

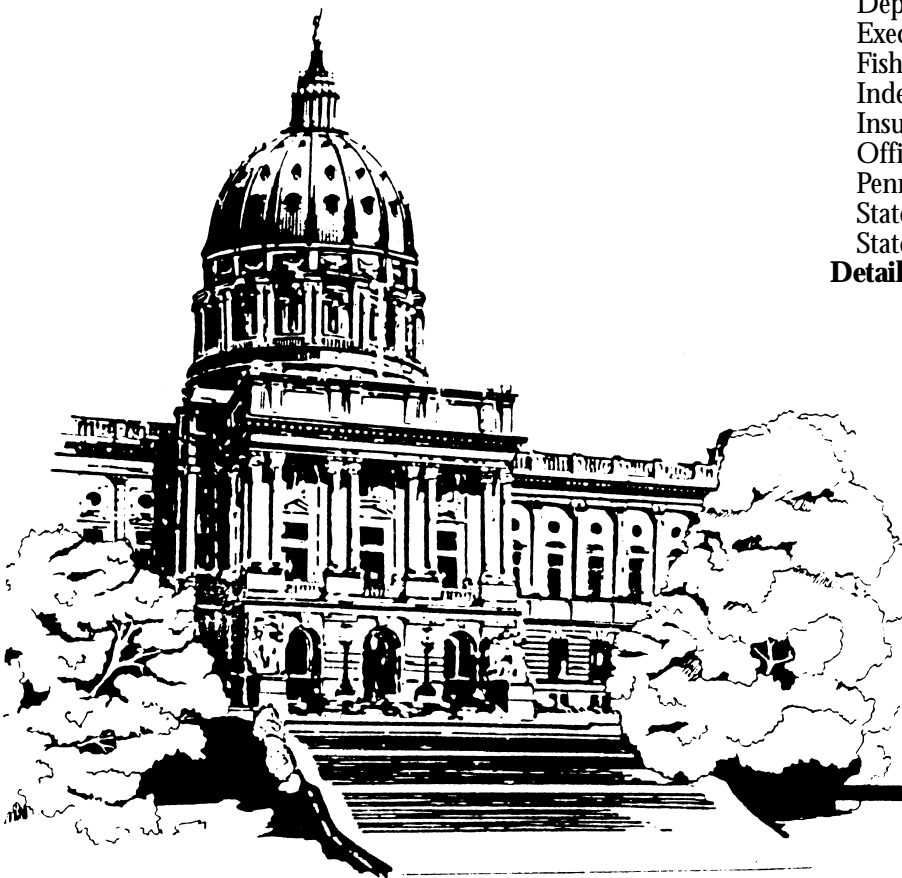
PENNSYLVANIA BULLETIN

Volume 33
Saturday, December 6, 2003 • Harrisburg, Pa.
Number 49
Pages 5903—6004

Agencies in this issue:

The Courts
Department of Banking
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Department of Transportation
Executive Board
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Office of the Budget
Pennsylvania Public Utility Commission
State Board of Podiatry
State Board of Veterinary Medicine

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No. 349, December 2003

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BULLETIN

(ISSN 0162-2137)

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ISBN 0-8182-0004-9

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

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CH. 65]

Amendments to the Superior Court Internal Operating Procedures

The Superior Court of Pennsylvania has adopted amendments to its Internal Operating Procedures. These amendments are reflected in the Superior Court Internal Operating Procedures with amendments to 210 Pa. Code 65.1 et seq.

These changes were approved on November 20, 2003, effective immediately.

ERNEST GENNACCARO,
*Chief Staff Attorney to the
Superior Court of Pennsylvania*

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT

ADMINISTRATIVE OFFICES AND STAFF

§ 65.3. [Court Recorder] Reporter.

A. The [Recorder] Reporter shall be a member of the administrative staff of the Court whose duties and responsibilities include:

* * * *

§ 65.5. Panels.

* * * *

E. The presiding judge of each panel shall be the commissioned judge highest in seniority, except where the panel includes the President Judge who shall then be the presiding judge. The presiding judge shall preside at all panel sessions, assign the cases, and record the assignment of cases. The presiding judge shall transmit to the members of the panel[, the President Judge, the Prothonotary, the Chief Staff Attorney,] and the [Recorder] Reporter a record of all assignments and/or actions taken by the judge.

F. [The identity of the members of a panel shall be confidential prior to the commencement of a session.] All discussion, votes, and drafts of decisions prior to the filing of the final decision shall [also] remain confidential.

§ 65.6. Courts en banc.

* * * *

C. At the conclusion of each en banc session, the presiding judge shall forward to all judges, the Prothonotary, the Chief Staff Attorney, the administrative assistant to the President Judge, and the [Recorder] Reporter a record of all assignments and other actions taken during the session.

§ 65.9. Confidentiality Considerations.

A member of staff owes a duty of confidentiality to the judges of the Superior Court. This duty extends to matters concerning any opinions, statements, or events with respect to the decision-making process of the Court. A staff member should avoid even informal contact with attorneys or litigants with respect to a matter pending before the Court. An attorney should refrain from discussions outside the Court, public or private, regarding the merits of pending proceedings. Matters involving the decision-making process are inappropriate for discussion outside the Court, including but not limited to [the composition of panels prior to argument or submission of a case,] the assignment of a case to a particular judge, the motions assignment judge, or the identity of the judge who may have signed an order in a case per curiam.

MOTIONS PRACTICE

(Editor's Note: Section 65.21 has been entirely replaced with the following text, printed in regular type to enhance readability.)

§ 65.21. Motions Subject to Single Judge Disposition.

A. Except as otherwise provided in § 65.22, a single judge of this Court, whether commissioned or specially assigned, may entertain and may grant or deny any request for relief which under the Rules of Appellate Procedure may properly be sought.

Comment: Section 65.21(A) merely reaffirms the procedure codified in Pa.R.A.P. 123. A single judge may grant or deny relief requested by a proper application, Pa.R.A.P. 123(e). However, the Court may by order or rule provide that an application or class of applications must be acted upon by the Court.

B. All petitions for extension of time shall be referred by the Prothonotary to the motions judge. Such petitions should be acted upon as soon as possible unless the motion judge feels an answer is necessary. Petitions for extension shall be granted only on cause shown and in any event the filing of the brief is required, particularly in criminal cases, even though the right to argue is lost. Central Legal Staff shall be notified of the filing of the motion and the disposition. However, if the petition for extension is accompanied by a substantive motion, such as a motion to quash, remand, or withdraw, Central Legal Staff shall review the motion in an expeditious manner pursuant to the procedures set forth in Section 65.21(C) herein. Notwithstanding any contrary procedure set forth above, all petitions for extension in cases which have been identified as family law fast track cases, upon receipt by the Prothonotary, shall be sent to Central Legal Staff for processing. All such petitions for extension in family law fast track cases shall be presented to a motions judge for disposition within three days of receipt of the petition by Central Legal Staff.

C. All other motions, petitions or applications for relief subject to this rule, shall, upon receipt by the Prothonotary, be transmitted to Central Legal Staff.

D. Central Legal Staff, upon receiving an application for relief pursuant to subsection C, shall review the application and prepare a recommendation and present the application and recommendation to the assigned motions judge at a time and place convenient to the motions judge.

E. The motions judge may decide the application on the basis of the application or may require the filing of an answer or briefs, or the motions judge may schedule a hearing thereon.

F. Unless ordered by the Court, oral argument will not be permitted.

G. It is within the discretion of a single judge to whom an application has been referred to decide the motion or to have it presented to a motions panel. Pa.R.A.P. 123(e). (As amended, effective 1/1/97)

H. Once a case is scheduled before a panel, all motions filed thereafter shall be referred to that panel.

I. Motions for continuance are to be referred to the presiding judge of the panel who alone may decide the motion, or who may obtain a vote of the other judges of the panel by letter or phone.

J. Any motions for mandamus, prohibition and writs of habeas corpus where no direct appeal is pending shall be referred by the Chief Staff Attorney to the assigned motions judge.

Comment: See *Municipal Publications v. Court of Common Pleas of Philadelphia County*, 507 Pa. 194, 489 A.2d 1286 (1985).

§ 65.22. Motions Review Subject to Motions Panel Disposition.

* * * * *

B. [The President Judge shall set the motions panel. Each motions panel shall consist of three commissioned judges and shall serve for a period of two months.] After a motion subject to this Rule has been filed by the Prothonotary's office, the Prothonotary shall forward the motion to Central Legal Staff which shall prepare and circulate to the motions panel a legal memorandum and recommendation. Votes thereon shall be due three weeks from the date on which the motion and accompanying document are sent by Central Legal Staff. Votes on cases which have been identified as family law fast track cases shall be due two weeks from the date on which the motion and accompanying documents are sent by Central Legal Staff.

C. If, in reviewing motions to be referred to a motions panel, Central Legal Staff determines that the motion is patently defective or the appeal is clearly defective or can be disposed of based upon established case law, the motion may be presented to the assigned motions judge.

§ 65.23. Discontinuances.

* * * * *

Comment: Fugitive appeals will be quashed rather than discontinued on motion of the District Attorney or sua sponte by the Court. See Pa.R.A.P. 1972(6), *Commonwealth v. Passaro*, 504 Pa. 611, 476 A. 2d 346 (1984).

§ 65.25. Assignment of Judges to Motions Duty.

A. * * *

B. The President Judge shall set the motions panel. Each motions panel shall consist of three commissioned judges and shall serve for a period of two months. During each two-month period, the motions panel shall consider all Section 65.22 motions ready for disposition during the two-month period.

DECISIONAL PROCEDURES

§ 65.37. Unpublished Memoranda Decisions.

* * * * *

[C. The publication of a decision is within the panel's discretion, however, a decision generally should be published when it:

1. Is by a Court en banc, provided that a majority of the voting members of the panel may vote to refrain from publication and to decide the appeal by memorandum;
2. Establishes a new rule of law;
3. Applies an existing rule of law to facts significantly different than those stated in prior decisions;
4. Modifies or criticizes an existing rule of law;
5. Resolves an apparent conflict of authority;
6. Involves a legal issue of continuing public interest; or
7. Constitutes a significant, non-duplicative contribution to law because it contains;
 - a. An historical review of the law,
 - b. A review of legislative history,
 - c. A review of conflicting decisions among the courts of other jurisdictions.
- D. A judgment order, without separate memorandum decision, may be used to decide an appeal where the decision is unanimous and requires minimal explanation because it is mandated by established and unquestioned precedential decision, statute or principle of law or is based on findings of fact which are fully supported by the evidence.]

[Pa.B. Doc. No. 03-2307. Filed for public inspection December 5, 2003, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated November 14, 2003, Marc M. Scola is disbarred from the practice of law in this Commonwealth, effective December 14, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 03-2308. Filed for public inspection December 5, 2003, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that on November 18, 2003, Maria Del Sol Morell, who resides outside the Commonwealth of Pennsylvania, was suspended by the Supreme Court for a period of thirty months, retroactive to September 24, 2001. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 03-2309. Filed for public inspection December 5, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION
[25 PA. CODE CH. 109]

Corrective Amendment to 25 Pa. Code § 109.301(2)(i)(A)

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 109.301(2)(i)(A) (relating to general monitoring requirements) as deposited with the Legislative Reference Bureau and the text published at 32 Pa.B. 3894, 3902 (August 10, 2002) and the text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 335). The heading for the table in clause (A) was inadvertently changed on final publication of the amendment in the *Pennsylvania Bulletin*. The correct heading should be Samples/Week.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 109.301(2)(i)(A). The corrective amendment to 25 Pa. Code § 109.301(2)(i)(A) is effective as of August 10, 2002, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 109.301(2)(i)(A) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 109. SAFE DRINKING WATER

Subchapter C. MONITORING REQUIREMENTS

§ 109.301. General monitoring requirements.

The monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to national primary drinking water regulations), as of December 8, 1984, are incorporated by reference. Public water suppliers shall monitor for compliance with MCLs and MRDLs in accordance with the requirements established in the National Primary Drinking Water Regulations, except as otherwise established by this chapter unless increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

* * * * *

(2) *Performance monitoring for unfiltered surface water and GUDI.* A public water supplier using unfiltered

surface water or GUDI sources shall conduct the following source water and performance monitoring requirements on an interim basis until filtration is provided, unless increased monitoring is required by the Department under § 109.302:

(i) Except as provided under subparagraphs (ii) and (iii), a public water supplier:

(A) Shall perform fecal coliform or total coliform density determinations on samples of the source water immediately prior to disinfection. Regardless of source water turbidity, the minimum frequency of sampling for fecal or total coliform determination may be no less than the following:

<i>System Size (People)</i>	<i>Samples/Week</i>
<500	1
500—3,299	2
3,300—10,000	3
10,001—25,000	4
25,001 or more	5
* * * * *	

[Pa.B. Doc. No. 03-2310. Filed for public inspection December 5, 2003, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PODIATRY
[49 PA. CODE CH. 29]
Continuing Education

The State Board of Podiatry (Board) amends Chapter 29 by listing a preapproved course provider from which licensees can obtain the requisite amount of continuing education credits in a biennial period to read as set forth in Annex A. The Board also amends Chapter 29 by instituting fees for reviewing continuing education waivers or extension requests and reinstatement of license requests following inactive or expired status to read as set forth in Annex A.

A. *Effective Date*

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

B. *Statutory Authority*

The final-form rulemaking is authorized under sections 9, 9.1 and 15 of the Podiatry Practice Act (act) (63 P. S. §§ 42.9, 42.9a and 42.15).

C. *Background and Purpose*

The final-form rulemaking was precipitated by problems that occurred during the biennial renewal period ending December 31, 2000. During that renewal period, approximately nine continuing education providers filed applications for course approval with the Board after the October 18, 2000, Board meeting. The conferences had already taken place, but had not yet been approved as providing acceptable continuing education credits for the

Board's licensees. Those applications could not be considered by the Board until the following meeting, which took place in January 2001, after the renewal period had already passed. This created an enormous problem for licensees who had relied on the credits they received from those conferences to effectuate their biennial registration.

To avoid this problem during the ensuing biennial renewal periods, the Board amends its continuing education regulations to include a preapproved course provider. Instituting the Council on Podiatric Medical Education (CPME) as a preapproved provider would further eliminate the Board's task of sifting through lengthy course applications at each meeting and voting whether to approve or disapprove the individual courses.

The proposed rulemaking was published at 32 Pa.B. 5759 (November 23, 2002).

D. Description of Final-Form Rulemaking

Section 29.13 (relating to fees) is amended by adding the following fees:

<i>Application</i>	<i>Current Fee</i>	<i>Amended Fee</i>
Review of continuing education waiver or extension requests	0	\$50
Review of reinstatement of license requests following inactive or expired status	0	\$25

Section 29.60 (relating to definitions) is added to define "biennium," "certification," "clock hour" and "provider."

Section 29.61 (relating to requirements for biennial renewal and eligibility to conduct educational conferences) adds the requirements for biennial renewal, emphasizing that it is the responsibility of the licensee to ensure that the licensee has met the required 30 hours of credit per biennium. Applicants for license renewal are required to provide to the Board a signed statement certifying that the licensee has complied with the continuing education requirements. In the past, problems with noncompliance have arisen because licensees have not been diligent in complying with the Board's regulations that only courses approved by the Board will be accepted as continuing education credit. Additionally, subsection (a) informs the licensee that a maximum of 10 clock hours of computer/Internet, self-study magazine or journal article courses will be accepted by the Board.

Sections 29.62 and 29.63 (relating to length of time of educational conferences; and curriculum of educational conferences) are amended to provide that educational conferences shall offer at least 1 hour of instruction, instead of the current 4 hours. This is intended to give both licensees and providers increased flexibility.

The most important addition to the Board's continuing education requirements is § 29.63a (relating to preapproved course provider). Courses or programs offered or approved by the CPME will be accepted by the Board for continuing education credit.

Section 29.64 (relating to applications for approval of educational conferences) is amended to approve educational conferences by having the applicant—licensee or provider—submit an application for program/course approval if the licensee chooses to attend a program that is not offered by the preapproved provider or if a provider would like to gain Board approval for a particular program it is offering. Section 29.64(b) is amended by requiring detailed information about the prospective course. The Board felt that a copy of the program brochure or the course syllabus, or both, would be sufficient.

Section 29.67 (relating to approval or disapproval of educational conferences) provides that the Board will notify the designated person stated on the application for course/conference approval as to the approval or disapproval of the application within 30 days of action taken by the Board at the next scheduled Board meeting. This amends the current regulation which requires the Board to take action on an application within 30 days of receipt of the application. The amendment is necessary because the Board meets bimonthly. When an application for approval of an educational course or conference arrives within a month subsequent to a meeting, the Board is unable to meet the current 30 day requirement because the Board meets every 60 days. With the amendment, even if the application arrives right after a Board meeting, the Board has 30 days from the time of the next board meeting to notify the designated person stated on the application whether or not the course/conference has been approved.

