 129 Brodheads ville, PA 18322	Monroe	Polk Township	Pohopoco Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033803001	Plain 'N Fancy Kitchens Route 501 and Oak Street Schaefferstown, PA 17088	Lebanon	Heidelberg Township	UNT to Hammer Creek HQ-CWF

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

Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052603006	Fayette County Commissioners Court House, 61 East Main Street Uniontown, PA 15401	Fayette	Stewart Township	Meadow Run HQ-CWF
PAI052603008	Department of Conservation and Natural Resources, Bureau of State Parks Ohiopyle State Park P. O. Box 105 Dinnerbell Road Ohiopyle, PA 15470	Fayette	Ohiopyle Borough	Youghiogheny River HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lackawanna County City of Scranton	PAG2003503010	Anthony Mazonkey 580 Third Ave. Kingston, PA 18704	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Luzerne County Plains Township	PAG2004003038	Pocono Park Trailer Court, Inc. Louis Neare 7 Pinewood Dr. Hilltop Manor, PA 18702	Mill Creek and Flume CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Sugarloaf Township	PAG2004003039	Anne Brdaric 869 Charles St. Luzerne, PA 18709	Little Nescopeck Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Foster Township	PAG2004003040	Michael Kotch 450 Ridge St. Freeland, PA 18224	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Monroe County Smithfield Township	PAR10S031-1	Percudani House, L. P. c/o Gene Percudani, Gen. Partner HC 1, Box 1049 Tannersville, PA 18372	Sambo Creek CWF, MF	Luzerne County Conservation District (570) 674-7991
Straban Township Adams County	PAG2000103026	Bruce Dietrick, Director Adams Rescue Mission 2515 York Road Gettysburg, PA 17325	UNT to White Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Muhlenberg Township Berks County	PAG2000603082	Darryl Shoff, President Advanced Building Systems 207 E. Bellevue Ave. 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

NOTICES

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<i>Facility Location: Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Spring Township Berks County	PAG2000603059	Estate Properties, Inc. 825 Berkshire Blvd. Suite 203 Wyomissing, PA 19610	Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Middlesex Township Cumberland County	PAG2002103004	Giant Food Stores Annex Expansion Giant Food Stores 1149 Harrisburg Pike Carlisle, PA 17013	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Susquehanna Township Dauphin County	PAG2002203049	Susquehanna Township School District 3550 Elmerton Ave. Harrisburg, PA 17109	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Halifax Township and Borough Dauphin County	PAG2002203038	Halifax United Methodist Church P. O. Box 414 Halifax, PA 17032	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Manheim Township Lancaster County	PAG2003603101	Calvary Fellowship Homes Inc. 502 Elizabeth Drive Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601
Millersville Borough Lancaster County	PAG2003603116	Dave Charles 26 Millersville Road Lancaster, PA 17603	Border Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601
Manheim Township Lancaster County	PAG2003603120	100 Crooked Oak LLC 507 W. 28th Division Highway Lititz, PA 17543	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601
Conestoga Township Lancaster County	PAG2003603136	James Landis 430 Stehman Road Lancaster, PA 17603	Stehman Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601
Derry Township Mifflin County	PAG2004403002	Calvary Bible Church c/o Jim Wagner 301 South Pine St. Lewistown, PA 17044	UNT to Buck Run TSF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-4695
Ayr Township Fulton County	PAG2002903002	Caldwell Development Company 434 North Front Street Wormleysburg, PA 17043	UNT to Big Cove Creek CWF	Fulton County Conservation District 216 N. 2nd Street Suite 15 McConnellsburg, PA 17233 (717) 485-3547, Ext. 121

<i>Facility Location: Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Centre County Rush Township	PAG2001403042	Loch Lomond One Mile Run and Windy Hill Area Sanitary Sewer P. O. Box 152 Philipsburg, PA 16866	One Mile Run and Moshannon Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Sandy Township	PAG2001703017	Frank Schall Schall Land Co. R. R. 6, Box 261 Kittanning, PA 16201	UNT Reisinger Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Columbia County Locust Township	PAG2001903015	Paul R. Levan Sons Poultry Houses 1447 Numidia Dr. Catawissa, PA 16820	Roaring Creek CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Montour County Limestone Township	PAG2004703010	Edwin T. Baker R. R. 3, Box 390A Watsontown, PA 17777	Beaver Run to Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Armstrong County Kiskiminetas Township	PAG2000303008	Roaring Run Watershed Assoc. P. O. Box 333 Apollo, PA 15613	Kiskiminetas River WWF	Armstrong County Conservation District (724) 548-3425
Beaver County Chippewa Township	PAG2000403017	Robert Grimm Mt. Olive Lutheran Church 2679 Darlington Rd. Beaver Falls, PA 15010	Unnamed tributary to North Branch of Brady Run WWF	Beaver County Conservation District (724) 774-7090
Beaver County Hopewell Township City of Aliquippa	PAG2000403022	Raymond S. Hack, P. E. Department of Transportation 45 Thoms Run Rd. Bridgeville, PA 15017	Ohio River WWF	Beaver County Conservation District (724) 774-7090
Fayette County Henry Clay Township	PAG2002603016	G. A. & F. C. Wagman, Inc. 3290 Susquehanna Trail, North P. O. Box 15076 York, PA 17405	Youghiogheny River WWF	Fayette County Conservation District (724) 438-4497
Fayette County Dunbar Township	PAG2002603017	Dean Marunyak and Art Jarrett c/o Jamie Lynn Foodmart 25 Main Street Smithfield, PA 15478	Gist Run WWF	Fayette County Conservation District (724) 438-4497
Fayette County Georges Township	PAG2002603018	Fay-Penn Economic Dev. Council 500 Court Plaza Tower Uniontown, PA 15401	Georges Creek WWF	Fayette County Conservation District (724) 438-4497
Westmoreland County Hempfield Township	PAG2006503043	Hempfield Township Municipal Authority R. D. 6, Box 500 Greensburg, PA 15601	Sewickley Creek Belson and Jacks Runs WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Fairfield Township	PAG2006503044	Richmond Farm Realty Trust Bigelow Square, Suite 718 Pittsburgh, PA 15219	Unnamed tributary to Loves Hollow TSF	Westmoreland County Conservation District (724) 837-5271

NOTICES

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*Facility Location:
Municipality and
County*

Butler County
Cranberry Township

Permit No.
PAG2001003025

*Applicant Name and
Address*
Key Properties Holdings
Summit Square of Cranberry
939 Sheraton Drive
Mars, PA 16046

*Receiving
Water/Use*
UNT to Brush Creek
WWF

*Contact Office and
Telephone No.*
Butler Conservation
District
(724) 284-5270

Venango County
Cranberry Township

PAG2006103005

Frenchcreek Township
Supervisors
Frenchcreek Township
Wastewater Collection and
Treatment Project
4507 Georgetown Road
Franklin, PA 16323

Little Sandy Creek
CWF

Venango Conservation
District
(814) 676-2832

General Permit Type—PAG-3

*Facility Location:
Municipality and
County*

Moosic Borough
Lackawanna County

Permit No.
PAR142204

*Applicant Name and
Address*
MACtac
Scranton Facility
802 East Corey St.
Scranton, PA 18505-3595

*Receiving
Water/Use*
Lackawanna River
Watershed

*Contact Office and
Telephone No.*
NERO Water
Management Program
2 Public Square
Wilkes-Barre, PA
18711-0790
(570) 826-2511

Wayne Township
Schuylkill County

PAR222204

Reynold's Sawmill
203 Summer Hill Road
Schuylkill Haven, PA 17972

Unnamed tributary
to Lower Little
Swatara Creek
CWF

NERO Water
Management Program
2 Public Square
Wilkes-Barre, PA
18711-0790
(570) 826-2511

Cumberland County
Upper Allen Township

PAR123557

Keebler Company
5045 Ritter Road
Mechanicsburg, PA 17055

Cedar Run
CWF

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Perry County
Penn Township

PAR803659

H. E. Rohrer, Inc.
Rohrer Bus Service
P. O. Box 100
Duncannon, PA 17020-0111

UNT to
Susquehanna River
WWF

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

General Permit Type—PAG-4

*Facility Location:
Municipality and
County*

Bedford County
Juniata Township

PAG043715

*Applicant Name and
Address*
Andrew and Sonya Roland
213 Whitetail Lane
Manns Choice, PA 15550

*Receiving
Water/Use*
UNT Raystown
Branch Juniata
River
WWF

*Contact Office and
Telephone No.*
SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Pine Grove Township
Warren County

PAG048595

Todd Zimmerman
32 Peterson Hollow Road
Russell, PA 16345

Valentine Run

NWRO Water
Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

Vernon Township
Crawford County

PAG048545

Robert K. and Nancy J.
Maxwell
12942 State Highway 98
Meadville, PA 16335

Unnamed tributary
to Van Horne Creek

NWRO Water
Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

*General Permit Type—PAG-5**Facility Location:
Municipality and
County*

<i>Facility Location: Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Chichester Township Delaware County	PAG050045	Samual Coraluzzo Company, Inc. 1713 North Main Road P. O. Box 1360 Vineland, NJ 08362-2452	Baldwin Run 3G	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428
West Rockhill Township Bucks County	PAG050044	Bodkin Automotive, Inc. 928 Lawn Avenue Sellersville, PA 18960	East Branch Perkiomen Creek 3E Perkiomen Watershed	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428
Lancaster County Paradise Township	PAG053575	Getty Properties Corp. Getty Service Station No. 67596 125 Jericho Turnpike Suite 202 Jericho, NY 11753	Eshleman Run CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Fairview Township	PAG053576	Amerada Hess Corporation 1 Hess Plaza Woodbridge, NJ 07095	Yellow Breeches Creek CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality and
County*

<i>Facility Location: Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Jackson Township Luzerne County	PAG082213	Department of Corrections	State Correctional Institution at Dallas 1000 Follies Rd. Dallas, PA 18612	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

*General Permit Type—PAG-9 (SSN)**Facility Location:
Municipality and
County*

<i>Facility Location: Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Lower Mt. Bethel Township Northampton County	PAG092206	Allstate Septic Systems 5167 Berry Hollow Rd. Bangor, PA 18013	Kiefer Farm (Willowbrook) Biosolids Site	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lower Mt. Bethel Township Northampton County	PAG092206	Allstate Septic Systems 5167 Berry Hollow Rd. Bangor, PA 18013	Hartung Farm Biosolids Site	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
David Long Biosolids Site Westmoreland County Mt. Pleasant Township		Norm Stout AA Septic Tank Service R. D. 4 Box 139A Latrobe, PA 15650		Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-13**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>Department Protocol (Y/N)</i>
PAG138325	Seven Fields Borough 2200 Garden Drive, Suite 100 Seven Fields, PA 16046	Butler	Seven Fields Borough	Y
PAG138313	Lake City Borough 2350 Main Street Lake City, PA 16423	Erie	Lake City Borough	Y
PAG138323	Mars Borough P. O. Box 395 Mars, PA 16046	Butler	Mars Borough	Y
PAG138328	Middlesex Township 133 Browns Hill Road Valencia, PA 16059	Butler	Middlesex Township	Y
PAG138315	Girard Township 10140 Ridge Road Girard, PA 16417	Erie	Girard Township	Y
PAG138322	Lawrence Park Township 4230 Iroquois Avenue Erie, PA 16511	Erie	Lawrence Park Township	Y
PAG138316	Girard Borough 34 Main Street West Girard, PA 16417	Erie	Girard Borough	Y
PAG138311	Wesleyville Borough 3421 Buffalo Road Erie, PA 16510	Erie	Wesleyville Borough	Y
PAG138310	Sharpsville Borough 1 South Walnut Street Sharpsville, PA 16150-1258	Mercer	Sharpsville Borough	Y
PAG138318	Cranberry Township 2525 Rochester Road, Suite 400 Cranberry Township, PA 16066	Butler	Cranberry Township	Y
PAG138306	Ellwood City Borough 525 Lawrence Avenue Ellwood City, PA 16117	Lawrence	Ellwood City Borough	Y
PAG138319	Penn State University—Behrend College 101P Office of Physical Plant University Park, PA 16802-1118	Erie	Harborcreek Township	N
PAG138320	Penn State University—Shenango Valley Campus 101P Office of Physical Plant University Park, PA 16802-1118	Mercer	City of Sharon	N

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 of 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. 0903505, Public Water Supply.