Section 29.68 (relating to continuing education exemptions) adds a provision allowing for waivers of the continuing education requirements for serious illness or other demonstrated hardship. In addition, a fee shall be assessed for review of waiver or extension requests. Section 29.13 is amended to reflect this new fee.

Section 29.69 (relating to continuing education requirement for biennial renewal of inactive and lapsed licenses) states that a licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium. In addition, a fee of \$25 shall be assessed for reactivation of an inactive or lapsed license. This fee is also reflected in § 29.13.

Section 29.69a (relating to disciplinary action authorized) notifies the licensee that submission of fraudulent information to the Board or failure to complete the required number of continuing education credits may result in disciplinary action. This section was published as § 29.70 in the proposed rulemaking and is renumbered in the final-form rulemaking.

E. Comment and Regulatory Review of Proposed Rulemaking

Publication of the proposed rulemaking was followed by a 30-day public comment period during which the Board received no public comments.

Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The following are the comments submitted by the HPLC and IRRC and the Board's responses:

1. In response to the HPLC's suggestion that course providers be required to retain documentation of attendance at courses as a backup means to authenticate attendance in the event a licensee's documentation is lost or comes into question, the Board will retain § 29.65 (relating to compilation of official attendance list).
2. The HPLC requested an explanation as to how continuing education will be accomplished through computer/Internet, magazine or journal article courses.

The Commonwealth and Texas are the only two states that currently do not accept these kinds of courses for continuing education. To receive credit through an Internet course, a licensee must pay a fee to log into the

course, provide a license number, complete the entire course and take a self-examination, which is then submitted to the CPME-approved provider. After a licensee has read a magazine or journal article, a self-examination must be completed, which is then sent to the CPME approved provider along with a fee.

3. The HPLC and IRRC requested an explanation as to why American Medical Association (AMA) and American Osteopathic Association (AOA) courses relevant to the practice of podiatry, which appeared in the exposure draft, were excluded from the proposed rulemaking.

In response to the exposure draft of the amendments, the executive director of the Pennsylvania Podiatric Medical Association (PPMA) sent a persuasive letter to the Board in which objected to the inclusion of the AMA and the AOA courses. The following reasons were cited:

(a) The American Podiatric Medical Association works closely with the CPME to assure that the substance and presentation of a program granting continuing education credits is in compliance with the requirements of the CPME.

(b) The PPMA has, in the past, run programs with the Pennsylvania Medical Society, which have not had required attendance tracking efforts.

(c) Attendance verification is one of the hallmarks of the CPME programs.

(d) The operation of continuing education programs through the CPME is a source of income to benefit the profession and its continued ability to fund research and maintain quality standards.

In 2002, the CPME approved 68 sponsors. Once a sponsor is approved under the CPME criteria, the sponsor may offer as many courses as it likes. The vast array of courses approved by the CPME encourages licensees to take courses that have already been approved.

However, the Board agrees with the HPLC and IRRC that courses provided by the AMA and the AOA may be of educational value to podiatrists. That the CPME is a preapproved provider does not preclude licensees or AMA/AOA sponsors from seeking course approval from the Board under § 29.64.

4. IRRC recommended that the definition of "clock hour" be changed to "60 minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like." The Board has complied with this recommendation in § 29.60.

5. IRRC commented that if § 29.61(c) requires applicants for license renewal to provide a signed statement certifying compliance with the continuing education requirements "on forms approved by the Board," then the name of the "form" and whether it can be downloaded from the Board's website should be included in the final-form rulemaking.

The signed statement appears on the biennial license renewal application itself, not on a separate document or form. Therefore, the Board has clarified this subsection.

6. IRRC questioned whether § 29.61(d) requires a licensee to retain continuing education course attendance certificates for 5 years after the completion of the course or for 5 years after the biennial period during which the course is completed.

Section 29.61(d) has been amended and specifies that the licensee is required to retain attendance certificates for 5 years after the completion of the course.

7. IRRC questioned the Board's statutory authority to implement § 29.68, which provides that the Board "... may waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee for serious illness or other demonstrated hardship."

Section 15 of the act authorizes the Board to make reasonable rules and regulations as it deems necessary and proper to carry out the intent and purposes of the act within the scope of the act. Under this statutory provision, the Board, in implementing continuing education regulations under section 9 of the act, has the discretion to decide that disciplinary action not be taken against a licensee who, because of serious illness or demonstrated hardship, cannot obtain continuing education credits. The Board, as well as most licensing authorities, has long recognized that hardship circumstances (such as military service or debilitating illness) may occur that should excuse a licensee's inability to obtain the required continuing education credits. Section 29.68 codifies that discretion.

G. Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector. To the contrary, having a preapproved course provider would reduce the amount of paperwork. The majority of course providers would no longer need to file applications for Board approval which are currently processed by Board staff.

H. Sunset Date

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 7, 2002, the Board submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 5759, to IRRC and the Chairpersons of the SCP/PLC and the HPLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 30, 2003, the final-form rulemaking was deemed approved by the SCP/PLC and the HPLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 23, 2003, and approved the final-form rulemaking.

J. Contact Person

Further information may be obtained by contacting Gina Bittner, Board Administrator, State Board of Podiatry, 116 Pine Street, Post Office Box 2649, Harrisburg, PA 17105-2649, gbittner@state.pa.us.

K. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31 1968

(P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 32 Pa.B. 5759.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in Part B.

L. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 29, are amended by amending §§ 29.13, 29.61—29.63, 29.64, 29.67 and 29.68 and by adding §§ 29.60, 29.63a, 29.69 and 29.69a to read as set forth in Annex A.

(Editor's Note: Section 29.65 was proposed to be deleted but is being retained in the final-form rulemaking.)

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

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

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

JEFFREY S. GERLAND, D.P.M.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 5579 (November 8, 2003).)

Fiscal Note: Fiscal Note 16A-446 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 29. STATE BOARD OF PODIATRY LICENSES

§ 29.13. Fees

(a) The schedule of fees charged by the Board is as follows:

Initial license	\$30
Biennial renewal of license	\$395
License by reciprocity	\$95
Branch office certificate	\$20
Application for approval of educational conference	\$75
Certification of licensure or scores	\$25
Verification of licensure	\$15
Application for authorization to perform radiologic procedures	\$25
Review of continuing education waiver or extension requests	\$50
Review of reinstatement of license requests following inactive or expired status	\$25

(b) Fees shall accompany applications and be made payable to the "Commonwealth of Pennsylvania" by personal check or money order.

CONTINUING EDUCATION

§ 29.60. Definitions.

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

Biennium—The period from January 1 of an odd-numbered year to December 31 of the next even-numbered year.

Certification—A statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course.

Clock hour—Sixty minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

Provider—An agency, organization, institution, association or center approved by the Board to offer an organized course or program.

§ 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.

(a) As a condition of biennial renewal of a license, a licensee shall have completed 30 clock hours of continuing education during the preceding biennium in acceptable courses and programs in podiatry by approved providers. It is the responsibility of the licensee to ensure that credits used to comply with this continuing education requirement have been approved by the Board. Excess clock hours may not be carried over to the next biennium. A maximum of 10 clock hours of computer/Internet, magazine or journal article courses, which are approved by the Council on Podiatric Medical Education, shall be accepted by the Board.

(b) Providers approved by the Board are eligible to conduct educational conferences.

(c) Applicants for license renewal shall provide, on the renewal application, a signed statement certifying that the continuing education requirements have been met and information to document their certification, including the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of the course or program and description of content.
- (4) The provider which sponsored the course or program.
- (5) The location of the course or program.

(d) The licensee shall retain attendance certificates to document completion of the prescribed number of clock hours for 5 years following the completion of each course, which shall be produced upon demand by the Board or its auditing agents.

§ 29.62. Length of time of educational conferences.

(a) Educational conferences shall offer at least 1 hour of instruction.

(b) Educational conferences will be approved for continuing education credit at the rate of one credit per clock hour of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

§ 29.63. Curriculum of educational conferences.

(a) Basic subjects for educational conferences may include: anatomy, physiology, bacteriology, mycology, pharmacy, chemistry, X-ray, surgery, preoperative care, postoperative care, biomechanics, pathology, dermatology, and law and podiatry.

(b) In addition to the subjects listed in subsection (a), the Board may approve other subjects which it will determine appropriate for a conference. These subjects may be presented to the Board by the institute or organization sponsoring the educational conference.

§ 29.63a. Preapproved course provider.

Courses or programs offered or approved by the Council on Podiatric Medical Education will be accepted for continuing education credit. All courses shall fall within the scope of podiatry practice. The Board will not approve courses or programs, or portions thereof, in office management or in marketing the practice.

§ 29.64. Applications for approval of educational conferences.

The Board may approve other continuing education courses or programs for credit so long as the applicant submits an application furnished by the Board for program approval in compliance with the following:

(1) Course applications shall be submitted to the Board for approval at least 60 days prior to the scheduled date of the proposed educational conference.

(2) The application shall include a copy of the full program brochure or the course syllabus, or both. Further information may be required and shall be submitted in a timely fashion.

(3) The Board shall be notified immediately of material changes in any approved conference. Board approval can be withdrawn should changes in proposed conferences not adhere to the Board's requirements.

§ 29.67. Approval or disapproval of educational conferences.

(a) The Board will notify an applicant for course approval as to the approval or disapproval of the application within 30 days of action taken by the Board at the next scheduled Board meeting.

(b) A notice by the Board that it has failed to approve an application for an educational conference shall include a statement setting forth its reasons for disapproval.

(c) An applicant whose application has been disapproved by the Board may submit a new application within 10 days after the receipt of the disapproval of application by the Board. Applications shall document the manner in which the proposed conference has been altered to comply with the Board's requirements. The applicant will then be notified, as soon as it is within the Board's capability, of the action taken on the new application.

§ 29.68. Continuing education exemptions.

(a) Continuing education credits are not required for the years in which a licensed and currently registered podiatrist is in active military service or engaged in an American Podiatry Association approved Podiatric Residency Program.

(b) The Board may waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee for serious illness or other demonstrated hardship. The request shall be made in writing, contain supporting documentation, and shall

include a description of circumstances sufficient to show why compliance is impossible. A waiver request will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

(c) A fee shall be assessed for review of waiver or extension requests in accordance with § 29.13 (relating to fees).

§ 29.69. Continuing education requirement for biennial renewal of inactive and lapsed licenses.

(a) A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium as required by § 29.61 (relating to requirements for biennial renewal and eligibility to conduct educational conferences).

(b) A fee shall be assessed for review of reinstatement of license requests following inactive or expired status in accordance with § 29.13 (relating to fees).

§ 29.69a. Disciplinary action authorized.

A licensed podiatrist who submits a false report or fails to complete the required number of continuing education credits may be subject to disciplinary action.

[Pa.B. Doc. No. 03-2311. Filed for public inspection December 5, 2003, 9:00 a.m.]

**STATE BOARD OF VETERINARY MEDICINE
[49 PA. CODE CH. 31]**

Rules of Professional Conduct for Veterinarians

The State Board of Veterinary Medicine (Board) adopts an amendment to § 31.21 (relating to Rules of Professional Conduct for Veterinarians) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 32 Pa.B. 2997 (June 22, 2002). Publication was followed by a 30-day public comment period during which the Board received one comment. On August 9, 2002, the House Professional Licensure Committee (HPLC) informed the Board that it would not be submitting comments to the proposed rulemaking. The Senate Consumer Protection and Professional Licensure Committee (SCP-PLC) made no comments. The Independent Regulatory Review Commission (IRRC) submitted comments to the proposed rulemaking on August 22, 2002.

*Summary of Comments and Responses to Proposed Rulemaking**IRRC Comments*

IRRC pointed out an inconsistency in the introductory language to definitions for "drug," "prescription drug" and "under the veterinarian's care." On some occasions, the Board prefaced the definition by stating the definition was applicable only for a particular subsection. The Board finds that these definitions are generally applicable to all of § 31.21, and strikes the prefatory language "for purposes of this section" in the final-form rulemaking.

Regarding proposed § 31.21, Principle 8(d)(6), IRRC requested the Board's references to the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. §§ 301—397) and 21 CFR (relating to food and drugs) be made more specific as to what sections of the law and what parts of the *Code of Federal Regulations* apply. Upon review of IRRC's com-

ments and concerns, the Board has determined that this subsection should be revised. First, veterinarians have an affirmative duty to comply with Federal and State laws and regulations pertaining to all aspects of drug dispensing including labeling. Thus, as IRRC suggested, the subsection would not provide necessary or useful information to the practicing veterinarian. Additionally, the specificity suggested by IRRC would require the Board to revise its regulations whenever the Federal government made substantial changes. Veterinarians receive training in both State and Federal drug labeling requirements and the Board's regulation does not need to specify the many State and Federal laws and regulations in this area. Therefore, the Board strikes all references to Federal laws and regulations.

Principle 8(f) would have required a veterinarian to provide a client with a written prescription, rather than dispense a drug, if the client requested a prescription. Principle 8(f) also provided that the veterinarian would not be subject to discipline if the veterinarian refused to give the client a written prescription because the veterinarian had a good faith belief that the prescription might be misused. IRRC questioned "the need for the 'good faith belief' exemption," and stated that where a prescription was filled was an issue unrelated to whether the medication was necessary.

The good faith exemption applied to situations when the veterinarian had "a good faith belief that the prescription would be misused." Any health care practitioner, including a veterinarian, with the authority to dispense or prescribe medications may legally refuse to give a prescription to a patient or client if the practitioner has a good faith belief the prescription may be misused. A veterinarian is only permitted to prescribe "in good faith in the course of his professional practice." See section 111(e)(i) of The Controlled Substance, Drug Device and Cosmetic Act (35 P. S. § 780-111(e)(i)). If a veterinarian cannot in good faith give a client a written prescription because the veterinarian believes the prescription may be misused, the veterinarian may not provide a written prescription. The good faith exception is consistent with other State law.

The Board considered several types of possible misuse of a written prescription. First, a client might misuse a prescription by failing to promptly fill the prescription and administer the medication. In this case, dispensing the drug rather than issuing a written prescription would ensure that the animal's treatment began in a timely manner and the special duty of a veterinarian to attend to the welfare of the animal patient would be fulfilled. In the judgment of the professional members of the Board regarding the prescribing, dispensing and use of drugs in veterinary medicine, a veterinarian must have the ability to refuse to issue a prescription where in the veterinarian's professional judgment it would be detrimental to the health of the animal or the public welfare.

Second, the Board considered the possibility that a client could misuse a prescription by altering the prescribed quantity to use the medication on animals that are not under the veterinarian's care, to use more than the prescribed amount on the animal for which the medication was prescribed, to sell the medication to others or to misuse the medication himself.

Third, the Board was cognizant of the responsibilities of a veterinarian that go beyond animal patient and the owner-client. For example, veterinarians who work with farm animals have a duty to protect this Commonwealth's milk and meat supply, and all veterinarians have a duty

to protect the public health and welfare. The Board's regulation would not have changed the current law or acceptable and prevailing standards of veterinary medical practice and ethics. Therefore, the Board declined to strike the good faith exemption as proposed by IRRC.

IRRC further commented that the regulation would be improved by the addition of a provision in the final-form rulemaking that would require a veterinarian to notify clients that the clients could request a written prescription rather than a dispensed drug. IRRC's comment appears to be aimed at providing the consumer of veterinary services with options regarding the provision of drugs.

The Board gave careful consideration to IRRC's comment. The Board was concerned that it would be difficult to regulate a notice provision because of the variety of practice settings of veterinarians. For example, there is no equivalent in a mobile practice to posting a sign in the waiting room or examination room of a veterinary hospital. To require a veterinarian to provide oral notice would not be appropriate under certain circumstances. For example, if a client's terminally ill animal needed painkillers so that it could remain comfortable and the client could bring the animal home to die, it would be callous for the veterinarian to inquire whether the client wanted a written prescription. In addition, veterinarians, unlike physicians, are prohibited from selling professional veterinary products without a veterinarian/client relationship. See § 31.1 (relating to definitions) and § 31.21, Principle 3(d). Thus, depending on the type of medication, it may be difficult or impossible for the client to fill the prescription anywhere other than the prescribing veterinarian's office. In this case, it would be fruitless to require the veterinarian to notify the client that the client could obtain a written prescription. For these reasons, the Board declined to impose a general notice requirement on its licensees.

Finally, IRRC suggested that the regulation should reference the recordkeeping requirements in § 31.22 (relating to recordkeeping rationale) and the specific recordkeeping requirements for controlled substances in 21 CFR Part 1304 (relating to records and reports of registrants). The Board added a new section to the rulemaking specifying the duty of the veterinarian to keep appropriate records relating to drugs and prescription drugs and has added a new subsection to proposed Principle 8.

IRRC disapproved the Board's final-form rulemaking at its July 24, 2003, meeting. In its disapproval order, IRRC stated the following:

One issue, which we raised in our comments, remains a concern. Our comments suggested that the final-form regulation require veterinarians to inform clients that they have the option of receiving a written prescription that can be filled elsewhere. The Board did not include such a requirement in the final-form regulation.

We believe that notification to the consumer of the opportunity to request a written prescription is in the public interest and will not impose an unreasonable burden upon veterinarians. (71 P. S. §§ 745.5b(b)(1)(i) and (ii), and (b)(3)).¹

¹Section 5.2 of the Regulatory Review Act, 71 P. S. §§ 745.5b, relates to criteria for review of regulations. Sections 5.2(b)(1)(i) and (ii) of the Regulatory Review Act, 71 P. S. §§ 745.5b(b)(1)(i) and 745.5b(b)(1)(ii), empower the Commission to consider direct and indirect costs to the Commonwealth, to its political subdivisions and to the private sector and the adverse effects on prices of goods and services, productivity or competition, in determining whether a rulemaking is in the public interest. Section 5.2(b)(3) of the Regulatory Review Act, 71 P. S. § 745.5b(b)(3), empowers the Commission

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 485.5(2)) and the intention of the General Assembly. However, after considering all of the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

Following IRRC's disapproval, the Board submitted a report to the Chairpersons of the HPLC and the SCP-PLC. The Board withdrew proposed subsection (f) to further study IRRC's concerns and whether the Board's regulations should include a notice requirement. The Board, following a suggestion by one Commissioner, also wished to further study what type of notice would be appropriate given: (1) the variety of settings in which veterinarians practice; (2) the health and welfare of the animals cared for by veterinarians; (3) the health and safety of the human public; and (4) the legality, availability and cost of obtaining veterinary drugs from sources other than from the treating veterinarian. Following submission of its report, IRRC met on September 25, 2003, and approved the amended final-form rulemaking, noting: "We must assert that we are very displeased with the deletion of the written prescription provision. As stated previously, we were looking for further improvement of this provision, not its deletion." IRRC urged the Board to publish a proposed rulemaking addressing the written prescription and public notice issues at the earliest possible opportunity. The HPLC also approved the amended final-form rulemaking.

Public Comment

The Board received one comment from the public regarding the proposed rulemaking from the Pennsylvania Society for Biomedical Research (Society). The Society stated that the proposed rulemaking "would not and cannot apply to" persons exempted from section 32(5) of the Veterinary Medical Practice Act (act) (63 P. S. § 485.32(5)) and that "no rule or regulation issued by the State Board of Veterinary Medicine under 49 Pa. Code Ch. 31 applies to" any persons exempted from section 32(5) of the act. The Board concurs that none of its regulations are enforceable against unlicensed persons exempted by this section of the act. However, if persons exempted from the act choose to be licensees of the Board, the Board believes that the act and its regulations would apply to those persons.

Statutory Authority

This final-form rulemaking is authorized under section 5(2) of the act (63 P. S. § 485.5(2)). Section 5(2) of the act empowers the Board to adopt regulations regarding professional conduct.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions. This final-form rulemaking will create no additional paperwork for the Board or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 2997, to IRRC and to the HPLC and the SCP-PLC. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the HPLC and the SCP-PLC Committees with copies of all comments received, as well as other documents.

to consider the clarity, feasibility and reasonableness of the regulation in determining whether the regulation is in the public interest.

Publication of the notice of proposed rulemaking was followed by a 30-day public comment period during which the Board received one comment from the public. The Board also received comments from IRRC. In preparing this final-form rulemaking, the Board has considered all comments received from IRRC and the public.

This final-form rulemaking was approved by the HPLC and the SCP-PLC on June 24, 2003. IRRC met on July 24, 2003, and disapproved the proposed rulemaking, citing section 5.2(b)(1)(i), (ii) and (3) of the Regulatory Review Act. On September 5, 2003, the Board delivered its report to IRRC under the Regulatory Review Act and an amended final-form rulemaking. IRRC approved the amended final-form rulemaking on September 25, 2003. On October 8, 2003, the HPLC met and approved the final-form rulemaking. The final-form rulemaking was deemed approved by the SCP-PLC on October 9, 2003.

Additional Information

Individuals who need information about the final-form rulemaking may contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

(1) Public notice of intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No 204) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The regulation of the Board is necessary and appropriate for the administration of the act.

(4) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposal at 32 Pa.B. 2997.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

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

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

BRIAN V. HARPSTER, V.M.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 33 Pa.B. 5149 (October 11, 2003).)

Fiscal Note: Fiscal Note 16A-5712 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

PROFESSIONAL CONDUCT

§ 31.21. Rules of Professional Conduct for Veterinarians.

Preamble

The Board is empowered under section 5(2) of the act (63 P. S. § 485.5(2)) to adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skill and practice in the profession of veterinary medicine. In accordance with this authority, the Board has determined that the following rules are necessary in the public interest to protect the public against unprofessional conduct on the part of veterinarians. The Board therefore adopts this professional conduct code for veterinarians practicing veterinary medicine in this Commonwealth. Some of the rules of conduct are imperatives, cast in the terms, "shall" or "may not." Veterinarians who fail to adhere to these rules will be subject to professional discipline. Other rules, generally cast in the terms "may" or "should," are intended as aspirational goals and define areas under which the veterinarian has professional discretion. No disciplinary action will be taken when a veterinarian acts within the bounds of discretion. References throughout this professional conduct code to imperative conduct on the part of veterinarians also apply to applicants for licensure and temporary permit holders where these persons render services under qualified supervision.

* * * * *

Principle 8. Drugs.

(a)(1) The term "drug" means:

(i) Substances recognized in the official United States Pharmacopoeia, official National Formulary, or Federal Food and Drug Administration Approved Animal Drug Products, or any supplement to them.

(ii) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals.

(iii) Substances (other than food) intended to affect the structure or any function of the human body or other animal body.

(iv) Substances intended for use as a component of any substance specified in subparagraph (i), (ii) or (iii), but not including devices as that term is defined in section 2 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-102).

(2) The term "prescription drug" means any drug required by Federal law, including Federal regulation, to be dispensed only by a prescription.

(b) A veterinarian shall only prescribe prescription drugs to animals that are under the veterinarian's care. "Under the veterinarian's care" means that the veterinarian or one of the veterinarian's licensed associates has examined the animal or has made medically appropriate and timely visits to the premises where the animal is kept.

(c) Prescription drugs dispensed by a veterinarian, other than drugs for food animals, shall be dispensed in child resistant packaging or in the manufacturer's original packaging, except when the client specifically requests other packaging.

(d) Prescription drugs dispensed by a veterinarian shall be labeled with, at a minimum, the following information:

(1) The name, address and telephone number of the prescribing veterinarian and the name and telephone number of the dispenser, if different.

(2) The brand or generic name of the drug.

(3) The potency and the quantity of the drug.

(4) The number of refills allowed, if any.

(5) Adequate directions for use, which shall include quantity of dose, frequency of administration or application, duration of administration or application, and route or method of administration or application.

(6) Any cautionary statement specified by the veterinarian or required by law.

(7) The name of the patient, if applicable.

(8) The date the drug was dispensed.

(9) The expiration date of the drug.

(e) Veterinarians shall dispense or administer only drugs, including prescription drugs, that are within the expiration date specified by the manufacturer, and shall dispense or administer only drugs that will not expire within the prescribed treatment period.

(f) Veterinarians shall maintain records related to drugs in accordance with § 31.22 (relating to recordkeeping rationale).

[Pa.B. Doc. No. 03-2312. Filed for public inspection December 5, 2003, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 57 AND 59]

[L-00030160]

Electric and Gas Utility Record Retention

The Pennsylvania Public Utility Commission (Commission) on August 7, 2003, adopted a final-form rulemaking order which amends existing regulations regarding record retention requirements for jurisdictional electric and gas utilities by eliminating unnecessary and burdensome reporting requirements when possible. The contact persons are John Crawford, Audits (717) 772-0302, Robert Wilson, Bureau of Fixed Utility Services, (717) 783-6162 and Sherri DelBiondo, Law Bureau (717) 772-4597.

Executive Summary

Section 57.45 (relating to preservation of records) establishes record retention requirements for electric utilities in this Commonwealth, and § 59.45 (relating to preservation of records) establishes record retention requirements for gas utilities in this Commonwealth. These regulations require the public utilities to keep their records in conformity with the most recent publication of "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities," which is published by the

National Association of Regulatory Utility Commissioners (NARUC).¹ See §§ 57.45 and 59.45. The NARUC regulations were last revised in 1985.

By order entered on March 6, 2003, at Docket No. L-00030160, the Commission adopted a proposed rulemaking order to amend 52 Pa. Code §§ 57.45 and 59.45, consistent with the report and recommendation of the working group established to review the Commission's current record retention requirements for electric and gas utilities. The Commission agreed that the record retention changes as proposed by the working group will lessen the record retention burden and associated costs for the relevant utilities without compromising the Commission's ability to adequately regulate those same utilities. See 66 Pa.C.S. § 1501 (relating to character of service and facilities). The Commission added that the proposed changes will facilitate a mandatory, uniform system of recordkeeping for the relevant utilities, consistent with 66 Pa.C.S. §§ 1701—1706 (relating to accounting and budgetary matters).

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 16, 2003, the Commission submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Committees.

The Commission's order initiating the proposed rulemaking was published at 33 Pa.B. 2064 (April 26, 2003). On or around May 27, 2003, the Commission received comments from four parties: the Energy Association, the Peoples Natural Gas Company d/b/a Dominion Peoples, PPL Electric Utilities Corporation and the Office of Consumer Advocate. All parties endorsed the proposed rulemaking to the Commission's record retention regulations for electric and gas utilities in §§ 57.45 and 59.45 and supported adoption of the amended regulations.

On June 2, 2003, IRRC issued a letter specifying that it had no objections, comments, or recommendations to offer on the Commission's proposal to amend the record retention regulations in §§ 57.45 and 59.45. The letter also noted that the proposed amendments would be deemed approved, if the Commission submits a final-form regulation without revisions and the legislative committees do not take any action. By order entered on August 14, 2003, the Commission adopted a final rulemaking order to amend §§ 57.45 and 59.45, consistent with the letter from IRRC. The amendments were deemed approved by IRRC under section 5(g) of the Regulatory Review Act, effective October 22, 2003.

Public Meeting held
August 7, 2003

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Glen R. Thomas; Kim Pizzingrilli

Petition of the Energy Association of Pennsylvania for Waiver of 52 Pa. Code § 57.45 (Electric Service: Preservation of Records) and 52 Pa. Code § 59.45 (Gas Service: Preservation of Records); Doc. No. P-00011902

Petition of the Energy Association of Pennsylvania for Amendment of 52 Pa. Code § 57.45 (Electric Service: Preservation of Records) and 52 Pa. Code § 59.45 (Gas Service: Preservation of Records); Doc. No. P-00011903

¹NARUC is a nonprofit organization comprised of governmental agencies that regulate the activities of telecommunications, energy and water utilities. NARUC's mission is to serve the public interest by improving the quality and effectiveness of public utility regulation.

Rulemaking Re: Amendment of 52 Pa. Code § 57.45 (Electric Service: Preservation of Records) and 52 Pa. Code § 59.45 (Gas Service: Preservation of Records); Doc. No. L-00030160

Final Rulemaking Order

By the Commission

Background

On June 18, 2001, the Energy Association of Pennsylvania (Energy Association) filed two petitions at the P-dockets requesting a waiver and amendment of §§ 57.45 and 59.45 dealing with record retention. Section 57.45 establishes record retention requirements for electric distribution companies (EDCs), while § 59.45 applies to natural gas distribution companies (NGDCs). Both regulations require public utilities to keep their records in conformity with the most recent publication of "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities," which is published by the National Association of Regulatory Utility Commissioners (NARUC).² See §§ 57.45 and 59.45. The most recent NARUC requirements were revised in May of 1985.

In support of the petitions, the Energy Association cited the new record retention rules of the Federal Energy Regulatory Commission (FERC), effective January 1, 2001. 18 CFR 125, 225 and 356. These rules updated, reduced and clarified record retention requirements for jurisdictional public utilities and licensees, natural gas companies and oil pipeline companies by revising the general instructions, shortening various record retention periods, increasing retention periods for a few categories of records and removing all but one retention reserve item. *Preservation of Records of Public Utilities and Licensees, Natural Gas Companies and Oil Pipeline Companies*, 65 FR 48148 (2000).

By order entered on April 16, 2002, at Docket Nos. P-00011902 and P-00011903, the Commission denied the petitions filed by the Energy Association requesting a waiver and amendment of §§ 57.45 and 59.45. Although the Commission denied the petitions, the Commission specifically recognized the value of eliminating unnecessary and burdensome reporting requirements, whenever possible. At the same time, we emphasized that the elimination or amendment of existing Commission regulations must not impair our ability to meet our statutory responsibility to ensure that all public utilities in this Commonwealth furnish and maintain adequate, efficient, safe and reasonable service and facilities. See 66 Pa.C.S. § 1501 (relating to character of service and facilities).

With these dual interests in mind, the Commission directed the Law Bureau, in conjunction with the Bureau of Fixed Utility Services and the Bureau of Audits, to convene a working group to review the Commission's current record retention regulations for EDCs and NGDCs. After completing its review, the working group was directed to report its recommendation to the Commission.

By Order entered on March 6, 2003, at the dockets listed in this document, the Commission adopted the consensus report of the working group dated January 30, 2003, to amend the Commission's record retention regulations for electric and gas utilities in §§ 57.45 and 59.45.³

²NARUC is a nonprofit organization comprised of governmental agencies that regulate the activities of telecommunications, energy, and water utilities. NARUC's mission is to serve the public interest by improving the quality and effectiveness of public utility regulation.

³The Commission's Office of Trial staff was also consulted and does not oppose the proposed changes.

To effectuate the recommendations of the working group, we initiated a proposed rulemaking to amend §§ 57.45 and 59.45.⁴

On April 26, 2003, the Commission's order initiating the proposed rulemaking was published at 33 Pa.B. 2064. On or around May 27, 2003, the Commission received comments from four parties: the Energy Association, the Peoples Natural Gas Company d/b/a Dominion Peoples, PPL Electric Utilities Corporation and the Office of Consumer Advocate. Parties endorsed the proposed rulemaking to the Commission's record retention regulations for electric and gas utilities in §§ 57.45 and 59.45 and supported adoption of the amended regulations.

On June 2, 2003, IRRC issued a letter specifying that it had no objections, comments or recommendations to offer on the Commission's proposal to amend the record retention regulations in §§ 57.45 and 59.45. The letter also noted that the proposed amendments would be deemed approved, if the Commission submits a final-form regulation without revisions and the legislative committees do not take any action.

Discussion

As previously stated in our proposed rulemaking order, we agree that the proposed record retention changes will lessen the record retention burden and associated costs for the relevant utilities without compromising the Commission's ability to meet its statutory responsibility to ensure that all public utilities in the Commonwealth furnish and maintain adequate, efficient, safe and reasonable service and facilities. See 66 Pa.C.S. § 1501. Moreover, these changes will facilitate a mandatory, uniform system of recordkeeping for the relevant utilities, consistent with 66 Pa.C.S. §§ 1701—1706 (relating to accounting and budgetary matters). Therefore, consistent with the comments of IRRC and the other parties that filed comments in this matter, the Commission has made no revisions, other than the grammatical/stylistic changes made by the Legislative Reference Bureau, to this final-form rulemaking.

Accordingly, under 66 Pa.C.S. §§ 501, 1501 and 1701—1706, sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2, section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)), section 5 of the Regulatory Review Act (71 P. S. § 745.5) and section 612 of The Administrative Code of 1929 (71 P. S. § 232), we find that the amendments to §§ 57.45 and 59.45 should be approved as set forth at 33 Pa.B. 2064; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapters 57 and 59, are amended by amending §§ 57.45 and 59.45 to read as set forth at 33 Pa.B. 2064.
2. The Secretary shall submit this order and 33 Pa.B. 2064 for review and approval to IRRC and the Legislative Standing Committees in both houses of the General Assembly;
3. The Secretary shall submit this order and 33 Pa.B. 2064 to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall certify this order and 33 Pa.B. 2064, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

⁴In addition to the proposed amendments of the working group, the Commission also proposes several additional technical changes so that the language used in both sections is consistent and uniform.