Applicant **Buckingham Township**
P. O. Box 413
Buckingham, PA 18912

Township Buckingham

County **Bucks**

Type of Facility PWS

Consulting Engineer Castle Valley Consultants
10 South Clinton Street
Suite 302
Doylestown, PA 18901

Permit to Construct October 30, 2003
Issued

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

Permit No. 1702502—Innovative Technology Construction. Public Water Supply.

Applicant **Burnside Borough Water System**
P. O. Box 208
Burnside, PA 15721

Borough Burnside Borough

County **Clearfield**

Type of Facility PWS—Approves a two-stage Lapoint Industries bag filtration system, a single-stage Filterite cartridge filter system, a filter building with clearwell, high service pumps, hypochlorite feed and associated controls.

Consulting Engineer Anthony J. Coval, P. E.
Lee-Simpson Associates, Inc.
203 W. Weber Avenue
P. O. Box 504
DuBois, PA 15801

Permit to Construct October 31, 2003
Innovative Technology

Permit No. Minor Amendment—Operation. Public Water Supply.

Applicant **Consumers Pennsylvania Water Company**
Roaring Creek Division
Richard P. Subasic, Vice President and General Manager
204 East Sunbury Street
Shamokin, PA 17872

Township Shamokin

County **Northumberland**

Type of Facility PWS—Authorizes operation of the recently constructed Ralpho storage tank.

Consulting Engineer CET Engineering Services
321 Washington Street
Huntingdon, PA 16652

Permit to Construct October 30, 2003
Innovative Technology

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following final reports:

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

Wycombe Railroad Station, Buckingham Township, **Bucks County**. Stephen W. Osborn, Merritt/Osborn, Inc., P. O. Box 299, 465 Crowell Rd., Chatham, MA 02633-0299, on behalf of Bucks County Railroad Preservation & Restoration Corp., 4613 Hugheesian Dr., P. O. Box 413, Buckingham, PA, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Aspire, Inc., Falls Township, **Bucks County**. John M. Ash, P. G., URS Corp., 2325 Maryland Rd., Willow Grove, PA 19090, on behalf of Mickey Briggs, Esq., Attorney for PA Building, LLC c/o Cox, Hodgman & Giarmarco PC, 101 W. Big Beaver Rd., Columbia Center, Troy, MI 48084, has submitted a Final Report concerning remediation of site soil contaminated with MTBE and unleaded gasoline

and groundwater contaminated with lead, MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

403 West Lincoln Highway Site. Coatesville Borough, **Chester County.** William B. Gilchrist, P. G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of AMTRAK, Attn: Jack Schweitzer, 30th St. Station, 5th Fl., Box 13, Philadelphia, PA 19104, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, kerosene, leaded gasoline, unleaded gasoline and used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

2200 Arch Street Vacant Building. City of Philadelphia, **Philadelphia County.** Bruce Speidel, EBI Consultants, Inc., 6876 Susquehanna Trail South, York, PA 17403, on behalf of Paul V. Profeta, PV Profeta Associates, Inc., 2300 Chestnut St., Philadelphia, PA 19103, has submitted a Final Report concerning remediation of site soil contaminated with other organics and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Pennsylvania Steel, Borough of Hamburg, **Berks County.** UAI Environmental, Inc., 6 Commerce Drive, Reading, PA 19607, on behalf of Atchinson Casting Corporation, 200 East Richland Avenue, Myerstown, PA 17067, County of Berks, 633 Court Street, 14th Floor, Reading, PA 19601 and Reading Company Technical and Historical Society, P. O. Box 15143, Reading, PA 19612-5143, resubmitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel, fuel oil no. 2, leaded gasoline, MTBE and other organics. The report is intended to document remediation of the site to a combination of Statewide Health and Site-Specific Standards.

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

Central Chemical Site, Butler Township, **Butler County.** Civil & Env. Consultants, Inc., 333 Baldwin Rd., Pittsburgh, PA 15205-9702 (on behalf of CDC Env. Inc., 112 Woody Dr., Butler, PA 16001) has submitted a Baseline Environmental Report concerning the remediation of soil and groundwater contaminated with inorganics, other organics and pesticides. The report is intended to document remediation of the site to meet the Special Industrial Standards. Public notice in the *Butler Eagle* will be complete on or about October 29, 2003.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8 and the administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document

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

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office after which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Bemis Company, Inc., Site, Chalfont Borough, **Bucks County.** Thomas R. Marks, Marks Environmental Inc., 140 Bollinger Rd., Elverson, PA 19520, on behalf of Howard Hofmeister, Bemis Co., Inc., P. O. Box 2968, Oshkosh, WI 54903, has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, organics and PAH; and groundwater contaminated with chlorinated solvents and organics. The Final Report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on October 24, 2003.

Former Mrs. Paul's Kitchen Facility, Doylestown Borough, **Bucks County.** Staci N. Cottone, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, on behalf of Telford Industrial Development Authority, Pat Hunn, Esq., 119 Keystone Dr., Montgomeryville, PA 18936, has submitted a Final Report concerning the remediation of site soil contaminated with inorganics, lead, other organics, PAH and PCB; and

groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 28, 2003.

David Talucci Residence, Downingtown Borough, **Chester County**. Chris A. Purvis, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468, on behalf of David Talucci, 419 W. Church St., Downingtown, PA, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and PHC. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 22, 2003.

Eddystone Industrial Park (SOILS), Eddystone Borough, **Bucks County**. David B. Farrington, P. G., Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Rd., West Chester, PA 19380, on behalf of John Jardine, EIP, LP c/o Re-Steel Supply Co., Inc., 2000 Eddystone Industrial Park, Eddystone, PA 19022-1588, has submitted a combined Remedial Investigation/Cleanup Plan/Final Report concerning remediation of site soil contaminated with fuel oil nos. 2 and 6, inorganics, leaded gasoline, lead, MTBE other organics, PAH and unleaded gasoline. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on October 8, 2003.

Sunroc Corp. Facility, Middletown Township, **Delaware County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Sunroc Corp., Mark Whitaker, 60 Starlifter Ave., Dover, DE 19903, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning remediation of site soil contaminated with chlorinated solvents, inorganics, lead and other organics; and groundwater contaminated with chlorinated solvents. The combined report was approved by the Department on October 17, 2003.

860 Cross Street, Pottstown Borough, **Montgomery County**. Henry deH Alexander, P. E., Conestoga-Rovers & Associates, Route 113, 559 W. Uwchlan Ave., Suite 120, Exton, PA 19341, on behalf of Degussa Construction Chemical Operations, Inc., Timothy Anglin, 23700 Chagrin Blvd., Cleveland, OH 44122, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning remediation of site soil contaminated with chlorinated solvents, inorganics and PCB; and groundwater contaminated with chlorinated solvents. The combined report was approved by the Department on October 8, 2003.

Former Goldman Paper/Wilde Dyehouse Site, City of Philadelphia, **Philadelphia County**. Jeffrey E. Goudsward, Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Steve Wolfson, 2201 E. Allegheny Ave., LP 1250 Germantown Pike, Plymouth Meeting, PA 19462, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, fuel oils nos. 2, 4 and 6, leaded gasoline and unleaded gasoline. The combined report was approved by the Department on October 23, 2003.

Philadelphia Phillies Ball Park and Parking Areas, City of Philadelphia, **Philadelphia County**. Keith M. Kowalski, P. G., URS Corp., 1400 Union Meeting Rd., Blue Bell, PA 19422-1972, on behalf of the City of Philadelphia, c/o Jonathan Rinde, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, has submitted a Remedial Investigation Report

concerning remediation of site soil contaminated with PCB, lead, heavy metals, BTEX, PHC, PAH and solvents; and groundwater contaminated with lead, heavy metals, BTEX, PAH and solvents. The report was approved by the Department on October 27, 2003.

Rite Aid—Castor and Erie Site, City of Philadelphia, **Philadelphia County**. Kenneth M. Yoder, P. G., BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Rite Aid Corp., 30 Hunter Lane, Camp Hill, PA 17011, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals and solvents. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on October 28, 2003.

Eastern Parcel Philadelphia Naval Hospital, City of Philadelphia, **Philadelphia County**. W. Andrews Jenkins, P. G., Duffield Associates, 5400 Limestone Road, Wilmington, DE 19808-1232, on behalf of Philadelphia Eagles Development, L. P., Philadelphia, PA, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHC and PAH. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on October 29, 2003.

Broad and Washington Property, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104-2897, on behalf of Michael Fluehr, Broad & Washington Corp., 101 S. King St., Gloucester City, NJ 08030, has submitted a Final Report concerning remediation of site soils contaminated with inorganics and PAH; and groundwater contaminated with chlorinated solvents. The report did not demonstrate attainment of Site-Specific Standards and was disapproved by the Department on October 27, 2003.

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

Lettich Radiator Shop, Gratz Borough, **Dauphin County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of Larry Lettich, Lettich Radiator Shop, 638 East Main Street, Gratz, PA 17030, submitted a Final Report concerning the remediation of site soils contaminated with unleaded gasoline. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 31, 2003.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. PAD987283140. United Environmental Group, Inc., 241 McAleer Road, Sewickley, PA 15143. Operation of a hazardous waste processing and storage facility in Ohio Township, **Allegheny County**. The permit to store and treat hazardous waste was issued in the Regional Office on October 31, 2003.

INTENT TO ISSUE A DRAFT PERMIT

Southcentral Region: Waste Management Program, 909 Elmerton Ave., Harrisburg, PA 17110; Contact: Regional Solid Waste Manager, (717) 705-4706.

Permit No. PAD002330165. East Penn Manufacturing, Inc., Deka Road, Lyon Station, PA 19536, Richmond Township, **Berks County**. On February 15, 2002, the Department received an application for a hazardous waste permit from East Penn for the storage of spent lead-acid batteries. The Department has completed its review of the permit application and has issued a draft permit. As required by 25 Pa. Code § 270a.80(d)(2), the Department is providing this public notice.

Persons wishing to comment on the draft permit are invited to submit a statement to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Registration Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

Registration under General Permit No. WMGR090R022. New Enterprise Stone & Lime Co., Inc., 110 Church Street, New Enterprise, PA 15139. General Permit Number WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement (RAP) materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on October 29, 2003.

Registration under General Permit No. WMGR090R023. Martin Limestone, Inc., 3580 Division Highway, Blue Ball, PA 17519. General Permit Number WMGR090 authorizes the processing and beneficial use of RAP materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on October 29, 2003.

Persons interested in obtaining more information or copies of a general permit may contact Ronald C. Hasinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson

State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

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

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

Permit No. 101429. Richard S. Burns & Co. Inc., 4300 Rising Sun Ave., Philadelphia, PA 19140-2720, **Philadelphia County**. This modification permit is approved for an increase in the facility's daily volume, an increase in permit area and for a radiation protection action plan. The permit was issued by the Southeast Regional Office on October 31, 2003.

Permit No. 101659. Champion Recycling Inc. c/o Galante Hauling, 16 Yeaton Lane, Glenmoore, PA 19343, East Caln Township, **Chester County**. This waste management permit has been amended to bring the facility into compliance with the radiation protection action plan requirements. The permit was issued by the Southeast Regional Office on October 31, 2003.

Permit No. 301342. Planet Earth Recycling Inc., P. O. Box 65311, Philadelphia, PA 19155, **Philadelphia County**. This solid waste permit is issued for the processing of used antifreeze and motor vehicle oil filters. The permit was issued by the Southeast Regional Office on October 31, 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.

Basilio Regeling Trucking, 16 Glendale Road, Greenwood Lake, NY 10925. Authorization No. WH5270. Effective October 27, 2003.

Marilu Vargas Mendoza, 2519 South Carroll St., Philadelphia, PA 19142. Authorization No. WH5456. Effective October 27, 2003.