5. The amendments to §§ 57.45 and 59.45 embodied in 33 Pa.B. 2064 shall become effective upon publication in the *Pennsylvania Bulletin*.

6. A copy of this order and 33 Pa.B. 2064 shall be served upon the Energy Association of Pennsylvania, all jurisdictional electric and natural gas utilities, the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate.

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 33 Pa.B. 5579 (November 22, 2003).)

Fiscal Note: Fiscal Note 57-227 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 03-2313. Filed for public inspection December 5, 2003, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 97]

Corrective Amendment to 58 Pa. Code Chapter 97

The Fish and Boat Commission has discovered a discrepancy between the agency text of 58 Pa. Code § 97.5 (relating to visual distress signals) and Appendices A and C, as deposited with the Legislative Reference Bureau, and the text published at 24 Pa.B. 4771 (September 24, 1994) and the text which currently appears in the *Pennsylvania Code Reporter* (Master Transmittal Sheets No. 259, 306 and 313). When the amendments to this chapter were codified, the text of Appendix A should have been deleted, not Appendix C. Additionally, references to Appendix C in § 97.5 should not indicate that Appendix C has been reserved.

Therefore, under 45 Pa.C.S. § 901: The Fish and Boat Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 97.5 and Appendices A and C. The corrective amendment to 58 Pa. Code § 97.5 and Appendices A and C is effective as of September 24, 1994, the date the defective text was published in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 97.5 and Appendices A and C appears in Annex A.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

§ 97.5. Visual distress signals.

(a) This section applies only to those boats operating on Lake Erie.

(b) A person may not use a boat 16 feet or more in length or a boat carrying six or less passengers for hire unless visual distress signals selected from the list in Appendix C or the alternatives in the number required, are onboard. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, shall be carried.

(c) Between sunset and sunrise, a person may not use a boat less than 16 feet in length unless visual distress signals suitable for night use, selected from the list in Appendix C or alternatives in the number required are onboard.

(d) When a visual distress signal carried to meet the requirements of subsection (b) or (c) requires a launcher to activate, a United States Coast Guard approved launcher shall also be carried.

(e) The persons listed in this subsection need not comply with subsection (b) or (c). Each shall carry onboard the required number of visual distress signals suitable for night use, selected from the list in Appendix C.

(1) A person competing in an organized marine parade, regatta, race or similar event.

(2) A person using a manually propelled boat.

(3) A person using a sailboat of completely open construction, not equipped with propulsion machinery, under 26 feet in length.

(f) It is unlawful to operate a boat unless the visual distress signals required by subsection (b) or (c) are readily accessible.

(g) It is unlawful to operate a boat unless each signal required by subsection (b) or (c) is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

(h) It is unlawful to do the following:

(1) Operate a boat unless the signal required by subsection (b) or (c) is legibly marked with the United States Coast Guard approval number or certification statement as specified in the Federal regulations.

(2) Display a visual distress signal on water to which this section applies under any circumstances except a situation in which assistance is needed because of immediate or potential danger to the persons onboard.

APPENDIX A. (Reserved)

APPENDIX C

<i>DEVICE DESCRIPTION</i>	<i>Accepted For Use</i>	<i>Number Required to be Carried</i>
Number marked on device:		
160.022 ... Floating Orange Smoke Distress Signals.....	Days only	3
160.024 ... Pistol-Projected Parachute Red Flare Distress Signals.....	Day and night ¹ .	3
160.036 ... Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals..	Day and night ..	3
160.037 ... Hand-Held Orange Smoke Distress Signals.....	Day only	3
160.057 ... Floating Orange Smoke Distress Signals.....	Day only	3
160.066 ... Distress Signal for Boats, Red Aerial Protechnic Flare.....	Day and night ² .	3
160.072 ... Distress Signal for Boats, Orange Flag	Day Only.....	1
160.013 ... Electric Distress Light for Boats	Night Only.....	1

1. These signals require use in combination with a suitable launching device approved under 46 CFR 160.028 (relating to signal pistols for red distress signals).

2. These devices may be either self-contained or pistol launched, and either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.028.

[Pa.B. Doc. No. 03-2314. Filed for public inspection December 5, 2003, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 63, 65 AND 93]

General Provisions; Fishing; Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 63, 65 and 93 (relating to general fishing regulations; special fishing regulations; and boat registration and numbering). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect upon publication of an order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed amendments to §§ 63.6, 63.10 and 63.15 (relating to authorized devices for game fish, baitfish and fishbait; ice fishing; and field dressing of fish) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes). The proposed amendment to § 93.2 (relating to permanent and temporary registration) is published under the statutory authority of section 5122 of the code (relating to registration, licenses, permits, plates and statistics). The proposed amendment to § 93.13 (relating to issuing agents) is published under the statutory authority of section 5304(d.1) of the code (relating to issuing agents). A person violating any of these regulations commits a summary offense of the third degree for which a \$50 fine is imposed.

D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to ice fishing; the field dressing of fish; a fishing pier for persons with disabilities at Lake Scranton, Lackawanna County; and temporary Internet boat registration renewals. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered the proposed amendments to §§ 93.2 and 93.13 and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendments.

E. Summary of Proposals

(1) *Sections 63.6 and 63.10.* New and different types of ice fishing devices have been developed for use during the past several years. Therefore, it has become increasingly difficult to determine whether some of these devices are truly tip-ups or just modifications to a fishing rod. The Commission is proposing amendments that will allow an angler while ice fishing to fish with a maximum of five

fishing devices that may consist of hand lines, tip-ups, fishing rods or any combination thereof. The Commission's Bureau of Fisheries indicates that this change will have no adverse effect upon the fishery. The Commission proposes to amend these sections to read as set forth in Annex A.

(2) *Section 63.15.* Subsection (d) does not apply to officially-recognized fishing cleaning stations except that for species of fish for which minimum size limits apply, the skin must remain attached to the fillet and the size of the fillet is subject to a size limit of 75% of the size limit for the species. Yellow perch taken from Lake Erie are subject to minimum size limits first established at 8 inches in 1996 and revised in 2002 to provide for a 7-inch limit during the ice fishing period.

Officially-recognized fish cleaning stations are in Erie County and they provide a valuable service to customers who engage in recreational fishing for sport fish in Lake Erie. Because yellow perch is subject to a minimum size limit, the requirement to leave the skin on these fish applies to officially-recognized fish cleaning stations. The Commission has been asked to provide some relief from this requirement that causes problems for the fish cleaning stations and their customers. Accordingly, the Commission proposes to amend this section to read as set forth in Annex A.

Officially-recognized fish cleaning stations are responsible for ensuring that the fish they clean are in compliance with regulation, and they must document compliance by giving their customers signed, dated receipts indicating the species and the number of fish dressed.

(3) *Section 65.24.* Under a 1994 agreement among Pennsylvania Gas and Water Company, Allied Services of Scranton, PA and the Commission, a special fishing pier for persons with disabilities was constructed and opened at Lake Scranton. The agreement provided that fishing from this pier would be subject to certain restrictions, which in turn were subject to some exceptions. These restrictions were, in turn, carried over into a miscellaneous special fishing regulation.

The Lake Scranton fishing pier for persons with disabilities was a model for similar facilities installed at State parks and other lakes under the leadership and encouragement of Commissioner Paul Mahon. The current miscellaneous fishing regulation on Lake Scranton needs to be updated to better reflect the use of the fishing pier by persons with disabilities. Both the owner of Lake Scranton and Allied Services have agreed to modifications to this section. The Commission proposes to amend this miscellaneous special fishing regulation to read as set forth in Annex A.

(4) *Sections 93.2 and 93.13.* The Department of Transportation currently allows most customers to renew their vehicle registrations online. The customer is then allowed to print a Temporary Internet Vehicle Registration from a computer. This temporary registration is valid for 15 days.

In the near future, the Commission may offer online renewals for its boat registration customers. The Commission is currently evaluating the costs of offering this service, and depending on the results of the evaluation, the Commission may be able to move forward with this project for at least part of the 2004 registration renewal cycle. If the project is approved, customers will be able to

renew their boat registrations online and print a temporary Internet registration that will be valid for 30 days. Customers who renew their boat registrations online will pay the Commission a \$2 issuing agent fee.

To implement the online boat registration renewals, the Commission proposes to amend §§ 93.2 and 93.13 to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment to § 93.13 will impose new costs on the private sector and the general public in that individuals who renew their boat registrations online will have to pay the Commission a \$2 issuing agent fee. The other proposed amendments will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Deputy Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DENNIS T. GUISE, Deputy Executive Director

Fiscal Note: 48A-150. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.6. Authorized devices for game fish, baitfish and fishbait.

(a) It is unlawful to fish for game fish with more than two lines of any description, whether fished by rod or by hand, at any one time **except while ice fishing in accordance with § 63.10 (relating to ice fishing)**. No more than three hooks may be attached to line used in

fishing for game fish. Rods, lines and hooks shall be under the immediate control of the person using them. A fishing device shall be deemed to be under the immediate control of the person using it if, when the terminal device (hook, bait or lure) is taken by a fish, the person using the device has direct control over it and it is not connected at that point to a casting or depth placement aid such as a casting boat or downrigger. Casting or depth placement aids such as downriggers or small remote controlled boats are not prohibited by this chapter.

* * * * *

(d) It is unlawful to use more than two lines at any time, **except while ice fishing in accordance with § 63.10**, when fishing for game fish, baitfish or both.

§ 63.10. Ice fishing.

* * * * *

(b) It is unlawful while ice fishing to **[use more than five tip-ups or more than the quantity of other legal devices authorized by § 63.6 (relating to authorized devices for game fish, baitfish and fishbait) or to fish through holes that measure more than 10 inches between the farthest points as measured in any direction] use more than five fishing devices, which may consist of rods, hand lines, tip ups or any combination thereof. Each device shall contain a single fishing line with no more than three hooks attached to each line.**

* * * * *

(d) **It is unlawful to fish through holes in the ice that measure more than 10 inches between the farthest points as measured in any direction.**

§ 63.15. Field dressing of fish.

* * * * *

(d) This section does not apply to fish filleted or dressed at an officially-recognized fish cleaning station. The skin shall remain attached to the fillet for a species, **other than yellow perch**, subject to a minimum size limit and the size of the fillet for a fish subject to a minimum size limit, **including yellow perch**, shall be at least 75% of the minimum size limit for that species. The operator of the fish cleaning station shall give the person who receives the filleted fish a signed, dated receipt indicating the species and the number of fish dressed. Operators of fish cleaning stations may apply for official recognition to:

Director, Bureau of Law Enforcement
Pennsylvania Fish and Boat Commission
Post Office Box 67000
Harrisburg, Pennsylvania 17106-7000

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
* * * * *		
Lackawanna	Lake Scranton	It is unlawful for a person to fish from the fishing pier designated for use by persons with disabilities unless [such] the person is: totally blind; or so severely disabled that [he] the person is unable to cast or retrieve a line or bait hooks [and] or remove fish without assistance; or deprived of the use of both legs; or participating in a special fishing event for persons with disabilities under conditions approved by the owner of the lake. The person may fish with only one legal device and shall be within 10 feet of the device being used. A person authorized to fish from the fishing pier under this section may be attended by another individual who may assist the person with the disability in using the fishing device.
* * * * *		

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.2. Permanent and temporary registration.

* * * * *

(f) Temporary Internet registration renewals. Temporary Internet registration renewals shall be valid for 30 days from the date of issuance. A temporary Internet registration renewal shall be available at all times for inspection on the boat for which it was issued whenever the boat is in operation and shall be carried so that it can be presented upon request to an officer authorized to enforce the code.

§ 93.13. Issuing agents.

* * * * *

(m) Commission offices. The Commission will collect and deposit in the Boat Fund the \$2 issuing agent fee for all temporary boat registrations issued by Commission offices **and boat registration renewals issued online.**

* * * * *

[Pa.B. Doc. No. 03-2315. Filed for public inspection December 5, 2003, 9:00 a.m.]

[58 PA. CODE CH. 111]

General Provisions; Boating

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect upon publication of an order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed amendment to § 111.48 (relating to Northampton County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water). A person violating this regulation commits a summary offense of the third degree for which a \$50 fine is imposed.

D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations by imposing a "slow, minimum height swell speed" zone on the Lehigh River in the vicinity of the Route 33 access ramp, Northampton County. The specific purpose of the proposed amendment is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered the proposed changes to § 111.48 and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendment.

E. Summary of Proposal

A new Route 33 access launch area in Northampton County on the Lehigh River is now open. The Commission's District Waterways Conservation Officer (Officer) reports that wakes from boat traffic could potentially cause difficulties for boaters using the ramp. There are currently three slow-no-wake buoys at the access ramp placed approximately 100 feet from the shoreline. According to the Officer, this provides only limited protection to the ramp, boaters launching and retrieving watercraft and shoreline anglers. The Officer reports that boaters passing through this area outside of the buoys still create large enough wakes to impact the shoreline with sufficient force to do damage. The Officer has suggested that an expanded "slow, minimum height swell speed" zone be established on the river immediately in front of the Commission's ramp.

The Commission is proposing that this zone extend across the main channel of the Lehigh River to the shoreline of Turkey Island directly opposite the ramp. The zone is proposed to extend 150 feet upstream and 150 feet downstream from the boat ramp. The zone will have little impact on the unlimited horsepower boating in the area and should do a lot to protect boaters and anglers at the access area. Accordingly, the Commission proposes to amend this section to read as set forth in Annex A. The Commission will seek public comments regarding this proposal during an extended comment period of 60 days.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Deputy Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 60 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments

is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DENNIS T. GUISE,
Deputy Executive Director

Fiscal Note: 48A-151. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

**CHAPTER 111. SPECIAL REGULATIONS
COUNTIES**

§ 111.48. Northampton County.

* * * * *

(d) *Lehigh River.* Boats are limited to slow, minimum height swell speed in the main channel 150 feet upstream and 150 feet downstream from the Route 33 access ramp.

[Pa.B. Doc. No. 03-2316. Filed for public inspection December 5, 2003, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

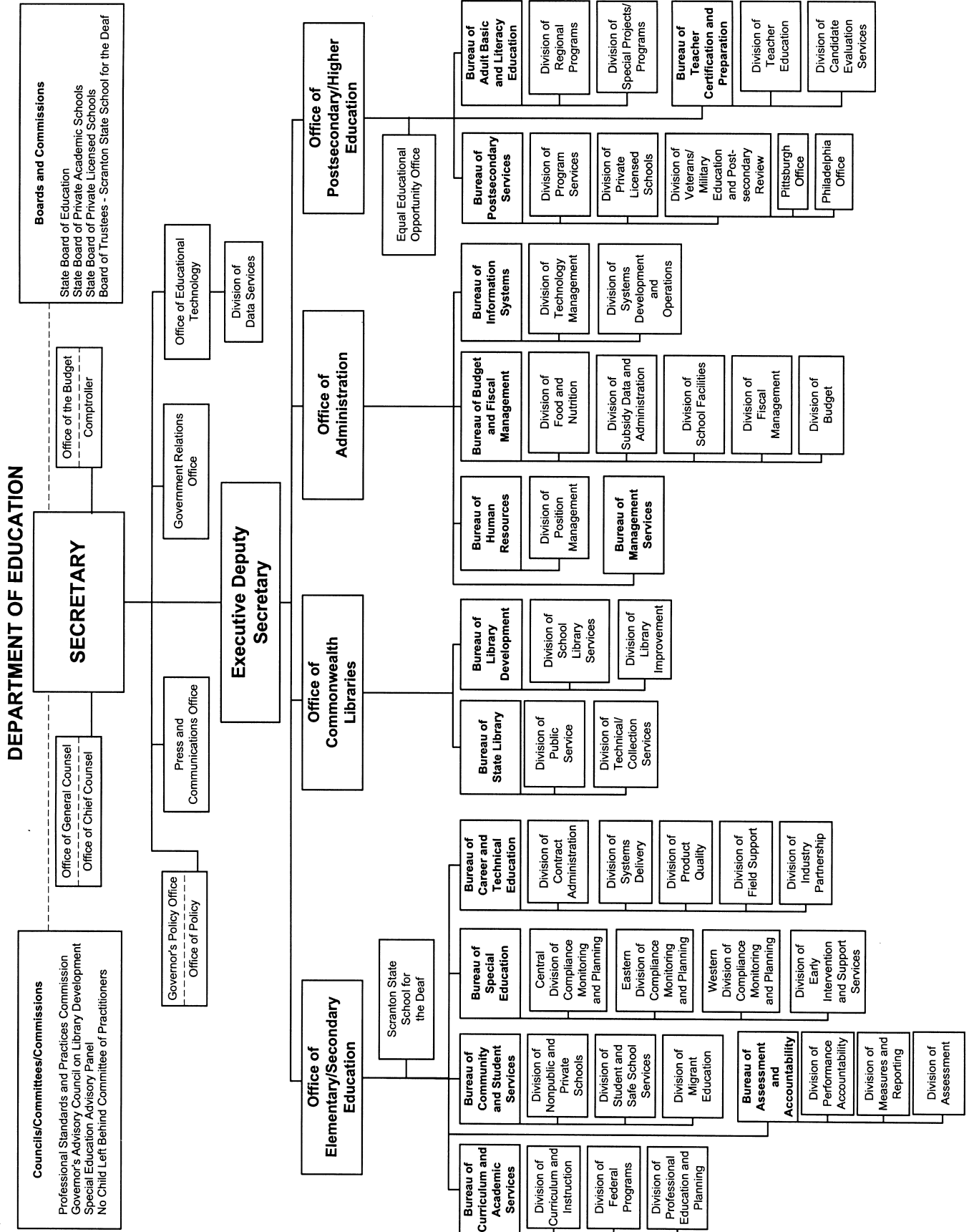
Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective November 20, 2003.