Northstar Marine Inc., 36 Clermont Dr., Clermont, NJ 08210. Authorization No. WH5457. Effective October 27, 2003.

Stuart M. Shaffer, 3794 Hyndman Road, Hyndman, PA 15545. Authorization No. WH5458. Effective October 27, 2003.

Fishersofmen Trucking Inc., 2411 Stephens Road, Cary, NC 27511. Authorization No. WH5460. Effective October 27, 2003.

Milford Enterprises Inc., 450 Commerce Blvd., Quakertown, PA 18951. Authorization No. WH5461. Effective October 27, 2003.

Duane E. Palmatary, 701 Fairville Road, Chadds Ford, PA 19317. Authorization No. WH5463. Effective October 27, 2003.

American Oil Recycling Inc., P. O. Box 27, Hawley, PA 18428-0027. Authorization No. WH5466. Effective October 27, 2003.

Brian M. Bowden, 128 Stephanie Dr., Franklinville, NJ 08322. Authorization No. WH5468. Effective October 27, 2003.

Old Country Construction Inc., 1650 Cold Spring Road, Newtown Square, PA 19073-2719. Authorization No. WH5469. Effective October 27, 2003.

Dolittle Corp., 301 State Road, Croydon, PA 19021. Authorization No. WH5470. Effective October 27, 2003.

GRC Transport Inc., 265 Broadway St. Rear, Jersey City, NJ 07306. Authorization No. WH2992. Effective October 28, 2003.

Brian K. Seifert and Debra L. Seifert, 3331 West 12th St., Erie, PA 16505. Authorization No. WH5447. Effective October 28, 2003.

K. E. Seifert Inc., 155 North Green St., Langhorne, PA 19047. Authorization No. WH5459. Effective October 28, 2003.

Antonio Rega, 425 Franklin Ave., Hasbrouck Heights, NJ 07604. Authorization No. WH5467. Effective October 28, 2003.

Byron Waggoner Construction, 135 Bentz Mill Road, East Berlin, PA 17316. Authorization No. WH5471. Effective October 28, 2003.

Robbie D. Wood Inc., P. O. Box 125, Dolomite, AL 35061-0125. Authorization No. WH5465. Effective October 29, 2003.

Kerber Trucking, R. R. 2 Box 342, Ruffsedale, PA 15679. Authorization No. WH5472. Effective October 29, 2003.

Ginos Trucking Co., Inc., 620 Bridgeboro St., Riverside, NJ 08075. Authorization No. WH5473. Effective October 29, 2003.

T T Trucking, P. O. Box 237, Clarksboro, NJ 08020. Authorization No. WH5474. Effective October 29, 2003.

Ricky Trucking Inc., 107-28 Union Hall St., Jamaica, NY 11433. Authorization No. WH5475. Effective October 29, 2003.

Earlybird Trucking Co., Inc., 151 Custer Ave., Jersey City, NJ 07305-2404. Authorization No. WH5476. Effective October 29, 2003.

P. D. Transportation Inc., 1st Floor, 1809 Paulding Ave., Bronx, NY 10462. Authorization No. WH5477. Effective October 29, 2003.

Vidry Erase, 12 Feiner Place, Irvington, NJ 07111. Authorization No. WH5478. Effective October 29, 2003.

Double K Trucking Inc., 807 E. Baldwin S., Hackettstown, NJ 07840. Authorization No. WH5479. Effective October 29, 2003.

Victor Fortes, 109 Irene St., Linden, NJ 07036. Authorization No. WH5480. Effective October 29, 2003.

Eagle Truck Equipment Inc., P. O. Box 119, Uwchland, PA 19480-0099. Authorization No. WH5482. Effective October 29, 2003.

Stephen A. White, 2048 Upland Way, Philadelphia, PA 19131. Authorization No. WH5483. Effective October 29, 2003.

Hansen Brothers Corp., 8427 Bergenline Ave., North Bergen, NJ 07047. Authorization No. WH5484. Effective October 29, 2003.

W. D. Wells & Associates Inc., 290 Woodcrest Road, West Grove, PA 19390. Authorization No. WH5486. Effective October 30, 2003.

Heston S. Swartley Transport Co., Inc., P. O. Box 53, 700 Main St., Sellersville, PA 18960. Authorization No. WH5487. Effective October 30, 2003.

Tico Express Trucking Inc., 1110 Thomas St., Hillside, NJ 07205. Authorization No. WH5488. Effective October 30, 2003.

Dolan Mechanical Inc., 638 Johnson Road, P. O. Box 326, Sicklerville, NJ 08081-0326. Authorization No. WH5489. Effective October 30, 2003.

Valentyn Sadovyy, Apt. No. 16, 6904 Rising Sun Ave., Philadelphia, PA 19111-3950. Authorization No. WH5490. Effective October 30, 2003.

Walacavage Enterprises, P. O. Box 88, 315 W. Bacon St., Pottsville, PA 17901. Authorization No. WH5491. Effective October 30, 2003.

Mike Petro Excavating, 159 Martin Dr., R. R. 1 Box 199, Catawissa, PA 17820-8206. Authorization No. WH5492. Effective October 30, 2003.

David D. Rupert and Susan B. Rupert, 29310 Great Cove Road, Fort Littleton, PA 17223. Authorization No. WH5493. Effective October 30, 2003.

Voluntarily terminated applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act and regulations to transport municipal or residual waste.

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

F & G Transport, Inc., 334 Layfield Road, P. O. Box 591, Frederick, PA 19435-0591. Authorization No. WH1357. Voluntarily terminated October 23, 2003.

Daniel Nagy, 825 Savannah Road, New Castle, PA 16101. Authorization No. WH2384. Voluntarily terminated October 27, 2003.

C. S. Edie d/b/a Edie Waste Movers, P. O. Box 74 Delta Road, Broque, PA 17309. Authorization No. WH1162. Voluntarily terminated October 27, 2003.

Paulo Menezes, 1216 Allen Grove St., Philadelphia, PA 19124. Authorization No. WH1560. Voluntarily terminated October 17, 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.

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

33-00162: Coolsprings Sand and Gravel—Oliver Township Plant (SR 3031, Coolspring, PA 15730) on October 31, 2003, to operate a portable mineral processing plant in Oliver Township, **Jefferson County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B regarding construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

46-0146A: Republic Environmental Systems of PA Inc. (2869 Sandstone Drive, Hatfield, PA 19440) on October 23, 2003, to operate a waste storage tank in Hatfield Township, **Montgomery County**.

23-0059: Lyondell Chemical Co. (3801 West Chester Pike, Newtown Square, PA 19073) on October 29, 2003, to operate a pilot unit in Newtown Township, **Delaware County**.

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

39-302-176: GEO Specialty Chemicals, Inc. (2409 North Cedar Crest Boulevard, Allentown, PA 18104) on October 22, 2003, to construct two boilers utilizing no. 6 fuel oil at their facility in South Whitehall Township, **Lehigh County**.

48-399-053: Just Born, Inc. (1300 Stefko Boulevard, Bethlehem, PA 18017) on October 23, 2003, to construct a jelly bean shakeout operation and associated air cleaning device at the facility in Bethlehem, **Northampton County**.

40-312-042: Eldorado Properties, Corp. (P. O. Box 2621, Harrisburg, PA 17105) on October 28, 2003, to modify operating conditions for storage tanks 11 and 12 in the company's State-only Operating Permit (No. 40-00028) at their fuel terminal in Pittston Township, **Luzerne County**.

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

30-00147A: Coal Gas Recovery, LP (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370) on October 30, 2003, to allow the installation of a coal mine methane project consisting of approximately six electric compressors, up to 2,000 bhp of gas-fired, engine-driven compressors and a membrane processing plant for the production of pipeline quality gas in Franklin, Wayne and Whiteley Townships, **Greene 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.

46-0036C: Visteon Sys LLC (2750 Morris Rd., Lansdale, PA 19446) on October 30, 2003, to operate a selective solder no. 8 in Worcester Township, **Montgomery County**.

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

18-00011E: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on October 23, 2003, to operate liquid product drum and tank truck loading operations on a temporary basis, until February 20, 2004, in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

18-00011D: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on October 23, 2003, to operate four VOC/HAP-containing material storage tanks and associated distribution systems on a temporary basis, to February 20, 2004, and to revise tank filling requirements in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

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

25-974A: Hi-Tech Plating Co., Inc. (1015 West 18th Street, Erie, PA 16502) on October 31, 2003, for post construction of chrome plating operations in the Erie, **Erie County**.

24-083E: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on October 31, 2003, to install a scrubber in Benzinger Township, **Elk County**.

24-083D: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on October 31, 2003, to install a scrubber in Benzinger Township, **Elk County**.

10-021J: INDSPEC Chemical Corp. (133 Main Street, Petrolia, PA 16050) on October 31, 2003, to modify Reactor 507 in Petrolia, **Butler County**.

43-170E: Werner Co. (93 Werner Road, Greenville, PA 16125) on October 31, 2003, to modify the pultrusion process in Sugar Grove Township, **Mercer County**.

25-090B: Zurn Industries, Inc. (1301 Raspberry Street, Erie, PA 16502) on October 31, 2003, to modify the cupola and install a scrubber in Erie, **Erie County**.

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

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

46-00048: Wyeth Pharmaceuticals (500 Arcola Road, Collegeville, PA 19426) on October 30, 2003, to operate a Facility Title V Operating Permit in Upper Providence Township, **Montgomery County**.

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

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

09-00031: Eureka Stone Quarry, Inc. (1046 Swamp Road, Rushland, PA 18956) on October 30, 2003, to operate a Synthetic Minor Operating Permit in Wrightstown Township, **Bucks County**.

09-00032: Eureka Stone Quarry, Inc. (Lower State and Pickertown Roads, Chalfont, PA 18914) on October 30, 2003, to operate a Synthetic Minor Operating Permit in Warrington Township, **Bucks County**.

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

41-00017: Gulf Oil, LP (90 Everett Avenue, Chelsea, MA 02150) on September 30, 2003, issued State-only (Synthetic Minor) operating permit for their petroleum bulk storage and distribution (South Williamsport Terminal) facility in Armstrong Township, **Lycoming County**. The facility's main sources include a six storage tanks and six bottom-loading arms. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00033: Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849) on October 6, 2003, issued State-only operating permit for their coal processing facility in Boggs Township, **Clearfield County**. The facility's main sources include a coal processing operation and unpaved site haul roads. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00015: SMC Powder Metallurgy (Route 6, West Galeton, PA 16922) on October 17, 2003, issued State-only operating permit for their powdered metal parts manufacturing facility in Pike Township, **Potter County**. The facility's main sources include ten sintering furnaces. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00037: King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866) on October 24, 2003, issued State-only operating permit for their coal preparation facility in Morris Township, **Clearfield County**. The facility's main sources include a Kolberg rotary coal breaker unit and a diesel fired generator. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00049: Runnerless Knits (301 North 5th Street, Sunbury, PA 17801) on October 30, 2003, issued State-only operating permit for their textile dyeing and finishing facility in city of Sunbury, **Northumberland County**. The facility's main air contaminant source is one natural gas/no. 2 fuel oil fired boiler. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

63-00626: Washington Penn Plastics, Inc. (2080 North Main Street, P. O. Box 236, Washington, PA 15301) on October 28, 2003, for the V-Bat Plant, Canton Township, **Washington County**. The facility's sources of particulate matter emissions include various extrusion lines.

63-00880: Washington Penn Plastics, Inc. (2080 North Main Street, P. O. Box 236, Washington, PA 15301) on October 28, 2003, for the Performance Products Division, South Strabane Township, **Washington County**. The facility's sources of particulate matter emissions include various extrusion lines.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

09-320-052: Pyramid Graphics, Inc. (1021 Washington Avenue, Croydon, PA 19021) on October 29, 2003, amended for afterburner for Harris M-10 press in Bristol Township, **Bucks County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

40-00019: Cascades Tissue Group (901 Sathers Drive, Pittston, PA 18640) for an increase in VOCs of 0.13 ton per year. The company is a Title V facility and covered under Permit No. 40-00019. The increase in emissions is a result of in-line ink jet printing of corrugated cases at the facility in Pittston Township, **Luzerne County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permit Actions

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

33971301. NPDES Permit No. PA0215031, Mears Enterprises, Inc. (P. O. Box 157, 410 Franklin Street, Clymer, PA 15728), to transfer the permit for the Dora No. 8 in Perry and North Mahoning Townships, **Jefferson and Indiana Counties**, from Laurel Energy LP and renew the existing permit and related NPDES permit, no additional discharges. Permit issued October 24, 2003.