The organization chart at 33 Pa.B. 5932 (December 6, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 03-2317. Filed for public inspection December 5, 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 25, 2003.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-19-03	National Penn Bancshares, Inc., Boyertown, to acquire 100% of voting shares of HomeTowne Heritage Bank, Intercourse	Boyertown	Approved

Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-19-03	NPB Interim Bank Boyertown Berks County	Boyertown	Approved
Interim bank being formed solely to facilitate the acquisition of HomeTowne Heritage Bank, Intercourse, by National Penn Bancshares, Inc., Boyertown.			

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-19-03	HomeTowne Heritage Bank, Intercourse, and NPB Interim Bank, Boyertown Surviving Institution— HomeTowne Heritage Bank, Intercourse	Intercourse	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-18-03	Community Banks Millersburg Dauphin County	201 West Chocolate Avenue Hershey Derry Township Dauphin County	Filed
11-18-03	Northwest Savings Bank Warren Warren County	1767 North Atherton Street State College Patton Township Centre County	Approved
11-18-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Cinnaminson Acme 1103 Route 130 South Cinnaminson Burlington County, NJ	Opened
11-21-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1574 Easton Road Warrington Bucks County	Filed
11-21-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	2500 Aramingo Avenue Philadelphia Philadelphia County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-14-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 2516 Welsh Road Philadelphia Philadelphia County <i>From:</i> 2501 Welsh Road Philadelphia Philadelphia County (Will continue to operate as a drive-up facility.)	Effective
11-20-03	Royal Bank of Pennsylvania Narberth Montgomery County	<i>To:</i> 1230 Walnut Street Philadelphia Philadelphia County <i>From:</i> 1340 Walnut Street Philadelphia Philadelphia County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-18-03	Mifflinburg Bank & Trust Company Mifflinburg Union County	Buffalo Valley Lutheran Village 211 Fairground Road Lewisburg Union County	Approved
11-18-03	Mifflinburg Bank & Trust Company Mifflinburg Union County	Riverwoods 1 River Drive Lewisburg Union County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
11-19-03	Pittsburgh Teachers Credit Union Pittsburgh Allegheny County	Amendment to Article 8 provides for a change in the field of membership.	Approved and Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-2318. Filed for public inspection December 5, 2003, 9:00 a.m.]

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

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

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

the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.76 to which was added 2.50 percentage points for a total of 7.26 that by law is rounded off to the nearest quarter at 7 1/4%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-2319. Filed for public inspection December 5, 2003, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Eastern University for Approval of Merger

Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504 (relating to fundamental changes), the Department of Education (Department) will consider the application of Eastern University for approval of its proposed merger with Eastern Baptist Theological Seminary (Seminary). Under the merger plan, Eastern University would be the surviving entity, within which the Seminary would become an entity known as "Eastern Baptist Theological Seminary, a professional school of Eastern University." The Seminary's degree granting authority and assets would be assumed by Eastern University.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania*

Bulletin a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing should be filed by 4 p.m. on the due date prescribed by this notice with Carol Gisselquist, Higher Education Specialist, (717) 787-4448 or Paula Fleck, Chief, Division of Program Services, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623. Persons wishing to review the application should phone or write to the previously mentioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist or Paula Fleck to discuss how the Department may best accommodate their needs.

VICKI L. PHILLIPS, Ed.D.,
Secretary

[Pa.B. Doc. No. 03-2320. Filed for public inspection December 5, 2003, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit

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

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

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

I. NPDES Renewal Applications

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0022586	North Wales Borough 300 School Street North Wales, PA 19454	Montgomery County North Wales Borough	UNT to Wissahickon Creek	Y
PA0040576	Valleybrook Homeowner's Association P. O. Box 394 Chester Heights, PA 19017	Delaware County Chester Heights Borough	West Branch Chester Creek	Y

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0060895 Sewage	Pocono Mountain Industries, Inc. 556 Main Street Stroudsburg, PA 18360	Monroe County Coolbaugh Township	Unnamed tributary to Red Run 2A	Y
PA0063827 Sewage	James and Judy Saunders 14 All King's Drive New Ringgold, PA 17960	Schuylkill County West Penn Township	Unnamed tributary to Lizard Creek 2B	Y
PA0061786	Manwalamink Sewer Company River Road—Fort DePuy P. O. Box 93 Shawnee-on-Delaware, PA 18356-0093	Monroe County Smithfield Township	Brodhead Creek 1E	Y

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0110744 IW	City of Cumberland Evitts Creek Water Co. 1032 Lake Gordon Road Bedford, PA 15522	Bedford County Cumberland Valley Township	Evitts Creek 13-A	Y
PA0083917 IW—Transfer	Edge Rubber 811 Progress Road Chambersburg, PA 17201	Franklin County Chambersburg Borough	Dry Swale Conococheague Creek 13-C	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.

PA0043257 Amendment No. 1, Sewage, SIC Code 4952, **New Freedom Borough Authority**, 49 East Main Street, New Freedom, PA 17349. This facility is in Railroad Borough, **York County**.

Description of activity: Amendment of an NPDES permit for existing discharge of treated sewage from a sequencing batch reactor facility.

The receiving stream, South Branch Codorus Creek, is in Watershed 7-H and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is for the York Water Company on the South Branch Codorus Creek, approximately 19 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limitations for Outfall 001 based on a design flow of 2.25 MGD are:

Parameter	Mass (lbs/day)			Concentration (mg/l)			Instantaneous Maximum
	Average Monthly	Average Weekly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	
pH (S.U.)	XXX	XXX	XXX	from 6.0 to 9.0 inclusive			
Dissolved Oxygen	XXX	XXX	XXX	minimum of 5.0 mg/l at all times			
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.31	XXX	Monitor and Report	0.84
(Final)	XXX	XXX	XXX	0.2	XXX	Monitor and Report	0.66
Total Suspended Solids	563	844	XXX	30	45	XXX	60
CBOD ₅	469	751	XXX	25	40	XXX	50
NH ₃ -N (5-1 to 10-31)	19	XXX	XXX	1.0	XXX	XXX	2.0
(11-1 to 4-30)	56	XXX	XXX	3.0	XXX	XXX	6.0
Total Phosphorus	37.5	XXX	XXX	2.0	XXX	XXX	4.0
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Monitor and Report	XXX
Fecal Coliform (5-1 to 9-30)	XXX	XXX	XXX	200/100 ml as a geometric mean			
(10-1 to 4-30)	XXX	XXX	XXX	2,000/100 ml as a geometric mean			
Total Copper (Interim)	XXX	XXX	XXX	XXX	XXX	Monitor and Report	XXX
(Final)	XXX	XXX	XXX	0.012	XXX	0.024	0.03
Bis(2-ethylhexyl)phthalate (Interim)	XXX	XXX	XXX	XXX	XXX	Monitor and Report	XXX
(Final)	XXX	XXX	XXX	0.0029	XXX	0.0058	0.0072

In addition to the effluent limits, the permit contains the following major special conditions: Quarterly Whole Effluent Toxicity Testing; continuous instream monitoring downstream from discharge; and equalization of discharge to receiving stream.

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.

PA0247227, Sewage, **Dublin Township Supervisors**, 29195 Great Cove Road, Fort Littleton, PA 17223. This facility is in Dublin Township, **Fulton County**.

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

The receiving stream, South Branch Little Aughwick Creek, is in Watershed 12-C and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is on the Juniata River, more than 50 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.018 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10	15	20
Total Suspended Solids	10	15	20
NH ₃ -N (5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Total Phosphorus	1.0		2.0
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)	200/100 ml as a geometric average		

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

The EPA waiver is in effect.

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

PA0026581, Sewage, **Westmoreland Fayette Municipal Sewage Authority**, P. O. Box 126, Scottdale, PA 15683. This application is for renewal of an NPDES permit to discharge treated sewage from Scottdale STP in Scottdale Borough, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 1.6 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5	6.5		9.0
(11-1 to 4-30)	13.5	20.0		27.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Total Residual Chlorine (37th month to Expiration)	.5			1.6
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions Outfalls 004—011 will be permitted as combined sewage overflows.

Outfalls SW1 and SW2 will be permitted to discharge uncontaminated stormwater runoff from the sewage treatment plant site.

The EPA waiver is not in effect.

PA0090981, Sewage, **German Township**, R. D. 1, Box 287, McClellandtown, PA 15458. This application is for renewal of an NPDES permit to discharge treated sewage from Footedale STP in German Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Dunlap Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Brownsville Water Company.

Outfall 001: existing discharge, design flow of 0.085 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.5			11.0
(11-1 to 4-30)	16.5			33.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6,000/100 ml as a geometric mean			
Total Residual Chlorine	1.3			3.1
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096211, Sewage, **Hempfield Township Municipal Authority**, R. D. 6, Box 501, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Darragh Sewage Treatment Plant in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Sewickley 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 Plant, on the Youghiogheny River.

Outfall 001: existing average design flow of 0.15 mgd, effective until the sewage treatment plant expansion is completed and operational.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	4.5	6.8		9.0
(11-1 to 4-30)	13.5	20.3		27.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6,500/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

Outfall 001: proposed average design flow of 1.12 mgd, effective after the sewage treatment plant expansion is completed and operational.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (5-1 to 10-31)	15	23	30	
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	6.0	9.0		12.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 6.0 mg/l			
Copper	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0203688, Sewage, **West Pike Run Township Municipal Authority**, 238 Pike Run Drive, Daisytown, PA 15427. This application is for renewal of an NPDES permit to discharge treated sewage from West Pike Run Township STP in West Pike Run Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.063 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	23.0			46.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	13,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204285, Sewage, **Homer D. Reesman**, 150 Reesman Court, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from the Reesman Mobile Home Park STP in Morgan Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of South Fork Tenmile Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri County Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.034 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	3.0			6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.02			0.05
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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. 1503425, Sewerage, **Valley Township**, 890 W. Lincoln Highway, P. O. Box 467, Coatesville, PA 19320. This proposed facility is in Valley Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of an age qualified residential community of 621 units and a community center.

WQM Permit No. 1503426, Sewerage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary pump station.

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

WQM Permit No. 2803406, Sewerage, **Findlay Park, LLP**, 930 N. East Street, Suite 7, Frederick, MD 21701. This proposed facility is in Mercersburg Borough and Peters Township, **Franklin County**.

Description of Proposed Action/Activity: Construction of a pump station to serve the Findlay Park.

WQM Permit No. 5003404, Sewerage, **Edna J. Bishop**, 1882 Orchard Road, Chambersburg, PA 17201. This proposed facility is in Southwest Madison Township, **Perry County**.

Description of Proposed Action/Activity: Construction of a sewage treatment facility to serve a single family residence.

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

WQM Permit No. 2503430, Sewerage, **Erie County c/o Doug Range, Erie County Department of Health**, 606 West Second Street, Erie, PA 16507. This proposed facility is in Various Municipalities, **Erie County**.

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

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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>
PAI033603007	Solanco School District 121 South Hess Street Quarryville, PA 17566	Lancaster	East Drumore Township	UNT to Stewart Run HQ-CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041803005	Lock Haven University Health Professional Parking Lot 301 W. Church St. Room 104 Lock Haven, PA 17745	Clinton	Lock Haven City	West Branch Susquehanna River WWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

MS4 Notices of Intent Received

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>
PAG132209	Clarks Green Borough 104 N. Abington Rd. Clarks Summit, PA 18411	Lackawanna	Clarks Green Borough	Summit Lake Creek TSF	Y
PAG132210	Dickson City Borough 801-805 Boulevard Ave. Dickson City, PA 18519	Lackawanna	Dickson City Borough	Lackawanna River CWF Hull Creek CWF UNT to Lackawanna River CWF	Y
PAG132212	Slatington Borough 125 S. Walnut St. Slatington, PA 18080	Lehigh	Slatington Borough	Lehigh River TSF Trout Creek CWF UNT to Trout Creek CWF	Y
PAG132230	Avoca Borough 752 Main St. Avoca, PA 18641	Luzerne	Avoca Borough	Mill Creek CWF	Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136326	City of Arnold 1829 Fifth Avenue Arnold, PA 15068	Westmoreland	Arnold City	Y
PAG136327	West Newton Borough 112 South Water Street West Newton, PA 15089	Westmoreland	West Newton Borough	Y
PAG136328	Derry Borough 114 East Second Avenue Derry, PA 15627	Westmoreland	Derry Borough	Y
PAG136329	Latrobe City P. O. Box 829 Latrobe, PA 15650	Westmoreland	Latrobe City	Y
PAG136330	Derry Township 650 Derry Road Derry, PA 15627	Westmoreland	Derry Township	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136331	Hempfield Township R. D. 6 Box 500 Woodward Drive Greensburg, PA 15601	Westmoreland	Hempfield Township	Y
PAG136332	Unity Township 1106 Beatty County Road Latrobe, PA 15650	Westmoreland	Unity Township	Y
PAG136333	Ligonier Township One Municipal Park Drive Ligonier, PA 15658	Westmoreland	Ligonier Township	Y
PAG136334	City of Aliquippa 581 Franklin Avenue Aliquippa, PA 15001	Beaver	Aliquippa City	Y
PAG136335	Patterson Heights Borough 510 8th Avenue Beaver Falls, PA 15010	Beaver	Patterson Heights Borough	Y
PAG136336	Glenfield Borough 105 River Road Sewickley, PA 15143	Allegheny	Glenfield Borough	Y
PAG136337	Bentleyville Borough 900 Main Street Bentleyville, PA 15314	Washington	Bentleyville Borough	Y
PA1136117	West Taylor Township 712 Cooper Avenue Johnstown, PA 15906	Cambria	West Taylor Township	Y

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

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

Permit No. 2703502, Public Water Supply.

Applicant	Pennsylvania Suburban Water Company
Township or Borough	Jenks Township, Forest County
Responsible Official	Jack N. Walter, P. E.
Type of Facility	PWS
Consulting Engineer	Jack N. Walter, P. E. Pennsylvania Suburban Water Company 644 North Water Avenue Sharon, PA 16146
Application Received Date	October 20, 2003
Description of Action	Addition of Well 1A to Forest County SCI Water Treatment Facility for the completion and sanitary seal of the new source of supply and piping to connect to existing treatment facility.

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

Permit No. 4603506, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 W. Hersheypark Drive
Hershey, PA 17033

Borough Royersford

Responsible Official Steven J. Seidl
800 W. Hersheypark Drive
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Pennsylvania American Water Company
Scott M. Thomas
800 W. Hersheypark Drive
Hershey, PA 17033

Application Received Date November 17, 2003

Description of Action Blasting and repainting the interior and exterior of an existing water storage tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation

to a Site-Specific Standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Former Sears Auto Center, North Coventry Township, **Chester County**. Jennifer Sherman, GHR Consulting Services, Inc., 300 Welsh Rd., Horsham, PA 19044 has submitted a revised Notice of Intent to Remediate soil and groundwater contaminated with leaded gasoline, lead, MTBE and unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pottstown Mercury* on September 23, 2003.

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

Kemps Foods, Inc., City of Lancaster, **Lancaster County**. GeoLogic NY, Inc., P. O. Box 5080, Cortland, NY 13045, on behalf of Kemps Foods, Inc., 1801 Hempstead Road, Lancaster, PA 17604, submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer Journal-New Era* on July 13, 2002.

Glen Gery Corporation, Wyomissing Borough, **Berks County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Glen Gery Corporation, 1166 Spring Street, Wyomissing, PA 19610, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline, unleaded gasoline, fuel oil no. 2 and MTBE. 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 *Reading Eagle* on October 10, 2003.

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

Munro Farm, Castanea Township, **Clinton County**. American Color & Chemical, LLC, Mount Vernon Street, Lock Haven, PA 17745 has submitted a Notice of Intent to Remediate soil contaminated with VOCs, SVOCs, pesticides, PCBs and inorganics. The applicant proposes to remediate site soils to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate

ate was reported to have been published in *The Express* on July 12, 2002. See the additional notice in the Actions section of this *Pennsylvania Bulletin*.

Cognis, Castanea Township, **Clinton County**. Cognis Corporation, 300 Brookside Avenue, Ambler, PA 19002 has submitted a Notice of Intent to Remediate soil contaminated with fuel oil no. 2, other organics, inorganics and PAHs. The applicant proposes to remediate soil at 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 Express* on November 5, 2003. See the additional notice in the Actions section of this *Pennsylvania Bulletin*.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 100992. The Harrisburg Authority, One Keystone Plaza, Suite 104, Harrisburg, PA 17101, City of Harrisburg and Swatara Township, **Dauphin County**. The application is for the permit renewal of the Municipal Waste Ash Landfill. The application was determined to be administratively complete by the Southcentral Regional Office on November 18, 2003.

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

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and 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 17101-2301.

General Permit Application No. WMGR002D008. Team Ten LLC, 1600 Pennsylvania Ave., Tyrone, PA 16686-1758. For the beneficial use of wastewater treatment sludge generated by paper and pulp mills for use as a soil additive to: establish or reestablish agricultural activity on disturbed land; establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mine sites. The application for determination of applicability was accepted as adminis-

tratively complete by the Division of Municipal and Residual Waste on November 20, 2003.

Persons interested in obtaining more information about the general permit application may contact the 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.

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. WMGR098. The Department of Environmental Protection (Department), Bureau of Land Recycling and Waste Management (Bureau), proposes to authorize, under General Permit WMGR098, the beneficial use of waste foundry system sand and sand system dust generated by ferrous metal foundries and steel foundries with ISO 14001 certification. The beneficial uses approved will include use as a construction material or a soil additive or soil amendment. 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 initiate and 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 will 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 permit conditions. The Department has determined that the beneficial use of these waste foundry system sands and sand system dusts can be adequately regulated using standard conditions.

Persons requesting approval to operate under the terms of the Department initiated general permit will be required to obtain a determination of applicability from the Bureau's Division of Municipal and Residual Waste. The following minimum information will be required to obtain the determination of applicability:

- a. Name and street address of applicant and generator.
- b. Number and title of general permit.
- c. A chemical and physical analysis and description of the waste that fully characterizes its composition and properties.
- d. A description of the manufacturing and production processes that generate the waste, including a detailed information on the chemical constituents in all binders, coatings or other chemicals used in the production process.
- e. A waste evaluation plan for sampling, testing and monitoring new quantities of waste foundry sand, which includes procedures on handling rejected waste foundry sand.

f. A Preparedness, Prevention and Contingency Plan for the generating facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans."

g. Proof that copies of the notification have been submitted to the municipality, county, county planning agency and county health department where the wastes are generated.

h. Proof that the beneficial use activities will be consistent with the general permit.

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

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

k. 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.

l. 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.

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

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

o. 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 Department initiated 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 the date of the hearing.

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

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

PLAN APPROVALS

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

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

39-00064A: Howmet Aluminum Casting, Inc. (2175 Avenue C, Bethlehem, PA 18017) for modification of the shell room air-cleaning device (packed-bed scrubber) at the facility in Bethlehem, **Lehigh County**.

58-303-005: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for construction of a batch asphalt plant and associated air cleaning device at the Clifford Blacktop Plant, Clifford Township, **Susquehanna County**.

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

31-03033: Stone Valley Welding (R. R. 2, Box 213, Huntingdon, PA 16652) for approval to operate a metal surface coating paint booth using solvent coatings in Jackson Township, **Huntingdon County**.

67-02004C: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) for operation of a pulp mill in Spring Grove Borough, **York County**. This plan approval is proposed to meet the RACT requirements of 25 Pa. Code § 129.91.

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

62-0171: United Refining Co. (Bradley and Dobson Streets, Warren, PA 16365) for installation of LNB, addition of heat exchanger and separate stack for vacuum heater. This permit was originally issued on March 18, 2002, but construction did not occur within 18 months. The project is in the City of Warren, **Warren County**. The facility is a Title V facility.

16-141A: Kahle's Kitchens, Inc. (7488 Route 36, Leeper, PA 16233) for post construction of spray booths for a wood furniture manufacturing process in Farmington Township, **Clarion 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; Edward Brown, Facilities Permitting Chief, (610) 832-6242.

46-0013A: Hatfield Quality Meats, Inc.—A Subsidiary of The Clemens Family (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440-0902) for issuance of a Plantwide Applicability Limit (PAL) for the company's 49 mmBtu/hr boiler with the associated air cleaning devices at 2700 Funks Road, Hatfield Township, **Montgomery County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue PAL Plan Approval PA-46-0013A. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval PA-46-0013A is for the construction of a boiler. Based on the information provided by the applicant and the Department's own analysis, the boiler may emit up to 74.15 tons per year of NO_x, 62.3 tons per year of CO, 112.5 tons per year of SO_x, 86 tons per year of PM, 18.8 tons per year of PM₁₀, 0.6 ton per year of VOCs and 0.6 ton per year of HAPs.

In addition to the construction of a boiler, this Plan Approval institutes a PAL for NO_x emissions from the Hatfield's facility of 74.15 tons per year and a facility limit for SO_x of 249 tons per year and for PM of 249 tons per year.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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. To make an appointment, contact Records Management, (610) 832-6268.

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

52-310-009: Springbrook Enterprises, Inc. (HC 8, Box 8210, Hawley, PA 18428) for construction of a stone crushing and screening operation powered by two diesel generators at their Pike County concrete plant in Blooming Grove Township, **Pike 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 1.64 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.

35-399-040: Keystone Sanitary Landfill Inc. (P. O. Box 249, Dunmore, PA 18512-0249) for installation of an ammonia stripper/carbon adsorption unit at the facility in Throop and Dunmore Boroughs, **Lackawanna County**. The plan approval limits VOC emissions from the carbon adsorption unit not to exceed 0.075 tpy. Also, the ammonia (NH₃) emissions from the ammonia stripper shall not exceed 13.1 lbs/hr (57.4 tpy). Malodorous emissions shall not be detected outside the plant property line at any time. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit 35-00014 through an administrative amendment at a later date. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

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

06-03130: Custom Design and Manufacturing Co., Inc. d/b/a Quaker Maid Cabinetry (P. O. Box 341, Hamburg, PA 19526) for construction of a wood furniture manufacturing facility controlled by multiple dry filter pads in the Borough of Hamburg, **Berks County**. The facility will be limited to 10 tons per year of VOC and HAPs from the surface coating operation. The facility will be required to record the coating usages and calculate the VOC and HAP emissions monthly. Limits will be placed on the VOC content of the coatings used in the operation. The approval will include monitoring, work practices, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

22-05007B: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) for construction at the Harrisburg Materials, Energy, Recycling and Recovery Facility (HMERRF), 1670 South 19th Street, City of Harrisburg, **Dauphin County**. The Harrisburg Authority (Authority) has submitted an application to the Southcentral Regional Office.

The proposed construction will modernize the facility in accordance with the current air quality requirements. These requirements include 40 CFR Part 60, Subpart Eb—Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After

September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 and the Best Available Technology (BAT) provisions of 25 Pa. Code § 127.1.

The major new equipment consists of:

- a) Three 266 TPD Barlow municipal waste combustors.
- b) Fans, piping, boilers and economizers.
- c) Steam turbine, condenser and cooling tower.
- d) Flue gas recirculation and selective noncatalytic reduction (SNCR) for NO_x control.
- e) Dry lime injection for acid gas control.
- f) Carbon injection for mercury, heavy metals and dioxins/furans control.

The proposed combustors and emissions control systems are designed for independent, parallel operation. They will share a common exhaust stack.

The plan approval includes the following limits on annual emissions from the facility:

<i>Pollutant</i>	<i>Annual Limit</i>
NO _x	250 tons per year
PM10	32 tons per year
SO _x (as SO ₂)	116 tons per year
CO	141 tons per year

These limits were established during the project's netting analysis and include emissions generated during all startup and shutdown periods as well as those from normal operation.

The plan approval will contain the following conditions to ensure compliance with the noted regulations.

General

1. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

a. The Department must receive written notice from the Authority of the completion of construction and the Authority's intent to commence operation at least 5 working days prior to the completion of construction. The notice must state when construction will be completed and when the Authority expects to commence operation.

b. Operation is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Authority under subpart a.

d. The Authority may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

e. The notice submitted by the Authority under subpart a, prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

2. The municipal waste combustors are subject to 40 CFR Part 60, Subpart Eb and shall comply with all applicable provisions of this subpart. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications related to 40 CFR Part 60 compliance shall be forwarded to both the Department and the EPA. The EPA copies shall be forwarded to the Director, Air Protection Division (3AP00), USEPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

3. The manufacturer's identification and technical specifications for all air pollution control equipment shall be submitted to the Regional Air Quality Manager within 30 days after the execution of the final sales agreements.

Definitions

4. The following definitions apply to the provisions of this plan approval:

Continuous burning—The continuous, semicontinuous or batch feeding of municipal solid waste for purposes of waste disposal, energy production or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup when municipal solid waste is not being fed to the grate is not considered to be continuous burning.

Dioxins/furans—Tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

Four-hour block average—The average of all hourly emissions concentrations when the combustors are operating and combusting municipal solid waste measured over 4-hour periods of time from 12 a.m. to 4 a.m., 4 a.m. to 8 a.m., 8 a.m. to 12 p.m., 12 p.m. to 4 p.m., 4 p.m. to 8 p.m. and 8 p.m. to 12 a.m.

Hourly average—A 60-minute period commencing on the hour.

Malfunction—Any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, process equipment or a process to operate in a normal or usual manner. Failures that are caused by poor maintenance or careless operation are not malfunctions.

Shutdown—Begins with cessation of charging municipal waste, for the express purpose of shutting down the combustor.

Startup—Commences with the continuous burning of municipal solid waste and does not include any warmup period when combusting fossil fuel or other nonmunicipal solid waste fuel and no municipal waste is being fed to the combustor.

Twenty-four hour daily average—Either the arithmetic mean or geometric mean (as specified) of all hourly emission concentrations when the combustor is operating and combusting municipal solid waste measured over a 24-hour period between 12 a.m. and the following midnight.

Emission Limitations

5. Emissions of the following pollutants shall not exceed the stated values for each consecutive 12-month period:

<i>Pollutant</i>	<i>Annual Limit</i>
NO _x	250 tons per year
PM10	32 tons per year
SO _x (as SO ₂)	116 tons per year
CO	141 tons per year

These limits were established during the project's netting analysis and include emissions generated during all startup and shutdown periods as well as those from normal operation.

6. Under 40 CFR Part 60, Subpart Eb, the following individual limits are established for each of the facility's municipal waste combustors:

<i>Pollutant</i>		<i>Emission Limits*</i>
CO	100	ppmv, 4 hour averaging period
Sulfur oxides (as SO ₂)	30	ppmv, 24-hour geometric average or 80% reduction by weight or volume
Particulate matter	24	mg/DSCM
NOx	180	ppmv, 24-hour daily arithmetic avg. for 1st year
NOx	150	ppmv, 24-hour daily arithmetic avg. after 1st year
Cadmium	0.020	mg/DSCM
Lead	0.20	mg/DSCM
Mercury	0.080	mg/DSCM or 85% reduction by weight
Hydrogen chloride	25	ppmv or 95% reduction by weight or volume
Total dioxin/furan	13	ng/DSCM
Opacity	10%	6-minute averaging period
Unit load**	110 %	of maximum demonstrated during most recent dioxin testing
Visible ash emissions***		not in excess of 5% of the observation period

Baghouse inlet temperatures not to exceed of 17°C above maximum temperature demonstrated during most recent dioxin testing.

* All concentrations are corrected to 7% oxygen.

** Not applicable during and 2 weeks preceding the annual dioxin/furan testing.

*** Does not apply to emissions inside buildings or enclosures, or during maintenance and repair activities.

7. Under the BAT provisions of 25 Pa. Code § 127.1, the following individual emission limits are hereby established for each of the facility's municipal waste combustors:

<i>Pollutant</i>		<i>Emission Limits*</i>
CO	100	ppmv, 4-hour arithmetic average
SO ₂	30	ppmv, 24-hour arithmetic mean or 80% reduction by weight, 24-hour geometric mean
PM10	0.010	grains/DSCF
NOx**	135	ppmv, 24-hour daily arithmetic average
Cadmium compounds	15.8	ug/DSCM
Lead and compounds	166.0	ug/DSCM
Mercury and compounds	80	ug/DSCM or 85% reduction by weight, hourly basis
Hydrogen chloride	25	ppmv, 24-hour arithmetic mean or 95% reduction by weight, 24-hour arithmetic mean
Total dioxin/furan	13	ng/DSCM
Arsenic and compounds	7.2	ug/DSCM
Beryllium and compounds	0.2	ug/DSCM
Chromium ⁺⁶ and compounds	2.3	ug/DSCM
Nickel and compounds	25.0	ug/DSCM

* All concentrations are corrected to 7% oxygen.

** Voluntary limit for emission netting purposes.

Visible stack emissions shall not equal or exceed 10% for a period or periods aggregating more than 3 minutes in any 1 hour or equal to or greater than 30% at any time.

8. Under the BAT provision of 25 Pa. Code § 127.1, ammonia slip from each SNCR system exhaust shall not exceed 12 ppm, measured dry volume, at 7% oxygen, under normal operation. Ammonia slip shall be calculated by using NOx monitoring data in conjunction with procedures verified during the required exhaust stack testing.

9. Particulate matter emissions from exhausts associated with the handling and storage of lime, carbon and ash shall be controlled to a level not to exceed 0.02 grain per dry standard cubic foot of exhaust.

Operating Requirements

10. The municipal waste combustor units shall be operated and maintained in accordance with good air pollution prevention practices or control practices.

11. The steam load flow rate for each municipal waste combustor shall not exceed a level greater than 110% of the maximum rate demonstrated during each unit's most recent dioxin/furan compliance test. Steam flow shall be measured in pounds per hour and shall be calculated in 4-hour block averages.

12. The Authority shall comply with the facility personnel certification requirements of 40 CFR Part 60, Subpart Eb. At a minimum, this requirement applies to the following:

- Chief facility operators.
- Operations supervisors.
- All shift supervisors.
- Control room operators.

13. The Authority shall maintain facility certification records onsite in a location that is readily accessible to all employees required to obtain certification, Department representatives and EPA personnel.

14. The Authority shall develop and annually update a site-specific Operating Manual that includes the following:

- a. A summary of the applicable standards.
- b. A description of basic combustion theory applicable to the municipal waste combustor units.
- c. Procedures for receiving, handling and feeding municipal solid waste.
- d. Combustor units startup, shutdown and malfunction procedures.
- e. Procedures for maintaining proper combustion air supply levels.
- f. Procedures for operating the combustor units in accordance with applicable standards.
- g. Procedures for responding to periodic upset, off-specification or emergency conditions.
- h. Procedures for minimizing particulate matter carry-over.
- i. Procedures for monitoring the degree of municipal waste burnout.
- j. Procedures for handling ash.
- k. Procedures for monitoring emissions from the units.
- l. Recordkeeping and reporting procedures.
- m. Site-specific training manual for plant operators.

15. The Authority shall establish a training program to review the Operating Manual with each person who has operational responsibilities, including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel and crane/load handlers. Reviews shall be conducted within 6 months after startup of the units and annually thereafter.

16. The Operating Manual and employee training records shall be kept in a location that is readily accessible to all employees required to undergo training, Department representatives and EPA personnel.

17. Large, bulky noncombustibles (for example, water heaters and refrigerators) and difficult to burn, bulky combustible materials (for example, mattresses and sofas) and visible automotive batteries shall be excluded from the waste charged to the combustors.

18. The facility operators shall remove to the greatest extent practical hazardous materials, such as polyvinyl chloride plastics, corrosive materials, batteries, pressurized cans and household hazardous materials, from the waste to be incinerated.

19. The permittee shall not accept for processing, other than composting, truckloads composed primarily of leaf waste (leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings).

20. The tipping area shall be operated under negative pressure to prevent the escape of malodors. The air shall be used as primary combustion air in the combustors. Open storage of waste is prohibited.

21. Open-topped waste trucks must be appropriately covered. Trucks not properly covered shall be denied access to the HMERRF. Notice of this requirement shall be conspicuously posted. All haulers of material off the site shall be required to tarp or otherwise cover their loads.