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

63980101 and NPDES Permit No. 0202151. David Breeden Enterprises, Inc. (P. O. Box 89, 151 West Fourth Avenue, Tarentum, PA 15084-0089). Renewal permit for continued operation and reclamation of an existing bituminous surface mine in Somerset Township, **Washington County**, affecting 173 acres. Receiving streams: unnamed tributaries to Pigeon Creek (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received August 18, 2003. Renewal permit issued October 23, 2003.

03030106 and NPDES Permit No. 0250431. Thomas J. Smith, Inc. (R. D. 1, Box 260-D, Shelocta, PA 15774). Permit for commencement, operation and reclamation of a bituminous surface mine, in Redbank Township, **Armstrong County**, affecting 66 acres. Receiving streams unnamed tributaries to Sugarcamp Run to Pine Run (CWF). There is no potable water supply intake within 10 miles from the point of discharge. Application received June 12, 2003. Permit issued October 31, 2003.

Noncoal Permit Actions

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

5777SM4C5 and NPDES Permit No. PA003460. Barletta Materials & Construction, Inc. (P. O. Box 550, Tamaqua, PA 18252), renewal and correction of existing NPDES Permit for discharge of treated mine drainage in Nescopeck Township, **Luzerne County**, receiving stream: Susquehanna River and an unnamed tributary. Application received September 12, 2003. Renewal issued October 29, 2003.

7273SM8C5 and NPDES Permit No. PA0613185. Lehigh Asphalt Paving & Construction Co. (P. O. Box 549, Tamaqua, PA 18252), renewal of NPDES Permit for discharge of treated mine drainage in West Penn Township, **Schuylkill County**, receiving stream: unnamed tributary to Lizard Creek. Application received September 12, 2003. Renewal issued October 30, 2003.

40010301. Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105), commencement, operation and restoration of quarry operation in Dorrance Township, **Luzerne County** affecting 50.86 acres, receiving stream: none. Application received October 3, 2001. Permit issued October 30, 2003.

19950301T. Benton Mobile Concrete, Inc. (P. O. Box 273, Benton, PA 17814-0273), transfer of an existing quarry operation in Stillwater Borough, **Columbia County** affecting 9.7 acres, receiving stream: none. Application received August 15, 2002. Transfer issued October 30, 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.

46034048. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Lower State Road and Welsh Road Housing in Horsham Township, **Montgomery County** with an expiration date of November 20, 2005. Permit issued October 27, 2003.

40034035. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for a swimming pool in Union Township, **Luzerne County** with an expiration date of April 13, 2004. Permit issued October 27, 2003.

46034049. Cumberland Valley Drilling & Blasting (6820 Wertzville Road, Enola, PA 17025), construction blasting for Horsham Water and Sewer in Horsham Township, **Montgomery County** with an expiration date of November 1, 2005. Permit issued October 28, 2003.

06034055. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Laurel Village in Exeter Township, **Berks County** with an expiration date of November 1, 2004. Permit issued October 29, 2003.

67044070. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Village Court Apartments in Dover Township, **York County** with an expiration date of November 1, 2004. Permit issued October 29, 2003.

15034040. Rock Work, Inc. (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at Universal Technical Institute Site in Upper Uwchlan Township, **Chester County** with an expiration date of June 20, 2004. Permit issued October 29, 2003.

35034023. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting at Jerry Clum Property in Scott Township, **Lackawanna County** with an expiration date of March 9, 2004. Permit issued October 30, 2003.

64034016. Schmucker Landscaping (2647 County Line Road, Chalfont, PA 18914) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Schumacker Landscaping (Road Cut) in Buckingham Township, **Wayne County** with an expiration date of March 9, 2004. Permit issued October 30, 2003.

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

42034003. Geophysical Applications (54 Monarch Road, Gueleph, ON N1K153). Blasting activity permit for oil and gas explorations in Keating Township, **McKean County** for 7 days. Application received October 24, 2003. Application issued October 27, 2003.

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

32034003. Demtech, 65 Bald Mountain Road, Dubors, WY 82513. Demolition of two 136-foot tall, 41-foot diameter coal silos at old Helen Mine site, Homer City Power Plant. The duration of blasting is 5 days. Permit Issued October 31, 2003.

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

30034002. Brentzel Contracting (217 Fifth St., Irwin, PA 15642). Blasting activity permit for construction in Franklin Township, **Greene County**, with an expected duration of 45 days. Permit issued October 28, 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-200. Exelon Generation Company, 200 Exelon Way, KSA-1-E, Kennett Square, PA 19348, Eddystone Borough, **Delaware County**, ACOE Philadelphia District.

To reissue and amend Permit No. E23-200 to include the operation and maintenance of the entire existing Eddystone Generating Station Facility, portions of which were authorized by Water Obstruction and Encroachment Permit Nos. E23-023 and E23-309 and Navigation Commission Licenses Nos. 312 and 385.

Existing facilities include:

1. Twenty-foot by 200-foot sheet pile bulkhead for the wedge wire screen intake systems nos. 1 and 2, previously authorized by original Permit No. E23-200.

2. Seven hundred linear feet of fendering system including six cellular sheet piles, gangways, mooring dolphins, mooring area, ship channel approach, intake structures and 144-inch outfall constructed at 30 feet deep and extending 230 feet into the Delaware River, all previously authorized by Navigation License No. 385.

3. Seven hundred linear feet of sheet pile bulkhead and fill along Crum Creek, 1,400 linear feet of cellular sheet pile bulkhead and fill along the Delaware River, intakes nos. 3 and 4, outfall structures for unit nos. 1 and 2, all previously authorized by Navigation License No. 312.

4. Waste water treatment plant within the 100-year floodplain of the Delaware River previously authorized by Permit Nos. E23-023 and E23-200.

Proposed work includes:

1. To deepen and maintain the ship mooring area and the adjacent ship channel from a water depth of 30 feet to 34 feet below mean low water by the mechanical dredging of approximately 13,500 cubic yards of material.

The project will impact a 34.9-acre area of riverbed along approximately 2,750 linear feet of the watercourse and it authorizes the continuing operation and maintenance of a facility area and mooring area occupying 17.5 acres of submerged lands. The site is within the tidal Delaware Estuary (WWF-MF) at the confluence of the Crum Creek and Delaware River.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-945. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Eddystone Borough, **Delaware County**, ACOE Philadelphia District.

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

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

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

3. To perform grading activities consisting of approximately 147 cubic yards of fill material within the floodway to facilitate the construction of the roadway approach ramp of the bridge and road widening. Also to excavate approximately 70 cubic yards of fill to accommodate construction of bridge footings.

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

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

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

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E45-447. Jackson Township, P. O. Box 213, Reeders, PA 18352. Jackson Township, **Monroe County**, Army Corps of Engineers Philadelphia District, Subbasin 1-E.

To remove the existing structures and to construct and maintain a concrete box culvert having a span of 17.5 feet and an underclearance of 5 feet with a 1-foot culvert depression in Kettle Creek (HQ-CWF, perennial). The project is along Township Road T471 (Twin Pine Road), just south of T434 (Running Valley Road) (Saylorsburg, PA Quadrangle N: 20.0 inches; W: 7.8 inches). The project proposes to directly affect 40 linear feet of stream channel.

E66-130. Department of Transportation, Engineering District 4-0, P. O. Box 11, Scranton, PA 18501. Lemon Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To remove the existing structures and to construct and maintain a 9-foot by 5-foot concrete box culvert having a 1-foot depression and a limit of approximately 50 feet in a tributary to Lake Carey (CWF). The project also includes a de minimis area of PSS wetland impact equal to 0.01 acre and is along SR 1007-Segment 0010, approximately 350 feet east of its intersection with SR 0029 (Tunkhannock, PA Quadrangle N: 17.1 inches; W: 8.3 inches) (Subbasin 04F).

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

E07-369: Borough of Duncansville, 1146 Third Avenue, P. O. Box 308, Duncansville, PA 16635 in Duncansville Borough, **Blair County**, ACOE Baltimore District.

To remove the existing abutments and concrete bridge deck having a clear span of 10 feet, an average rise of 5.7 feet and an instream length of 20 feet, construct and maintain: (1) a concrete box culvert having a clear span of 13 feet, a rise of 6 feet and an instream length of 35 feet; (2) 12-foot, 14-foot, 14-foot and 30-foot long wingwalls on the upstream right and left banks and downstream right and left banks, respectively; (3) 20 feet of riprap stabilization on the upstream right bank beyond the wingwall; and (4) an 18-inch stormwater discharge with a 7.5-foot by 10-foot riprap apron on the downstream right floodway and replace and maintain existing 8-inch sewer and water lines in-kind under the box culvert at a point along 14th Street within a perennial unnamed tributary to Gillians Run (CWF) (Hollidaysburg, PA Quadrangle N: 9.1 inches; W: 8.9 inches) in the Borough of Duncansville, Blair County. The invert of the box culvert will be depressed 6 inches below the existing streambed elevation and will be baffled to facilitate instream aquatic migrations.

E06-583: Dennis G. Dunn, 705 Ridge Road, Orwigsburg, PA 17921 in Kutztown Borough, **Berks County**, ACOE Philadelphia District.

To grade approximately 2.7 acres of land within the 100-year floodway of Sacony Creek (CWF) and to construct and maintain paved parking areas for proposed student housing to be constructed on properties adjacent to the intersection of Industrial and Normal Avenues (Kutztown, PA Quadrangle N: 2.9 inches; W: 2.8 inches) in Kutztown Borough, Berks County.

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

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

To permanently place fill into 0.09 acre of palustrine emergent wetlands as part of a roadside embankment stabilization project designed to prevent future deterioration of a portion of the SR 220, Section 85M roadway. The permittee will meet the wetland replacement requirement by contributing \$500 to the Pennsylvania Wetland Replacement Project Fund. The project site is in Albany Township, Bradford County, U. S. Army Corps of Engineers, Baltimore District, State Water Plan Subbasin 4C (Dushore, PA Quadrangle N: 20.2 inches; W: 9.8 inches).

E49-270. Fleetwood Motor Homes of Pa., Inc., P. O. Box 5, Paxinos, PA 17860-0005. Plant expansion in Ralpho Township, **Northumberland County**, ACOE Susquehanna River Basin District (Shamokin, PA Quadrangle N: 16.7 inches; W: 10.6 inches).

To enclose 630 feet of unnamed tributary to Shamokin Creek (CWF) and fill 0.446 acre of jurisdictional wetland for the purposes of plant expansion. The project is 0.5 mile east of the intersection of SR 0061 and SR 0487 along the southern right-of-way of SR 0487 in Ralpho Township, Northumberland County. The project does propose to permanently impact 0.446 acre of jurisdictional wetland.

E53-386. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 263012. Dominion LN-20 and LN-16 Gas Transmission Line, Allegany, Genesee, Hebron and Roulette Townships, **Potter County**, ACOE Baltimore District (Hammersley, PA Quadrangle N: 5.2 inches; W: 8.2 inches).

To operate and maintain an existing 16-inch pipeline over 25 miles within an existing 75-foot right-of-way for the transmission of natural gas. Replacement or maintenance of the 16-inch diameter pipeline may require 30 stream crossings that are as follows:

<i>Stream</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Burt Hollow	CWF	41° 46' 59"	78° 12' 5"
Card Creek	CWF	41° 47' 12"	78° 11' 17"
Allegheny River	CWF	41° 47' 17"	78° 10' 45"
UNT Allegheny	CWF	41° 47' 20"	78° 10' 10"
UNT Fishing Creek	CWF	41° 47' 36"	78° 9' 13"
Fishing Creek	CWF	41° 47' 43"	78° 8' 58"
Fishing Creek	CWF	41° 47' 45"	78° 8' 56"
Fishing Creek	CWF	41° 47' 46"	78° 8' 54"
UNT East Branch, Fishing Creek	HQ-CWF	41° 48' 5"	78° 8' 11"
East Branch, Fishing Creek	HQ-CWF	41° 48' 15"	78° 7' 52"
East Branch, Fishing Creek	HQ-CWF	41° 48' 37"	78° 7' 6"
UNT East Branch, Fishing Creek	HQ-CWF	41° 48' 38"	78° 7' 2"
East Branch, Fishing Creek	HQ-CWF	41° 48' 38"	78° 6' 49"
UNT East Branch, Fishing Creek	HQ-CWF	41° 48' 49"	78° 6' 16"
UNT East Branch, Fishing Creek	HQ-CWF	41° 49' 00"	78° 5' 30"
UNT East Branch, Fishing Creek	HQ-CWF	41° 49' 46"	78° 3' 50"
UNT East Branch, Fishing Creek	HQ-CWF	41° 50' 8"	78° 3' 15"
UNT Whitney Creek	EV	41° 51' 00"	78° 1' 47"
UNT South Branch, Oswayo Creek	EV	41° 51' 43"	78° 0' 34"
UNT South Branch, Oswayo Creek	EV	41° 51' 51"	78° 0' 6"
Peet Brook	CWF	41° 51' 49"	77° 56' 35"
UNT Peet Brook	CWF	41° 52' 0"	77° 56' 34"
Peet Brook	CWF	41° 52' 8"	77° 56' 33"
UNT Peet Brook	CWF	41° 52' 13"	77° 56' 32"
UNT Oswayo Creek	CWF	41° 53' 50"	77° 56' 5"
Oswayo Creek	CWF	41° 54' 10"	77° 56' 2"
UNT Hemlock Hollow Run	HQ-CWF	41° 57' 15"	77° 55' 53"
UNT Irish Settlement Brook	HQ-CWF	41° 58' 9"	77° 55' 51"
UNT Irish Settlement Brook	HQ-CWF	41° 58' 24"	77° 55' 50"
UNT Irish Settlement Brook	HQ-CWF	41° 59' 5"	77° 55' 44"

All gas transmission lines under streambeds shall be replaced beneath streambeds so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 25-mile pipeline right-of-way; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary. Since all the streams are a wild trout fisheries, no replacement or maintenance work shall be conducted in or along the stream channel between October 1 and April 1 without prior written approval from the Fish and Boat Commission. Since the Allegheny River

and Fishing Creek are stock trout fisheries, no replacement or maintenance work shall be conducted in or along the stream channel between March 1 and June 15 without prior written approval from the Fish and Boat Commission.

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

E02-1360. Brooktree Holdings, Inc., 10431 Perry Highway, Suite 300, Wexford, PA 15090. The Woods of Sewickley Residential Development in Sewickley Hills Borough, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 13.5 inches; W: 17.0 inches) (Latitude: 40° 34' 48"—Longitude: 80° 07' 25"). To place and maintain fill in 0.045 acre of wetlands adjacent to an unnamed tributary to Killbuck Run (CWF) for the purpose of constructing The Woods of Sewickley Residential Development. The project is on the west side of Red Mud Hollow Road, approximately 2,600 feet southeast from the intersection of Red Mud Hollow Road and Sweetwater Trail. The project will impact a total of 0.045

acre of wetlands and 550 linear feet of stream channel. The stream impact is due to a 550-foot long storm enclosure that is waived under Chapter 105.

E02-1414. Pittsburgh Water and Sewer Authority, 441 Smithfield Street, Pittsburgh, PA 15222. Nine Mile Run Aquatic Ecosystem Restoration Project in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle Project begins N: 9.1 inches; W: 4.4 inches; Project ends N: 7.4 inches; W: 5.7 inches) (Latitude: 40° 25' 45"—Longitude: 79° 53' 45"). To remove existing structures, to rehabilitate and maintain approximately 1,370 feet of existing 54-inch sewer line along and across Nine Mile Run (TSF), to reconstruct and maintain approximately 1,570 feet of the same 54-inch sewer line along and across Nine Mile Run and to construct and maintain a 16-inch water line across Nine Mile Run as part of the Nine Mile Run Aquatic Ecosystem Restoration Project. The project is between Commercial Avenue and Browns Hill Road.

E02-1430. Maronda Homes, Inc., 202 Park West Drive, Pittsburgh, PA 15275. Canterbury Woods Subdivision in North Fayette Township, **Allegheny County**, Pittsburgh ACOE District (Clinton, PA Quadrangle N: 10.9 inches; W: 1.6 inches) (Latitude: 40° 26' 05"—Longitude: 80° 15' 50"). To place and maintain fill in two wetlands. The wetlands are within the Montour Run Watershed (TSF). Wetland no. 1 is .004 acre and wetland no. 2 is .016 acre. The wetland encroachments are part of a proposed 138-townhouse unit development. The project is on the east side of Santiago Road, approximately 0.5 mile north of its intersection with Old Steubenville Pike Road. The applicant has already received a General Permit No. 7 to impact .006 acre of wetlands. This project will also impact 635 feet of a tributary to Montour Run that meets waiver 105.12(a)(2). The total wetland impacts proposed by the development are 0.026 acre.

E02-1433. Regional Learning Alliance at Cranberry Woods, 2200 Georgetown Drive, Sewickley, PA 15143. Regional Learning Alliance at Cranberry Woods Conference and Learning Center in Marshall Township, **Allegheny County**, Pittsburgh ACOE District (Mars, PA Quadrangle N: 8.8 inches; W: 12.2 inches) (Latitude: 40° 40' 24"—Longitude: 80° 05' 17"). To construct and maintain twin 54-inch diameter culverts having a length of 73.0 feet and a pedestrian walking bridge having a clear span of 14.0 feet with a minimum underclearance of 2.5 feet in and across the channel of an unnamed tributary to Brush Creek (WWF) and to place and maintain fill in a de minimis area of wetlands (PEM/PSS) for the purpose of constructing and providing access to the proposed Regional Learning Alliance at Cranberry Woods Conference and Learning Center. The project is on the north side of Freeport Road approximately 1,200 feet northwest from the intersection of Freeport Road and Scenic Drive. The property will impact 0.025 acre of wetlands and 136.0 linear feet of stream channel.

E02-1435. McCandless Township, 9955 Grubbs Road, Wexford, PA 15090. Meadow Oaks Drive Culvert in McCandless Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 12.9 inches; W: 16.6 inches) (Latitude: 40° 34' 15"—Longitude: 79° 59' 39"). To remove the existing structures, to construct and maintain a new 48-inch diameter culvert approximately 215 feet long (depressed 6 inches) with rip-rap on the upstream (7 feet) and downstream (15 feet) ends in a tributary to Pine Creek (TSF) and to construct and

maintain various outfalls to the 48-inch diameter culvert. The culvert is under Meadow Oaks Drive, just south of its intersection with Duncan Avenue. The total stream impact is the replacement of 215 feet of culvert. The work was authorized under Emergency Permit EP0203204.

E04-274. Bet-Tech International, Inc., 3468 Brodhead Road, Monaca, PA 15061. Barge Docking Facility in Hopewell Township, **Beaver County**, Pittsburgh ACOE District (Baden, PA Quadrangle N: 4.4 inches; W: 16.3 inches) (Latitude: 40° 38' 47"—Longitude: 80° 14' 33"). To reissue the permit to construct and maintain a barge docking facility consisting of a 1,125-foot long sheet pile wall along the left bank of the Ohio River (WWF) for an existing slag/gravel/aggregates mining parcel with revised Special Conditions. The project is near River Mile 21.0.

E04-296. Lehigh Cement Company, 7660 Imperial Way, Allentown, PA 18195. Lehigh Cement Facility in the City of Aliquippa, **Beaver County**, Pittsburgh ACOE District (Ambridge, PA Quadrangle N: 16.8 inches; W: 15.8 inches) (Latitude: 40° 35' 33"—Longitude: 80° 14' 20"). To operate and maintain an existing barge unloading facility along the left bank of the Ohio River near River Mile 16.8. The facility was originally permitted under Permit E04-035. The total existing impact to the river is approximately 200 feet for five (5-foot 7-inch) mooring posts.

E26-307. Georges Township, 1151 Township Drive, Uniontown, PA 15401. Second East Elm Street Bridge in Georges Township, **Fayette County**, Pittsburgh ACOE District (Brownfield, PA Quadrangle N: 13.7 inches; W: 15.8 inches) (Latitude: 39° 49' 32"—Longitude: 79° 44' 15"). To remove the existing structure and to construct and maintain a structural plate pipe arch culvert having a waterway opening of 12.25 feet wide by 7.7 feet high (1-foot depressed invert) in an unnamed tributary to Georges Creek (WWF) and construct and maintain rock riprap at the entrance of the structure. The project is on T-411, approximately 2,000 feet east of SR 3027.

E26-309. Fayette County Commissioners, Court House, 61 East Main Street, Uniontown, PA 15401. Fayette County Bridge No. 82 in Stewart Township, **Fayette County**, Pittsburgh ACOE District (Fort Necessity, PA Quadrangle N: 16.4 inches; W: 1.2 inches) (Latitude: 39° 50' 25"—Longitude: 79° 30' 31"). To remove the existing bridge and appurtenant structures and: (1) to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 77.2 feet and an underclearance of 6.2 feet over Meadow Run; (2) to permanently place and maintain fill in 0.1 acre of PFO wetland; and (3) to construct 0.1174 acre of PEM wetland as compensation for wetland impacts. Meadow Run (HQ, CWF) is a trout stocked perennial stream which flows through Ohiopyle State Park. The project proposes to directly affect 88.0 linear feet of stream channel and 0.1 acre of wetlands. Wetland creation of 0.1174 acre is proposed. The proposed bridge is on Meadow Run Road, approximately 300 feet downstream of the existing bridge.

E56-323. Cambria-Somerset Authority, 244 Walnut Street, Johnstown, PA 15901. Border Dam System extends across Richland and Stonycreek Townships, Ferndale Borough and the City of Johnstown in **Cambria County** and across Conemaugh and Paint Townships in **Somerset County**, Pittsburgh ACOE District. The project starts at Border Dam (Hooversville, PA Quadrangle N: 20.7 inches; W: 2.6 inches; Latitude: 40° 14' 20"; Longitude: 78° 53' 37") and ends in Johnstown

(Johnstown, PA Quadrangle N: 13.9 inches; W: 5.6 inches; Latitude: 49° 19' 36"—Longitude: 78° 54' 55"). To rehabilitate, operate and maintain a 7.0 mile long, 36-inch water pipeline along and across Stony Creek (WWF) including stream bank stabilization along approximately 435 feet of the right bank of Stony Creek (WWF) and the construction and maintenance of a temporary roadway culvert crossing in Stony Creek (WWF) at the Iglside project area. The total length of pipeline crossing is 1,425 feet.

E63-543. United States D. O. I. Fish & Wildlife Services, 315 South Allen Street, Suite 322, State College, PA 16801. Buffalo Creek Stream Bank Stabilization in Blaine Township, **Washington County**, Pittsburgh ACOE District (West Middletown, PA Quadrangle Begins: N: 9.5 inches; W: 6.0 inches and Ends N: 9.5 inches; W: 7.5 inches) (Latitude: 40° 10' 32"—Longitude: 80° 25' 20"). To stabilize, maintain and improve the aquatic habitat within a 5,300-foot reach of Buffalo Creek (HQ-WWF) within Game Commission land. The project starts at the Noble Bridge crossing and extends downstream approximately 5,300 feet.