22. Ash shall be loaded in an enclosed area or handled wet in enclosed containers. Ash removal equipment shall operate within an enclosed area.

23. The permittee shall maintain the combustion gases at a temperature greater than 1,800°F for at least 1 second. Temperature shall be calculated on an hourly average (1-hour block arithmetic average). Each unit shall be equipped with automatically controlled auxiliary fuel burners to maintain the combustion gases at the required conditions under all waste firing situations, except during startup and shutdown periods and to insure that the temperatures reach 1,800°F prior to the introduction of waste.

24. The charging of waste to the units shall automatically cease through the use of an interlock system if:

- a. The unit temperature drops below 1,600°F for a period of at least 15 minutes, at the point at which the gas residence is at least 1 second.
- b. The CO emissions exceed 600 ppmv corrected to 7% O₂ on a dry basis for a period of at least 15 minutes, except during startup periods.
- c. The flue gas oxygen level drops below 3% (wet basis or equivalent dry) for a period of at least 15 minutes.
- d. The opacity of the visible emissions is equal to or greater than 10% for a period of at least 15 minutes.

Should there be a cessation of feed, waste charging shall be resumed only after meeting the required levels.

25. The exhaust gas temperature, measured at each baghouse inlet, shall not exceed more than 30°F above the maximum inlet temperature measured during the most recent dioxin/furan compliance test or 300°F, whichever is more stringent. Compliance will be determined on a 4-hour block average. The Department reserves the right to modify the exhaust gas temperature requirement based upon a satisfactory demonstration that acceptable levels of mercury and dioxin/furan control can be achieved at higher exhaust gas temperatures.

Testing Requirements

26. Within 60 days after achieving the maximum firing rate, but not later than 180 days after startup, the permittee shall demonstrate compliance with the emission limits established in this Plan Approval. All testing shall be conducted in accordance with 40 CFR Part 60, the most recent version of the Department's Source Testing Manual and 25 Pa. Code Chapter 139.

27. At least 60 days prior to the required testing, the permittee shall submit a test protocol to the Regional Air Quality Manager.

28. At least 2 weeks prior to the required testing, the permittee shall notify the Regional Air Quality Manager of the date and time of the testing.

29. Within 60 days after completion of the required testing, the permittee shall submit two copies of the complete test report, including all operating data, to the Regional Air Quality Manager.

30. Unless approved otherwise by the Department, the following procedures and test methods shall be used to determine compliance with the emission limits contained in this plan approval:

EPA Reference Method 1 shall be used to select sampling sites and traverse points.

EPA Reference Methods 3, 3A or 3B, as applicable, shall be used for exhaust gas analysis.

EPA Reference Methods 5/201A or 202, as applicable, shall be used for PM emissions.

EPA Reference Method 9 shall be used to determine opacity.

EPA Reference Methods 10, 10A or 10B, as applicable, shall be used for CO.

EPA Reference Method 19 shall be used for SO₂ and NO_x emissions.

EPA Reference Method 22 shall be used for fugitive ash emissions.

EPA Reference Method 23 shall be used for dioxin/furan emissions.

EPA Reference Methods 26 or 26A, as applicable, shall be used for hydrogen chloride emissions.

EPA Reference Method 29 shall be used for lead, cadmium and mercury emissions.

31. Under 40 CFR Part 60, Subpart Eb, the permittee shall conduct annual emissions testing to include, but not limited to, the following:

Particulate matter	Cadmium
Opacity	Lead
Hydrogen chloride	Mercury
Fugitive ash emissions	Dioxins/furans

32. Under the BAT provisions of 25 Pa. Code § 127.1, the permittee shall conduct emissions testing at any time or interval of time as may reasonably be prescribed by the Department. At a minimum, source tests shall be conducted as follows:

Every 6 months

PM10	Cadmium and compounds
Arsenic and compounds	Nickel and compounds
Hexavalent chromium and compounds	Beryllium and compounds
Lead and compounds	Mercury and compounds

Annually

Dioxins/furans	VOCs
Polycyclic aromatic hydrocarbon compounds	

Every 6 months for the Screening Risk Assessment (additional air pollutants)

Trivalent chromium and compounds	Polychlorinated biphenyls
Copper and compounds	Manganese and compounds
Selenium and compounds	Vanadium and compounds
Zinc and compounds	Formaldehyde
Naphthalene	Hydrogen fluoride

The Department reserves the right to modify these testing schedules based upon continuous emission monitoring system (CEMS) data, stack test results or other relevant factors.

Monitoring Requirements

33. The permittee shall install, certify, maintain and operate a Department-approved CEMS in accordance with 25 Pa. Code Chapter 139, the most recent version of the Department's Continuous Source Monitoring Manual and 40 CFR Part 60. At a minimum, the system shall measure and record the following:

Exhaust gas flow	Hydrogen chloride (HCl)
NO _x emissions (as NO ₂)	Percent oxygen
SO _x (as SO ₂)	Opacity
CO emissions	

The permittee shall provide the Department with access to all CEMS data via telephone modem and/or other means approved by the Department.

34. The permittee shall install, maintain and operate instrumentation to monitor the following parameters for each SNCR and carbon injection system:

- a. Ammonia solution injection rate.
- b. Ammonia solution concentration.
- c. Ammonia slip.
- d. Carbon discharge pressure.
- e. Carbon mass feed rate (40 CFR Part 60, Subpart Eb).
- f. Carbon usage (40 CFR Part 60, Subpart Eb).

35. Each set of stack test data shall be used in conjunction with Department-approved dispersion modeling techniques to demonstrate compliance with the following maximum ambient concentrations:

<i>Pollutant</i>	<i>Ambient Concentration (ug/m³)</i>
Dioxins and furans*	0.30 × 10 ⁻⁷
Arsenic and compounds	0.23 × 10 ⁻³
Beryllium and compounds	0.42 × 10 ⁻³
Cadmium and compounds	0.56 × 10 ⁻³
Nickel and compounds	0.33 × 10 ⁻²
Hexavalent chromium and compounds	0.83 × 10 ⁻⁴
Lead and compounds	0.09
Mercury and compounds	0.024
Hydrogen chloride	7.0
Benzo pyrene	0.59 × 10 ⁻³

* Expressed as 2,3,7,8 TCDD equivalents

Each demonstration shall use tested stack emission rates, the exhaust parameters from each test and the dispersion modeling techniques specified in the application as approved by the Department. The Department may waive this modeling requirement if the measured pollutants levels are below those used in the application, the volumetric flow rate has not significantly changed from the value used in the application and the stack gas temperature has not significantly decreased from the value used in the application. The calculated maximum annual ambient concentrations shall not exceed the previous levels.

Recording and Reporting Requirements

36. The permittee shall maintain records and provide reports as specified in 40 CFR Part 60, Subpart Eb to include the following:

- a. Materials separation plans (draft and final).
- b. Public notices, public meeting transcripts and any responses or summaries.
- c. Municipal solid waste and approved residual solid waste processed.
- d. Emissions testing and monitoring records for all pollutants for the specified intervals.
- e. Control device parameters, materials usage or percent emission reduction, as applicable.
- f. Emission exceedances, equipment malfunctions and corrective actions.
- g. Employee certifications and training records

All records shall be maintained onsite for the most recent 5-year period and shall be made available to Department representatives upon request.

Additional Requirements

37. The Department reserves the right to use the CEMS data, stack test results and the operating parameters established during optimization of the municipal waste combustors and their associated air cleaning devices to verify emission rates, to develop emission factors and to develop compliance assurance measures for the facility.

38. With the exception of Condition 5, the standards contained in this Plan Approval apply at all times except during periods of startup or shutdown. Each of these periods is limited to 3 hours per occurrence and is defined in Condition 4. Condition 6 does apply during periods of startup and shutdown.

39. Within 180 days of the issuance date of the Plan Approval, the applicant shall submit a multipathway and ecological risk assessment protocol to the Department for approval. The permittee shall perform a multipathway and ecological risk assessment within 180 days of performing the initial compliance stack test.

40. The Department reserves the right to require the applicant to reevaluate the risks should the test results from subsequent stack tests warrant an analysis.

A public hearing will be held on January 13, 2004, to accept comments on the proposed action. Details of the public hearing are provided under the Public Hearings section.

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

49-00009B: Mohawk Flush Doors, Inc. (US Route 11, Northumberland, PA 17858) for modification of existing spray booth no. 4 in which wooden doors are surface coated at their facility in Point Township, **Northumberland County**.

The respective facility is a major facility for which Title V Operating Permit No. 49-00009 has been issued.

The operation of the modified spray booth will result in the emission of up to 3.57 tons of VOCs per year, virtually all of which may also be HAPs.

The Department's review of the information submitted by Mohawk Flush Doors indicates that the modified spray booth will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue plan approval for the modification of the respective spray booth.

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

1. The spray booth shall be equipped with filters at all times the booth is in use.
2. All coatings shall be applied with air-assisted airless or high volume low pressure spray guns.
3. The VOC emissions from the booth shall not exceed 3.55 tons in any 12 consecutive month period nor shall the HAP emissions exceed 3.55 tons in any 12 consecutive

month period (not counting any VOCs or HAPs resulting from the use of strippable booth coating).

4. The only coatings to be applied in the spray booth (other than strippable booth coating) shall be water-based coatings with a maximum VOC content of 1.5 pounds per gallon and a maximum HAP content of 1.5 pounds per gallon. Additionally, nothing may be added to these coatings other than water.

5. No more than 35 gallons of strippable booth coating shall be used in the booth in any 12 consecutive month period.

6. The strippable booth coating used in the spray booth shall have a maximum VOC content of 1.2 pounds per gallon and a maximum HAP content of .1 pound per gallon.

7. Records shall be maintained of the identity and amount of each individual coating or coating additive (other than water) used each month in the spray booth, the identity and amount of strippable booth coating used each month in the spray booth and the identity and amount of each individual material (other than water) used each month for cleanup activities associated with the spray booth.

8. The total combined VOC emissions from all sources at the facility, including the modified spray booth, shall not equal or exceed 50 tons in any 12 consecutive month period.

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

62-032A: Ellwood National Forge Company (1 Front Street, Irvine, PA 16329) for postconstruction plan approval of a baghouse to control particulate emissions from the crankshaft file and grind process at their facility in Brokenstraw Township, **Warren County**. In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

1. The crankshaft file and grind process operations shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41.

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

3. The sources shall not operate when the control device is not operating.

4. A magnehelic gauge or an equivalent device shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across each collector. Readings will be recorded weekly and a record of the readings and a maintenance log, which would include when filters are changed, will be kept for 5 years.

5. 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.

6. 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. The pressure drop ranges shall be made part of the facility operating permit.

7. Twenty percent of the total number of bags in the baghouse is required to be onsite (68 bags).

PUBLIC HEARINGS

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

22-05007B: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) for construction at the Harrisburg Materials, Energy, Recycling and Recovery Facility (HMERRF), 1670 South 19th Street, City of Harrisburg, **Dauphin County**. The Harrisburg Authority (Authority) has submitted an application to the Southcentral Regional Office.

The proposed construction will modernize the facility in accordance with the current air quality requirements. These requirements include 40 CFR Part 60, Subpart Eb—Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 and the Best Available Technology (BAT) provisions of 25 Pa. Code § 127.1.

The major new equipment consists of:

- a) Three 266 TPD Barlow municipal waste combustors.
- b) Fans, piping, boilers and economizers.
- c) Steam turbine, condenser and cooling tower.
- d) Flue gas recirculation and selective noncatalytic reduction (SNCR) for NO_x control.
- e) Dry lime injection for acid gas control.
- f) Carbon injection for mercury, heavy metals and dioxins/furans control.

The proposed combustors and emissions control systems are designed for independent, parallel operation. They will share a common exhaust stack.

The plan approval includes the following limits on annual emissions from the facility:

<i>Pollutant</i>	<i>Annual Limit</i>
NO _x	250 tons per year
PM ₁₀	32 tons per year
SO _x (as SO ₂)	116 tons per year
CO	141 tons per year

These limits were established during the project's netting analysis and include emissions generated during all startup and shutdown periods as well as those from normal operation.

The plan approval will contain the following conditions to ensure compliance with the noted regulations:

General

1. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

a. The Department must receive written notice from the Authority of the completion of construction and the Authority's intent to commence operation at least 5 working days prior to the completion of construction. The notice must state when construction will be completed and when the Authority expects to commence operation.

b. Operation is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating

Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Authority under subpart a.

d. The Authority may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

e. The notice submitted by the Authority under subpart a, prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

2. The municipal waste combustors are subject to 40 CFR Part 60, Subpart Eb and shall comply with all applicable provisions of this subpart. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications related to 40 CFR Part 60 compliance shall be forwarded to both the Department and the EPA. The EPA copies shall be forwarded to the Director, Air Protection Division (3AP00), USEPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

3. The Authority shall provide immediate written notice to the Regional Air Quality Manager of the execution of the final sales agreements for all air pollution control equipment. The manufacturer's identification and technical specifications for this equipment shall be provided within 30 days following the agreements.

Definitions

4. The following definitions apply to the provisions of this plan approval:

Continuous burning—The continuous, semicontinuous or batch feeding of municipal solid waste for purposes of waste disposal, energy production or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup when municipal solid waste is not being fed to the grate is not considered to be continuous burning.

Dioxins/furans—Tetra-throughocta-chlorinated dibenzop-dioxins and dibenzofurans.

Four-hour block average—The average of all hourly emissions concentrations when the combustors are operating and combusting municipal solid waste measured over 4-hour periods of time from 12 a.m. to 4 a.m., 4 a.m. to 8 a.m., 8 a.m. to 12 p.m., 12 p.m. to 4 p.m., 4 p.m. to 8 p.m. and 8 p.m. to 12 a.m.

Hourly average—A 60-minute period commencing on the hour.

Malfunction—Any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, process equipment or a process to operate in a normal or usual manner. Failures that are caused by poor maintenance or careless operation are not malfunctions.

Shutdown—Begins with cessation of charging municipal waste, for the express purpose of shutting down the combustor.

Startup—Commences with the continuous burning of municipal solid waste and does not include any warmup period when combusting fossil fuel or other nonmunicipal solid waste fuel and no municipal waste is being fed to the combustor.

Twenty-four hour daily average—Either the arithmetic mean or geometric mean (as specified) of all hourly emission concentrations when the combustor is operating and combusting municipal solid waste measured over a 24-hour period between 12 a.m. and the following midnight.

Emission Limitations

<i>Pollutant</i>	
Carbon monoxide	100
Sulfur oxides (as SO ₂)	30
Particulate matter	24
NOx	180
NOx	150
Cadmium	0.020
Lead	0.20
Mercury	0.080
Hydrogen chloride	25
Total dioxin/furan	13
Opacity	10%
Unit Load**	110 %

Visible ash emissions***

5. Emissions of the following pollutants shall not exceed the stated values for each consecutive 12-month period:

<i>Pollutant</i>	<i>Annual Limit</i>
NOx	250 tons per year
PM10	32 tons per year
SOx (as SO ₂)	116 tons per year
CO	141 tons per year

These limits were established during the project's netting analysis and include emissions generated during all startup and shutdown periods as well as those from normal operation.

6. Under 40 CFR Part 60, Subpart Eb, the following individual limits are established for each of the facility's municipal waste combustors:

<i>Emission Limits*</i>
ppmv, 4-hour averaging period
ppmv, 24-hour geometric average or 80% reduction by weight or volume
mg/DSCM
ppmv, 24-hour daily arithmetic avg. for 1st year
ppmv, 24-hour daily arithmetic avg. after 1st year
mg/DSCM
mg/DSCM
mg/DSCM or 85% reduction by weight
ppmv or 95% reduction by weight or volume
ng/DSCM
6-minute averaging period
of maximum demonstrated during most recent dioxin testing
not in excess of 5% of the observation period as per EPA Reference Method 22

Baghouse inlet temperatures not to exceed of 17°C above maximum temperature demonstrated during most recent dioxin testing.

* All concentrations are corrected to 7% oxygen.

** Not applicable during and 2 weeks preceding the annual dioxin/furan testing.

*** Does not apply to emissions inside buildings or enclosures, or during maintenance and repair activities.

7. Under the BAT provisions of 25 Pa. Code § 127.1, the following individual emission limits are hereby established for each of the facility's municipal waste combustors:

<i>Pollutant</i>		<i>Emission Limits*</i>
CO	100	ppmv, 4-hour arithmetic average
SO ₂	30	ppmv, 24-hour arithmetic mean or 80% reduction by weight, 24-hour geometric mean
PM10	0.010	grains/DSCF
NOx**	135	ppmv, 24-hour daily arithmetic average
Cadmium compounds	15.8	ug/DSCM
Lead and compounds	166.0	ug/DSCM
Mercury and compounds	80	ug/DSCM or 85% reduction by weight, hourly basis
Hydrogen chloride	25	ppmv, 24-hour arithmetic mean or 95% reduction by weight, 24-hour arithmetic mean
Total dioxin/furan	13	ng/DSCM
Arsenic and compounds	7.2	ug/DSCM
Beryllium and compounds	0.2	ug/DSCM
Chromium ⁺⁶ and compounds	2.3	ug/DSCM
Nickel and compounds	25.0	ug/DSCM

* All concentrations are corrected to 7% oxygen.