E63-546. Authority of the Borough of Charleroi, 3 McKean Avenue, P. O. Box 211, Charleroi, PA 15022. Charleroi Borough Authority Water Treatment Plant in Charleroi Borough, **Washington County**, Pittsburgh ACOE District (Monongahela, PA Quadrangle N: 1.6 inches; W: 2.3 inches) (Latitude: 40° 8' 12"—Longitude: 79° 53' 29"). To operate and maintain the existing water treatment plant and its facilities, to remove existing structures, to construct and maintain upgrades to the plant and water intake system within the left bank floodplain and floodway of the Monongahela River (WWF) consisting of a slab mounted transformer and electrical service switch, new raw water intake screens and protective dolphins piles; a building structure to enclose clarifier no. 1, a temporary neutralization tank and installing a temporary 12-inch diameter HDPE suction line in the Monongahela River and across Maple Creek (WWF). The project is along the left bank of the Monongahela River near River Mile 42.6 where Maple Creek discharges to the Monongahela River. The purpose of the project is to upgrade the existing water treatment plant.

E65-785. Esther Glasser, 916 Green Street, Greensburg, PA 15601. The Mountain Shadows Housing Development in Mount Pleasant Township, **Westmoreland County**, Pittsburgh ACOE District (Mount Pleasant, PA Quadrangle N: 12.25 inches; W: 1.00 inch) (Latitude: 40° 11' 47"—Longitude: 79° 30' 47"). To place and maintain fill in 0.24 acre of wetland and approximately 1,350 linear feet of an unnamed tributary to Boyer Run (WWF) for the purpose of constructing the Mountain Shadows Housing Development. Also, to construct and maintain an 8-inch diameter outfall structure in said stream and a nonjurisdictional dam across approximately 250 feet of said stream. Issuance of this permit constitutes approval of the Environmental Assessment for this nonjurisdictional dam at the project site. The project is approximately 0.5 mile south of the Town of Norvelt. The

permittee shall mitigate for the proposed wetland impacts by making a contribution to the Pennsylvania Wetland Replacement Project.

E65-826. Salem Township, Congruity Road, R. D. 4, Box 200, Greensburg, PA 15601. Mark Drive Widening in Salem Township, **Westmoreland County**, Pittsburgh ACOE District (Slickville, PA Quadrangle N: 4.5 inches; W: 11.3 inches) (Latitude: 40° 24' 0"—Longitude: 79° 34' 22"). To rehabilitate, operate and maintain an existing 75.0-foot long, 72-inch reinforced concrete pipe culvert in an unnamed tributary to Beaver Run including the replacement of the downstream 10 feet of the culvert in kind and the construction and maintenance of an end wall at the culvert outlet in an unnamed tributary to Beaver Run (HQ-CWF) as part of the roadway widening of Mark Drive associated with the SR 0022, Section B02 improvement project. The project is on Mark Drive (T-710), approximately 200 feet from its intersection with SR 0022. The project will directly impact 75 linear feet of perennial stream. No vegetated wetlands will be impacted.

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

E10-382. Crompton Corporation, 100 Sonneborn Lane, Petrolia, PA 16050. Gate 2 bridge replacement and pedestrian bridge in Fairview Township, **Butler County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 2.1 inches; W: 12.8 inches).

To remove the existing gate 2 bridge and a concrete bridge 145 feet downstream of the gate 2 bridge and to: (1) construct and maintain a 23.5-foot long precast concrete box culvert with wing walls having a 24.0-foot wide by 6.35-foot high waterway opening on a 77.37 degree skew in South Branch Bear Creek (WWF, perennial); and (2) to construct and maintain a steel pedestrian arch bridge having a clear span greater than 20.75 feet and an maximum underclearance of 8.0 feet on a 90 degree skew across South Branch Bear Creek 100 feet downstream of the gate 2 bridge within the Crompton Corporation facility approximately 1,000 feet northwest of the intersection of SR 268 and Redwood Road. The project proposes to directly affect a total of 30 linear feet of stream channel.

ENVIRONMENTAL ASSESSMENTS

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

EA32-005SW. Stream Restoration, Inc., 3016 Unionville Road, Cranberry Township, PA 16066, Center Township, **Indiana County**, Pittsburgh ACOE District (McIntyre, PA Quadrangle N: 10.2 inches; W: 1.17 inches) (Latitude: 40° 33' 24"—Longitude: 79° 15' 36"). To construct and maintain a passive treatment system, consisting of an aerobic wetland, to treat an abandoned mine discharge, which is referred to as the SR 286 discharge. The project will affect approximately 0.17 acre of existing wetland (PEM/PSS) within the Altman's Run Watershed (TSF). The project site is along SR 286, approximately 3,300 feet northeast of its intersection with SR 217 in Center Township, Indiana County. This authorization includes 401 Water Quality Certification.

STORAGE TANKS
SITE-SPECIFIC INSTALLATION PERMITS

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

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03-35-002	Beverly Baio A & B Plumbing Heating & Fuel Oil Route 507 and 4th Street P. O. Box 813 Gouldsboro, PA 18424-0813	Lackawanna	Clifton Township	Two ASTs storing no. 2 fuel oil	60,000 gallons total

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of October 2003, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Amerispec of Central PA	516 Broad Street Montoursville, PA 17754	Testing
German Barranca	389 School Street York, PA 17402	Testing
Stephen Beloyan	2 Field Court Wrightstown, NJ 08562	Testing
John Biegalski	515 West Church Road King of Prussia, PA 19406	Testing
Michael Bradley House Inspect	601 North Olive Street Media, PA 19063	Testing
Denise Brown	197 Phillip Street Throop, PA 18512	Testing
Kenneth Cush	P. O. Box 273 Gilbert, PA 18331	Testing
Patrick Dean	44 West Lancaster Avenue Suite 220 Ardmore, PA 19003	Testing
Frank Deininger	265 Farmhouse Lane Palmyra, PA 17078	Testing
Christopher Ford	10937 Helmer Drive, No. 2 Philadelphia, PA 19154	Testing
James Garber	737 Barrholly Drive Lancaster, PA 17603	Testing
Timothy Gentry	P. O. Box 88 Huntingdon Valley, PA 19006	Testing
Albert Gordon	1432 Heron Way Chalfont, PA 18914	Testing
Bo Hopkins	3692 Sheramy Drive Fairview, PA 16415	Testing
Daniel Howard	251 River Landing Freeport, PA 16229	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Christopher Hunt	2115 Dunhill Drive Wilmington, DE 19810	Testing
Greg Kopenhaver	P. O. Box 902 Blue Bell, PA 19422	Testing
Rebecca Lane	123 Grouse Court Venetia, PA 15367	Testing
Richard Lash RTMS—Radon Testing & Mitigation Services	144 Anthony Drive Wintersville, OH 43953	Testing and Mitigation
Frank Marsico Home Spec Inspection Protection	504 Woodcrest Drive Mechanicsburg, PA 17050	Mitigation
John McDermott, III	2655 Harrisburg Pike Lancaster, PA 17601	Testing
William McKelvey	1301 Old Lincoln Highway Langhorne, PA 19047	Testing
Dominic Passante	R. R. 2, Box 183 Birch Drive Wapwallopen, PA 18660	Testing
Richard Phillips	P. O. Box 963 Kimberton, PA 19460	Testing
Mark Runge	220 Reider Road Robesonia, PA 19551	Testing and Mitigation
Brendan Ryan ALARA Environmental	216 Logan Road Valencia, PA 16059	Testing
Donald Stoltenberg	10522 High Rock Road Airville, PA 17302	Testing
Kenneth Struder	P. O. Box 72722 Thorndale, PA 19372	Laboratory
Wayne Treible	19108 Spring Run Road Spring Run, PA 17262	Testing
John Trusa	454 Dana Street Wilkes-Barre, PA 18702	Testing and Mitigation
Gary Winterrowd	1765 Cambridge Drive State College, PA 16803	Testing

Final Actions under section 401 of the Federal Water Pollution Control Act

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

These actions of the Department may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483 by any aggrieved person under 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). Appeals must be filed with the Environmental Hearing Board (Board) within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Responsible Office:

Southeast Regional Office
Regional Water Management Program Manager
Lee Park, Suite 6010, 555 North Lane
Conshohocken, PA 19428-2233
(610) 832-6130

Certification Request Initiated By:

Weston Solutions, Inc.
1400 Weston Way
West Chester, PA 19380

Project Description:

This activity involves the discharge of supernatant from the USACE Fort Mifflin Confined Disposal Facility (CDF) into the Delaware Estuary—Zone 4. The supernatant will be generated through the disposal of approximately 4,300 cubic yards of sediment dredged from the Sunoco, Inc. (R & M) Girard Point Wharf facility at the Philadelphia Refinery in Philadelphia. A hydraulic dredge and pipeline will be used to move the sediment directly to the CDF.

Final Action on Request:

Certification Granted

[Pa.B. Doc. No. 03-2196. Filed for public inspection November 14, 2003, 9:00 a.m.]

Application Announcement for the Recycling Markets Infrastructure Development Grant

Applications for the 2003 Recycling Markets Infrastructure Development Grant (grant) are now available from the Department of Environmental Protection (Department). Grants will be awarded on a competitive basis to qualified existing for-profit businesses and nonprofit organizations that seek to purchase machinery or equipment that will result in increased consumption of recyclable materials recovered in this Commonwealth. The Department will accept grant applications until 4 p.m. on January 30, 2004.

The success of recycling programs is directly related to demand for recyclable goods. Strong, profitable recycling-based businesses are good for the environment and the economy in this Commonwealth. The grant aims to build strong markets for recycled materials in this Commonwealth by assisting existing businesses or nonprofit organizations with increasing their use of recyclable materials in the production of finished products.

Applications for the 2003 grant program may be obtained by contacting Jeff Bednar, Bureau of Land Recycling and Waste Management, (717) 787-7382, jbednar@state.pa.us or by visiting the Department's website: www.state.pa.us (DEP Keyword: Market Development).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2197. Filed for public inspection November 14, 2003, 9:00 a.m.]

Application Announcement for the 2003 Compost Infrastructure Development Grant Program

Applications for the 2003 Compost Infrastructure Development Grant Program (program) are available from the Department of Environmental Protection (Department). Under the program, qualified existing and operating for-profit business entities and nonprofit organizations in this Commonwealth will be awarded, on a competitive basis, grants for machinery or equipment that will result in an increase in the quantity of yard waste or food wastes collected and composted in this Commonwealth. The goal of this program is to increase the quantity of organic materials collected and composted to further increase this Commonwealth's recycling rate. The Department will accept applications for the program until 4 p.m. on February 13, 2004.

The municipal waste stream consists of over 30% organic materials that could be diverted from the waste stream and recycled and managed by composting. These

organic waste streams, such as yard and food wastes, can become a resource to compost facilities that use these materials as feedstocks. Composting of organic wastes helps to lessen the burden on landfill capacity and creates a beneficial soil conditioner that can be marketed.

Applications for the 2003 program may be obtained by contacting Serla Ross, Bureau of Land Recycling and Waste Management, (717) 787-7382, seross@state.pa.us or by visiting the Department's website: www.dep.state.pa.us (DEP Keyword: Compost).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2198. Filed for public inspection November 14, 2003, 9:00 a.m.]

Grant Application Announcement for the Management of Pennsylvania Recycling Markets Center

Applications are now available from the Department of Environmental Protection (Department) for nonprofit organizations and universities interested in managing the Pennsylvania Recycling Markets Center (Center). After reviewing all eligible applications submitted, the Department will award one recipient a grant on a competitive basis to establish, support and oversee the Center. The Center will serve to expand and develop more secure and robust markets for recovered secondary materials by helping Commonwealth businesses overcome market barriers and inefficiencies.

The Department recognizes the need to assure Commonwealth businesses that reliable recycling market information is available. This information provides businesses with the tools to develop strategic plans that can chart a course for identifying new opportunities for growth and profitability. Developing reliable recycling market information involves: the compilation of economic, political, regulatory, societal and technological data; the interpretation of how current and anticipated events will impact business practices and relationships among solid waste, scrap and manufacturing industries; the identification of those business practices that need to be adjusted; and good communication skills to transfer knowledge to a targeted audience. Furthermore, to remain competitive in the ever-changing recycling environment, recycling businesses need to be introduced to the latest technologies that increase efficiency and productivity in collection, processing and manufacturing activities.

The Department will accept grant applications until 4 p.m. on March 5, 2004. Applications may be obtained by contacting Georgia Kagle, Bureau of Land Recycling and Waste Management, (717) 787-7382, gkagle@state.pa.us

or by visiting the Department's website: www.state.pa.us (DEP Keyword: Market Development).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2199. Filed for public inspection November 14, 2003, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Bring Home The Bacon Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bring Home The Bacon.
2. *Price:* The price of a Pennsylvania Bring Home The Bacon instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania Bring Home The Bacon instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1^{.00} (ONE DOL), \$2^{.00} (TWO DOL), \$3^{.00} (THR DOL), \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN) and \$1,000 (ONE THO).
4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$10, \$15, \$20, \$40, \$100 and \$1,000.
5. *Approximate Number of Tickets Printed for the Game:* Approximately 18,000,000 tickets will be printed for the Pennsylvania Bring Home The Bacon instant lottery game.

Get	Win
3-\$1's	\$1
3-\$2's	\$2
3-\$3's	\$3
3-\$5's	\$5
3-\$10's	\$10
3-\$15's	\$15
3-\$20's	\$20
3-\$40's	\$40
3-\$100's	\$100
3-\$1,000's	\$1,000

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bring Home The Bacon instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bring Home The Bacon, prize money from winning Pennsylvania Bring Home The Bacon instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the

6. *Determination of Prize Winners:*

- (a) Holders of tickets with three matching play symbols of \$1,000 (ONE THO) in the play area on a single ticket, shall be entitled to a prize of \$1,000.
- (b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.
- (c) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket, shall be entitled to a prize of \$40.
- (d) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.
- (e) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.
- (f) Holders of tickets with three matching play symbols of \$10^{.00} (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.
- (g) Holders of tickets with three matching play symbols of \$5^{.00} (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.
- (h) Holders of tickets with three matching play symbols of \$3^{.00} (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.
- (i) Holders of tickets with three matching play symbols of \$2^{.00} (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.
- (j) Holders of tickets with three matching play symbols of \$1^{.00} (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Approximate Odds	Approximate No. of Winners Per 18,000,000 Tickets
1:8.57	2,100,000
1:18.75	960,000
1:150	120,000
1:300	60,000
1:50	360,000
1:300	60,000
1:300	60,000
1:5,333	3,375
1:30,000	600
1:80,000	225

announced close of the Pennsylvania Bring Home The Bacon instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Bring Home The Bacon or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2200. Filed for public inspection November 14, 2003, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

New Jersey Department of Environmental Protection v. Commonwealth of Pennsylvania, Department of Environmental Protection and Lower Mount Bethel Energy; EHB Doc. No. 2001-280-C

The New Jersey Department of Environmental Protection (NJDEP), the Commonwealth of Pennsylvania, Department of Environmental Protection (Department) and Lower Mount Bethel Energy, LLC have agreed to a settlement of the previous matter. PPL Generation, LLC and its subsidiaries, PPL Martins Creek, LLC and PPL Interstate Energy, LLC, have joined in the settlement to the extent that the terms are applicable to each.

The Commonwealth, through the Department, issued Plan Approval No. 48-328-004 on October 29, 2001, to Lower Mount Bethel Energy, LLC for the construction of a 600 mW gas-fired, combined cycle electric generating turbine plant adjacent to the existing Martins Creek electric generating facility, operated by PPL Martins Creek, LLC, in Northampton County. NJDEP filed an appeal to the issuance of the Plan Approval on November 29, 2001.

The parties have agreed to a settlement on October 10, 2003, the major provisions of which include:

1. Modification of the Lower Mount Bethel Energy, LLC Plan Approval and PPL Martins Creek Title V Operating Permit as follows:

(a) Beginning May 1, 2004, limit Units 1 and 2 (existing coal-fired units) SO₂ emissions to 3.3 pounds/mmBtu heat input on daily basis, not to be exceeded at any time and 3.1 pounds/mmBtu heat input on a daily basis, not to be exceeded more than 14 times per 12-month rolling period.

(b) By September 15, 2007, cease operations of existing boilers serving Units 1 and 2.

(c) Beginning May 1, 2004, limit Units 3 and 4 (existing oil-fired units) fuel oil sulfur content to 0.70%.

(d) Beginning December 31, 2003, limit Auxiliary Boiler 4B to natural gas combustion only.

(e) By May 31, 2004, and by each May 31st thereafter, until shutdown, conduct annual source testing of Units 1 and 2 particulate emissions.

(f) Maintain Units 1 and 2 electrostatic precipitators in accordance with Department-approved maintenance plan and good engineering practice.

2. PPL Martins Creek shall donate and transfer to the Pennsylvania Environmental Council 70% of the SO₂ allowances, NOx budget allowances and NOx emission reduction credits made available from the aforementioned cessation of operations of existing boilers serving Units 1 and 2.

3. The Department shall expeditiously process applications for the changes of the Lower Mount Bethel Energy, LLC Plan Approval and PPL Martins Creek Title V Operating Permit.

4. The Department shall expeditiously make available to NJDEP relevant documentation to determine compliance with the Settlement Agreement by PPL Martins Creek, LLC and Lower Mount Bethel, LLC.

5. NJDEP shall take no action against PPL Martins Creek, LLC alleging violations for past violations at Units 1 and 2 of Federal Clean Air Act or Air Pollution Control Act new source review provisions.

6. NJDEP shall not appeal Department approvals of the PPL Martins Creek, LLC or Lower Mount Bethel Energy, LLC permit changes required by this Settlement Agreement or Department approval for the conversion of existing Martins Creek combustion turbines to gas consistent with existing Plan Approval No. 48-328-004 and the April 1, 2003, PPL Martins Creek, LLC application for the conversion.

7. Once PPL Generation, LLC and its subsidiaries have implemented the provisions of this Settlement Agreement, NJDEP shall submit a complete redesignation request to the United States EPA Region 2 to redesignate Warren County, NJ to attainment for the SO₂ NAAQS based on monitoring and other relevant information supporting a determination.

Copies of the full agreement are in the hands of:

Howard Geduldig, Esq., Deputy Attorney General
Division of Law
R.J. Hughes Justice Complex, 7th Floor
25 Market Street
P. O. Box 093
Trenton, NJ 08625-0093
(609) 633-8109

Sean L. Robbins, Esq., Assistant Counsel
Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18711-0790
(570) 826-2519

Terry R. Bossert, Esq.
Stevens & Lee, P.C.
P. O. Box 11670
Harrisburg, PA 17108-1670
(717) 561-5274

Copies of the full agreement are also at the office of the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and may be reviewed by interested parties on request during normal business hours.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 03-2201. Filed for public inspection November 14, 2003, 9:00 a.m.]

FISH AND BOAT COMMISSION

Closure of Frankford Arsenal Access Area, Philadelphia County

The Deputy Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4 (relating to limiting access to Commission property and other restrictions), will close annually the Commission's access area at Frankford Arsenal, Philadelphia County, to the public during the winter season. This restriction will be effective when posted at the site. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use without the express written consent of the Executive Director or his designee.

DENNIS T. GUISE,
Deputy Executive Director

[Pa.B. Doc. No. 03-2202. Filed for public inspection November 14, 2003, 9:00 a.m.]

Special Designation—Exclusive Use Fishing Area, Wolf Creek, Grove City, Mercer County

The Deputy Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas), designates a section of Wolf Creek, Grove City, Mercer County, 300 feet upstream and 300 feet downstream of the concrete siphon box located on the west side of Greenwood Drive as being for the exclusive use of children and special populations. This designation shall be effective on January 1, 2004, when the water is posted.

DENNIS T. GUISE,
Deputy Executive Director

[Pa.B. Doc. No. 03-2203. Filed for public inspection November 14, 2003, 9:00 a.m.]

2004 Designations and Redesignations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) has designated or redesignated the following streams, stream sections and lakes as waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 2004: 58 Pa. Code § 65.3. *Heritage Trout Angling Program.*

The Commission has removed the following stream section from the list of waters regulated and managed under the Heritage Trout Angling Program under 58 Pa. Code § 65.3:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Potter	Cross Fork Creek (also known as Cross Fork)	From Bear Trap Lodge downstream to the Weed property 440 yards downstream of the bridge on T-416, a distance of 5.4 miles.

58 Pa. Code § 65.5. *Catch-and-release areas.*

The Commission has designated the following stream section as a catch-and-release area to be regulated and managed under 58 Pa. Code § 65.5:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Potter	Cross Fork	From Bear Trap Lodge downstream to the Weed property 440 yards downstream of the bridge on T-416, a distance of 5.4 miles.

58 Pa. Code § 65.6. *Delayed harvest artificial lures only areas.*

The Commission has designated the following waters as delayed harvest artificial lures only areas to be regulated and managed under 58 Pa. Code § 65.6:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Blair	Little Juniata River	From the bridge on 220 just northeast of Bellwood downstream to the confluence of the unnamed tributary south of Fostoria, a distance of .75 mile.
Lycoming	Lycoming Creek	From the bridge on S.R. 15 (Old Route 15) near Haleeka upstream to the riffle upstream of Powys Curve, a distance of 1.3 miles.

58 Pa. Code § 65.10. *Select Trout Stocked Lake Program.*

The Commission has added the following lake to the list of waters regulated and managed under the Select Trout Stocked Lake Program under 58 Pa. Code § 65.10:

<i>County</i>	<i>Water</i>
Luzerne	Irena Lake
Sullivan	Hunters Lake

58 Pa. Code § 65.13. *Wild brook trout enhancement.*

The Commission has added the following waters to the list of waters to be regulated and managed under the wild brook trout enhancement regulations under 58 Pa. Code § 65.13:

<i>County</i>	<i>Water on which located</i>
Potter and Tioga Counties	Upper Kettle Creek Basin

Description
 Upper Kettle Creek Basin (main stem and all tributaries from Long Run upstream, including Long Run). Total length is 28.3 miles.

DENNIS T. GUISE,
Deputy Executive Director

[Pa.B. Doc. No. 03-2204. Filed for public inspection November 14, 2003, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-385	Department of Transportation Vehicle Equipment and Inspection	10/30/03

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-2205. Filed for public inspection November 14, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Gary J. Spirk; Prehearing

Order to Show Cause; Doc. No. SC03-07-031

A prehearing telephone conference initiated by this office is scheduled for December 5, 2003, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 10, 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 November 21, 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 November 26, 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. 03-2206. Filed for public inspection November 14, 2003, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 720.5—Personal Electrical Devices in Commonwealth-Owned or Leased Buildings, Dated October 14, 2003.

Administrative Circular No. 03-25—Dun and Bradstreet Data Universal Numbering System Numbers, Dated October 1, 2003.

Administrative Circular No. 03-26—Holidays—2004, Dated October 22, 2003.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 03-2207. Filed for public inspection November 14, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0266, 521 Beaver Street, Sewickley, PA 15143-1701.

Lease Expiration Date: September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,500 to 8,000 net useable square feet

of new or existing retail commercial space in the Sewickley area of Pittsburgh. The site should have access for tractor trailer loading and off-street parking is preferred.

Proposals due: December 5, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Deal, (412) 565-5130

Fayette County, Wine & Spirits Shoppe #2605, 213 Penn Street, Point Marion, PA 15474-1235.

Lease Expiration Date: October 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide 1,100 net useable square feet of new or existing retail commercial space in the Point Marion Central Business District. The site must have rear access for semitractor trailer deliveries.

Proposals due: December 5, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Forest County, Wine & Spirits Shoppe #2701, 121 Chestnut Street, Marienville, PA 16239-0433.

Lease Expiration Date: September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving Marienville.

Proposals due: December 5, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 03-2208. Filed for public inspection November 14, 2003, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.413), in connection with the Pennsylvania Municipal Retirement Board's denial of Claimants' requests concerning the indicated account.

The hearing will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

December 15, 2003 The Matter of Eileen A. 1 p.m.
 Cushey and the
 Borough of Middletown
 (Membership eligibility)

Individuals with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Tina Eisenhart, (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement 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 hearing 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 16 Pa. Code § 91.1 (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.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 03-2209. Filed for public inspection November 14, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

C-20030526. Harmar Township v. Norfolk Southern Railway Company. Complainant wants the company to take responsibility for the maintenance of a pedestrian crossing over the tracks of Norfolk Southern Railway Company, per report and order of the Public Service Commission of Pennsylvania, Application Doc. No. 21878-1930.

An initial hearing on this matter will be held Thursday, January 29, 2004, at 10 a.m. in an available hearing room, 11th Floor, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2210. Filed for public inspection November 14, 2003, 9:00 a.m.]

Rescission Order

Public Meeting held
 October 30, 2003

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission Law Bureau
 Prosecutory Staff v. Tricom, USA, Inc. (2001.0352); Doc.
 No. C-20039270; A-311118*

Rescission Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Tricom USA, Inc. (Respondent), a reseller of toll services, certificated at A-311118, for failure to file its 2001 Annual Report. Subsequently, on August 26, 2003, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. Notice of the Default Order was published at 33 Pa. B. 4533 (September 6, 2003).

Subsequent to the issuance of the Default Order, on September 22, 2003, Respondent filed a Letter-Petition for Rescission of the Default Order seeking reinstatement of its certificate. Respondent attached to its petition its 2001 and 2002 Annual Reports and paid the \$250 late filing fee.

In its petition, Respondent states that it attempted to respond to the Complaint by preparing its 2001 Annual Report in February 2003. However, due to reorganizational and management changes, the report was not filed. Respondent notes that its intention is to comply with Commission regulations. Respondent seeks rescission of the cancellation of its certificate based upon the fact that its mistake was unintentional.

Based upon the foregoing, including the fact that Respondent filed its petition 16 days after the Default Order was published in the *Pennsylvania Bulletin*, thus responding within the 20-day time period specified in the publication, we will grant Respondent's request for rescission of the Default Order. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Tricom USA, Inc. and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate; *Therefore,*

It Is Ordered That:

1. The Default Order entered August 26, 2003, at this docket is hereby rescinded.
2. The certificate of public convenience held by Tricom USA, Inc. at Docket No. A-311118 is hereby reinstated.
3. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2211. Filed for public inspection November 14, 2003, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to

public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 8, 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-00120255. Red Carpet Coach & Limousine Service, Inc. (4975 Swamp Road, Suite 2, Fountainville, Bucks County, PA 18923), a Pennsylvania corporation—persons in limousine service, between points in the Counties of Bucks, Lehigh and Montgomery, and from points in said counties, to points in Pennsylvania, and return.

A-00120256. Inga Michalashvili (543 Jason Drive, Southampton, Bucks County, PA 18966)—persons upon call or demand in Chester County.

A-00120257. Keisha L. Martin t/d/b/a Martin Transportation Service (P. O. Box 2759, Philadelphia, PA 19120)—persons in paratransit service, from points in the Counties of Bucks and Montgomery, to correctional facilities in Pennsylvania, and return.

A-00120261. Michael's Limousine, Inc. (1600 Hagys Ford Road, Apt. 2R, Penn Valley, Montgomery County, PA 19072), a Pennsylvania corporation—persons in limousine service, between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

A-00120265. Angela P. Conner t/d/b/a Conner's Leisure Time Limos (1758 West Graceville Road, Everett, Bedford County, PA 15537)—persons, in limousine service, between points in the Counties of Bedford, Blair and Fulton, and from points in said counties, to points in Pennsylvania, and return.

A-00120266. Ricky L. Wright (17118 Route 36 South, Punxsutawney, Jefferson County, PA 15667)—persons, upon call or demand, in the Boroughs of Big Run and Punxsutawney and the Townships of Young, Perry, Oliver, McCalmont, Bell, Henderson and Gaskill, all in Jefferson County, and the Borough of Glen Campbell and the Townships of Canoe, North Mahoning and Banks, all located Indiana County.

A-00120267. Eugene H. Graybill (771 Georgetown Road, Paradise, Lancaster County, PA 17562)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00120268. BVACT t/d/b/a Barrett Transport (P. O. Box 105, Cresco, Monroe County, PA 18326), a corporation of the Commonwealth—persons in paratransit service, between points in the Counties of Monroe, Northampton and Lehigh, and from points in said counties, to points in

Pennsylvania, and return. *Attorney:* Christina M. Mellott, 5010 E. Trindle Road, Ste. 202, Mechanicsburg, PA 17050.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2212. Filed for public inspection November 14, 2003, 9:00 a.m.]

Through and by Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2214. Filed for public inspection November 14, 2003, 9:00 a.m.]

Telecommunications

A-310554F7001. Verizon North Inc. and RCN Telecom Services, Inc. Joint petition of Verizon North Inc. and RCN Telecom Services, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and RCN Telecom Services, Inc., by its counsel, filed on October 27, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and RCN Telecom Services, 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. 03-2213. Filed for public inspection November 14, 2003, 9:00 a.m.]

Water Service

A-210104F0037. Pennsylvania Suburban Water Company. Application of Pennsylvania Suburban Water Company for approval of: (1) the acquisition by Pennsylvania Suburban Water Company of the water system assets of Fieldcrest Water Association, Inc.; and (2) the right of Philadelphia Suburban Water Company to begin to offer, render, furnish or supply water service to the public in a portion of Jackson Township, Luzerne County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 1, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania Suburban Water Company

Water Service

A-212875F0002. Stanton Water Company, Inc. Application of Stanton Water Company, Inc. for approval of the indirect transfer of control of its shareholders from Elinor Stanton to Geoffrey and Lorraine Stanton.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 1, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Stanton Water Company, Inc.

Through and by Counsel: Gregory J. Pascale, Esquire, 240 Penn Avenue, Scranton, PA 18503.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2215. Filed for public inspection November 14, 2003, 9:00 a.m.]

Water Service

A-210116. Three Lane Utilities, Inc. Application of Three Lane Utilities, Inc. for a Certificate of Public Convenience authorizing it to provide water service to the public in a portion of Westfall Township, Pike County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 1, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Three Lane Utilities, Inc.

Through and by Counsel: Kenneth Zielonis, Esquire, Stevens and Lee, 4750 Lindle Road, P. O. Box 11670, Harrisburg, PA 17108-1670.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-2216. Filed for public inspection November 14, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-114.1, Roof Replacement, PennsPort Physical Therapy, Pier 80 South Annex, until 2 p.m. on Tuesday, December 2, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 18, 2003. The cost of the bid document is \$35

(includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on Tuesday, November 25, 2003, at 10 a.m. at the southeast corner of Columbus Blvd. and Snyder Ave., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-2217. Filed for public inspection November 14, 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



① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

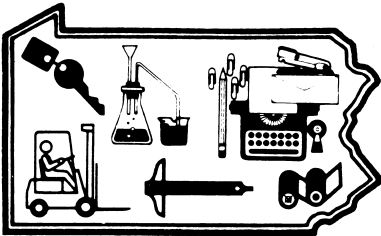
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer

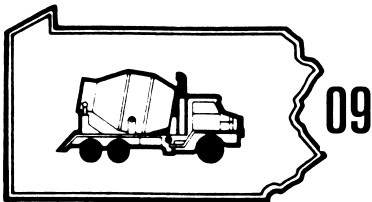


Commodities

3010799000 To provide 52 units of tear-drop pallet racks at 8'h x 8'w x 4'd, consisting of: 68 upright frames, standard duty, 14,600 lb. capacity based on 54" beam shelf spacing; 156 pairs of 8' beams, 5" beam height, 6,000 lb. capacity to be constructed of high strength steel, polyurethane corrosion resistant finish; tear drop, snap in locking slots; one piece box-formed reinforced upright frame punched 2" centers; positive six-way locking action; welded braces; step down beam design.

Department: Historical and Museum Commission
Location: Bureau of the State Museum, State Museum Building, 300 North St., Harrisburg, PA 17120-0024
Duration: 2 months
Contact: Curt Miner, (717) 772-3777

SERVICES



Construction & Construction Maintenance

W-0588-0302 Construct 40' x 72' warehouse building shell to include posts, beams, trusses, metal roofing and siding, doors, windows and overhead doors.

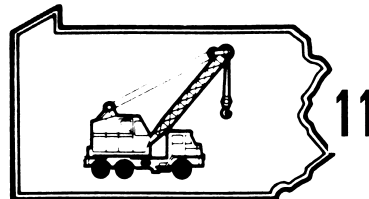
Department: Public Welfare
Location: Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047
Duration: Unknown
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508

W-0588-0304 Renovate Reed Building dietary area to accommodate loading dock and access gate.

Department: Public Welfare
Location: North Central Secure Treatment Unit, Reed Building, 210 Clinic Road, Danville, PA
Duration: Unknown
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508

W-0588-0301 Construct 40' x 180' maintenance building shell to include posts, beams, trusses, metal roofing and siding, doors, windows, and overhead doors.

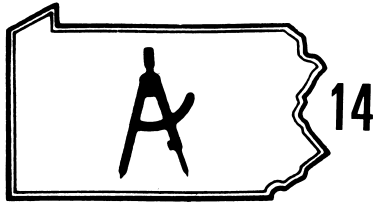
Department: Public Welfare
Location: Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047
Duration: Unknown
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508



Demolition—Structural Only

064120 Demolition of all structures and improvements on one parcel.

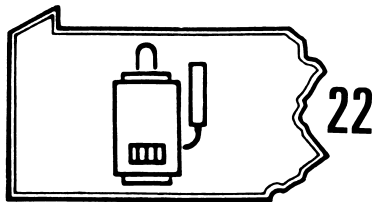
Department: Transportation
Location: 1296 Welsh Road, North Wales, PA
Duration: OPEN
Contact: Linda Bunt, (610) 205-6784



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



HVAC Services

Project W-0583-0302 Contractor to upgrade the existing fire alarm system in Building No. 6 of the Ebensburg Center to an addressable type system. Contractor must use Cerberus Pyrontonics Fire Alarm System components to assure compatibility and consistency with existing fire alarm projects in other buildings of the Center. Cerberus Pyrontonics Fire Alarm System only—substitutes not acceptable. Please do not request bid if you cannot provide this system.

Department: Public Welfare
Location: Ebensburg Center, Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931
Duration: Contract completion date will be 180 days from approval date of contract.
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259



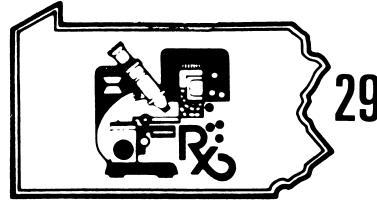
Janitorial Services

FM 8707 Furnish all materials, equipment, and labor to perform janitorial services three (3) visits per week at the PA State Police, Troop C, Punxsutawney Headquarters, as per bid specification FM 8707. Detailed work schedule and bid specifications must be obtained from facility management division.

Department: State Police
Location: Troop C, Punxsutawney Headquarters, 485 N. Findley Street, Punxsutawney, PA 15767-0445
Duration: January 1, 2004 through June 30, 2006
Contact: Helen Fuhrman, (717) 705-5952

FM 8705 Furnish materials, equipment, and labor to perform janitorial services three (3) visits per week at the Troop A, Somerset Station. The detailed work schedule and bid specifications will be forwarded upon notification of request to quote from the Facility Management Division.

Department: State Police
Location: Troop A, Somerset Station, 142 Sagamore Street, Somerset, PA 15501-8356
Duration: January 1, 2004, through June 30, 2006
Contact: Helen Fuhrman, (717) 705-5952



Medical Services

CN# 5840 Vision Stimulation: Contractor to provide on-site assessment and instruction for programs designed for multi-handicapped individuals with vision impairment. Each session shall consist of six hours on grounds at the Ebensburg Center and the Altoona Center. Complete bid specifications can be obtained from the Purchasing Office at the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931 (Cambria County). Altoona Center, 1515 Fourth Street, Altoona, PA 16601 (Blair County)
Duration: Contract is anticipated to begin January 1, 2004, and end June 30, 2007
Contact: Nannette McCreary, (814) 472-0290

[Pa.B. Doc. No. 03-2218. Filed for public inspection November 14, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