** Voluntary limit for emission netting purposes.

Visible stack emissions shall not equal or exceed 10% for a period or periods aggregating more than 3 minutes in any 1 hour or equal to or greater than 30% at any time.

8. Under the BAT provision of 25 Pa. Code § 127.1, ammonia slip from each SNCR system exhaust shall not exceed a 3-hour rolling average of 12 ppm, measured dry volume, at 7% oxygen, under normal operation. Ammonia slip shall be calculated by using NO_x monitoring data in conjunction with procedures verified during the required exhaust stack testing.

9. Particulate matter emissions from exhausts associated with the handling and storage of lime, carbon and ash shall be controlled to a level not to exceed 0.02 grain per dry standard cubic foot of exhaust.

Operating Requirements

10. The municipal waste combustor units and emission control systems shall be operated and maintained in accordance with the specifications in the application and in a manner consistent with good operating practices.

11. The steam load flow rate for each municipal waste combustor shall not exceed a level greater than 110% of the maximum rate demonstrated during each unit's most recent dioxin/furan compliance test. Steam flow shall be measured in pounds per hour and shall be calculated in 4-hour block averages.

12. The Authority shall comply with the facility personnel certification requirements of 40 CFR Part 60, Subpart Eb. At a minimum, this requirement applies to the following:

- a. Chief facility operators.
- b. Operations supervisors.
- c. All shift supervisors.
- d. Control room operators.

13. The Authority shall maintain facility certification records onsite in a location that is readily accessible to all employees required to obtain certification, Department representatives and EPA personnel.

14. The Authority shall develop and annually update a site-specific Operating Manual that includes the following:

- a. A summary of the applicable standards.
- b. A description of basic combustion theory applicable to the municipal waste combustor units.
- c. Procedures for receiving, handling and feeding municipal solid waste.
- d. Combustor units startup, shutdown and malfunction procedures.
- e. Procedures for maintaining proper combustion air supply levels.
- f. Procedures for operating the combustor units in accordance with applicable standards.
- g. Procedures for responding to periodic upset, off-specification or emergency conditions.
- h. Procedures for minimizing particulate matter carry-over.
- i. Procedures for monitoring the degree of municipal waste burnout.
- j. Procedures for handling ash.
- k. Procedures for monitoring emissions from the units.

l. Recordkeeping and reporting procedures.

m. Site-specific training manual for plant operators.

15. The Authority shall establish a training program to review the Operating Manual with each person who has operational responsibilities, including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel and crane/load handlers. Reviews shall be conducted within 6 months after startup of the units and annually thereafter.

16. The Operating Manual and employee training records shall be kept in a location that is readily accessible to all employees required to undergo training, Department representatives and EPA personnel.

17. Large, bulky noncombustibles (for example, water heaters and refrigerators) and difficult to burn, bulky combustible materials (for example, mattresses and sofas) and visible automotive batteries shall be excluded from the waste charged to the combustors.

18. The facility operators shall remove to the greatest extent practical hazardous materials, such as polyvinyl chloride plastics, corrosive materials, batteries, pressurized cans and household hazardous materials, from the waste to be incinerated.

19. The permittee shall not accept for processing, other than composting, truckloads composed primarily of leaf waste (leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings).

20. The tipping area shall be operated under negative pressure to prevent the escape of malodors. The air shall be used as primary combustion air in the combustors. Open storage of waste is prohibited.

21. Open-topped waste trucks must be appropriately covered. Trucks not properly covered shall be denied access to the HMERRF. Notice of this requirement shall be conspicuously posted. All haulers of material off the site shall be required to tarp or otherwise cover their loads.

22. Ash shall be loaded in an enclosed area or handled wet in enclosed containers. Ash removal equipment shall operate within an enclosed area.

23. The permittee shall maintain the combustion gases at a temperature greater than 1,800°F for at least 1 second. Temperature shall be calculated on an hourly average (1-hour block arithmetic average). Each unit shall be equipped with automatically controlled auxiliary fuel burners to maintain the combustion gases at the required conditions under all waste firing situations, except during startup and shutdown periods and to insure that the temperatures reach 1,800°F prior to the introduction of waste.

24. The charging of waste to the units shall automatically cease through the use of an interlock system if:

- a. The unit temperature drops below 1,600°F for a period of at least 15 minutes, at the point at which the gas residence is at least 1 second.
- b. The CO emissions exceed 600 ppmv corrected to 7% O₂ on a dry basis for a period of at least 15 minutes, except during startup periods.
- c. The flue gas oxygen level drops below 3% (wet basis or equivalent dry) for a period of at least 15 minutes.
- d. The opacity of the visible emissions is equal to or greater than 10% for a period of at least 15 minutes.

Should there be a cessation of feed, waste charging shall be resumed only after meeting the required levels.

25. The exhaust gas temperature, measured at each baghouse inlet, shall not exceed more than 30°F above the maximum inlet temperature measured during the most recent dioxin/furan compliance test or 300°F, whichever is more stringent. Compliance will be determined on a 4-hour block average. The Department reserves the right to modify the exhaust gas temperature requirement based upon a satisfactory demonstration that acceptable levels of mercury and dioxin/furan control can be achieved at higher exhaust gas temperatures.

Testing Requirements

26. Within 60 days after achieving the maximum firing rate, but not later than 180 days after startup, the permittee shall demonstrate compliance with the emission limits established in this Plan Approval. All testing shall be conducted in accordance with 40 CFR Part 60, the most recent version of the Department's Source Testing Manual and 25 Pa. Code Chapter 139.

27. At least 60 days prior to the required testing, the permittee shall submit a test protocol to the Regional Air Quality Manager.

28. At least 2 weeks prior to the required testing, the permittee shall notify the Regional Air Quality Manager of the date and time of the testing.

29. Within 60 days after completion of the required testing, the permittee shall submit two copies of the complete test report, including all operating data, to the Regional Air Quality Manager.

30. Unless approved otherwise by the Department, the following procedures and test methods shall be used to determine compliance with the emission limits contained in this plan approval:

EPA Reference Method 1 shall be used to select sampling sites and traverse points.

EPA Reference Methods 3, 3A or 3B, as applicable, shall be used for exhaust gas analysis.

EPA Reference Methods 5/201A or 202, as applicable, shall be used for PM emissions.

EPA Reference Method 9 shall be used to determine opacity.

EPA Reference Methods 10, 10A or 10B, as applicable, shall be used for CO.

EPA Reference Method 19 shall be used for SO₂ and NO_x emissions.

EPA Reference Method 22 shall be used for fugitive ash emissions.

EPA Reference Method 23 shall be used for dioxin/furan emissions.

EPA Reference Methods 26 or 26A, as applicable, shall be used for hydrogen chloride emissions.

EPA Reference Method 29 shall be used for lead, cadmium and mercury emissions.

31. Under 40 CFR Part 60, Subpart Eb, the permittee shall conduct annual emissions testing to include, but not limited to, the following:

Particulate matter	Cadmium
Opacity	Lead
Hydrogen chloride	Mercury
Fugitive ash emissions	Dioxins/furans

32. Under the BAT provisions of 25 Pa. Code § 127.1, the permittee shall conduct emissions testing at any time or interval of time as may reasonably be prescribed by the Department. At a minimum, source tests shall be conducted as follows:

Every 6 months

PM10	Cadmium and compounds
Arsenic and compounds	Nickel and compounds
Hexavalent chromium and compounds	Beryllium and compounds
Lead and compounds	Mercury and compounds

Annually

Dioxins/furans	VOCs
Polycyclic aromatic hydrocarbon compounds	

Every 6 months for the Screening Risk Assessment (additional air pollutants)

Trivalent chromium and compounds	Polychlorinated biphenyls
Copper and compounds	Manganese and compounds
Selenium and compounds	Vanadium and compounds
Zinc and compounds	Formaldehyde
Naphthalene	Hydrogen fluoride

The Department reserves the right to modify these testing schedules based upon continuous emission monitoring system (CEMS) data, stack test results or other relevant factors.

Monitoring Requirements

33. The permittee shall install, certify, maintain and operate a Department-approved CEMS in accordance with 25 Pa. Code Chapter 139, the most recent version of the Department's Continuous Source Monitoring Manual the Department's permitting criteria for municipal waste incineration facilities and 40 CFR Part 60. At a minimum, the system shall measure and record the following:

Exhaust gas flow	Hydrogen chloride (HCl)
NO _x emissions (as NO ₂)	Percent oxygen (O ₂)
SO _x (as SO ₂)	Stack opacity
CO	

The permittee shall provide the Department with access to all CEMS data via telephone modem and/or other means approved by the Department.

34. The permittee shall install, maintain and operate instrumentation to monitor the following parameters for each SNCR and carbon injection systems:

- a. Ammonia solution injection rate.
- b. Ammonia solution concentration.
- c. Ammonia slip.
- d. Carbon discharge pressure.
- e. Carbon mass feed rate (40 CFR Part 60, Subpart Eb).
- f. Carbon usage (40 CFR Part 60, Subpart Eb).

35. Each set of stack test data shall be used in conjunction with Department-approved dispersion modeling techniques to demonstrate compliance with the following maximum ambient concentrations:

<i>Pollutant</i>	<i>Ambient Concentration (ug/m³)</i>
Dioxins and furans*	0.30 × 10 ⁻⁷
Arsenic and compounds	0.23 × 10 ⁻³
Beryllium and compounds	0.42 × 10 ⁻³

<i>Pollutant</i>	<i>Ambient Concentration (ug/m³)</i>
Cadmium and compounds	0.56×10^{-3}
Nickel and compounds	0.33×10^{-2}
Hexavalent chromium and compounds	0.83×10^{-4}
Lead and compounds	0.09
Mercury and compounds	0.024
Hydrogen chloride	7.0
Benzo pyrene	0.59×10^{-3}

*Expressed as 2,3,7,8 TCDD equivalents

Each demonstration shall use tested stack emission rates, the exhaust parameters from each test and the dispersion modeling techniques specified in the application as approved by the Department. The Department may waive this modeling requirement if the measured pollutants levels are below those used in the application, the volumetric flow rate has not significantly changed from the value used in the application and the stack gas temperature has not significantly decreased from the value used in the application. The calculated maximum annual ambient concentrations shall not exceed the previous levels.

Recording and Reporting Requirements

36. The permittee shall maintain records and provide reports as specified in 40 CFR Part 60 to include the following:

- Materials separation plans (draft and final).
- Public notices, public meeting transcripts and any responses or summaries.
- Municipal solid waste and approved residual solid waste processed.
- Emissions testing and monitoring records for all pollutants for the specified intervals.
- Control device parameters, materials usage or percent emission reduction, as applicable.
- Emission exceedances, equipment malfunctions and corrective actions.

- Employee certifications and training records

All records shall be maintained onsite for the most recent 5-year period and shall be made available to Department representatives upon request.

Additional Requirements

37. The Department reserves the right to use the CEMS data, stack test results and the operating parameters established during optimization of the municipal waste combustors and their associated air cleaning devices to verify emission rates, to develop emission factors and to develop compliance assurance measures for the facility.

38. With the exception of Condition 5, the standards contained in this Plan Approval apply at all times except during periods of startup or shutdown. Each of these periods is limited to 3 hours per occurrence and is defined in Condition 4. Condition 6 does apply during periods of startup and shutdown.

39. Within 180 days of the issuance date of the Plan Approval, the applicant shall submit a multipathway and ecological risk assessment protocol to the Department for approval. The permittee shall perform a multipathway and ecological risk assessment within 180 days of performing the initial compliance stack test.

40. The Department reserves the right to require the applicant to reevaluate the risks should the test results from subsequent stack tests warrant an analysis.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting the File Room at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed action on January 13, 2004, from 7 p.m. to 9 p.m. at the Community Life Building, 1119 South Cameron Street, Harrisburg, PA.

Individuals who wish to comment are requested to contact Sandra Roderick at (717) 705-4931 by January 8, 2004, to schedule testimony. Commentors are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments should be submitted until January 23, 2004, to Leif Ericson, Regional Manager, Air Quality, 909 Elmerton Avenue, Harrisburg, PA 17110.

Persons with a disability who wish to attend the hearing who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Sandra Roderick at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

OPERATING PERMITS

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

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

09-00011: Perkasio Industries Corp. (50 East Spruce Street, Perkasio, PA 18944) for renewal of their Title V Operating permit for their facility in Perkasio Borough, **Bucks County**.

This action is a renewal of the Title V Operating Permit. The initial permit was issued on January 26, 1998. This facility manufactures fluorescent lighting fixtures and related products. The main emissions are VOC emissions from automatic and manual surface coating operations and cleaning operations. The facility also operates a heat-cleaning oven, four coating system heaters and several natural gas fired space heaters. The facility has the potential to generate 75.74 pounds of VOCs per hour and 69.68 tons VOCs per year. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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; Edward Brown, Facilities Permitting Chief, (610) 832-6242.

46-00114: Profiners, Inc. (2299 Amber Drive, Hatfield, PA 19440) in Hatfield Township, **Montgomery County**. The permit is for a non-Title V (State-only Natural Minor) facility. The facility's sources include three melting furnaces, two incinerators and three kettles. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00136: Powdersize, Inc. (20 Pacific Drive, Quakertown, PA 18951) for operation of a nonmetallic mineral processing facility in Richland Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The source of air emissions is four process lines and associated bag houses. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

36-03023: Penncast Corp. (601 East Market Street, Marietta, PA 17547) for operation of their steel foundry in the Marietta Borough, **Lancaster County**. Actual emissions are expected to be 19.3 tons/yr of a PM (PM10) and 0.74 ton/yr of VOCs. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-03120: Esbenshade Mills (220 Eby Chiques Road, Mount Joy, PA 17552) for operation of their feed mill in Rapho Township, **Lancaster County**. Actual emissions are expected to be 4.1 tons/yr of a PM (PM10). The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

38-03004: Hauck Manufacturing Co. (435 Willow Street, Lebanon, PA 17402) for operation of their fiberglass fabricated metal products and industrial heating equipment facility in the City of Lebanon, **Lebanon County**. Actual emissions are expected to be 1.2 tons/yr of a single HAP (styrene). The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

65-00732: Latrobe Area Hospital (121 West Second Avenue, Latrobe, PA 15650) a renewal for operation of a hospital incinerator in Latrobe Borough, **Westmoreland County**.

**COAL AND NONCOAL MINING
ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

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

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0mg/l	6.0mg/l	7.0mg/l
Manganese (total)	2.0mg/l	4.0mg/l	5.0mg/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.

40930102R2. Mammoth Anthracite, LLC (P. O. Box Q, Milnesville, PA 18239), renewal of an existing anthracite surface mine, refuse reprocessing, refuse disposal and preparation plant operation in Hazle Township, **Luzerne County** affecting 475.0 acres, receiving stream: none. Application received November 12, 2003.

54980201R3. Coal Castle Fuels, Inc. (101 North Centre Street, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Cass Township, **Schuylkill County** affecting 82.4 acres, receiving stream: none. Application received November 13, 2003.

54931601R2. Sherman Coal Co., Inc. (P. O. Box 93, Elysburg, PA 17824-0093), renewal of an existing coal preparation plant operation in Frailey Township, **Schuylkill County** affecting 9.9 acres, receiving stream: none. Application received November 17, 2003.

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

30841316. NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County**, to longwall mine 25 acres at the 6H Longwall Panel, no additional discharges. Application received October 31, 2003.

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

<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.

10980109 and NPDES Permit No. PA0227862. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation in Muddy Creek Township, **Butler County** affecting 141.2 acres. Receiving streams: unnamed tributary and Bear Run to Muddy Creek (HQ CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received November 17, 2003.

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

26980601 and NPDES Permit No. PA0202193. Better Materials Corp. (2200 Springfield Pike, Conneville, PA 15425). Revision application to add 113.9 acres to an existing noncoal surface mine in Bullsken Township, **Fayette County**, affecting 673 acres. Receiving streams: unnamed tributary to Breakneck Run to Whites Run to Mounts Creek (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Revision application received November 18, 2003.

03980104 and NPDES Permit No. PA0202231. Dutch Run Coal, Inc. (R. R. 2, Box 366, Sheloceta, PA 15774). Permit renewal for reclamation only of an existing bituminous surface mine, in W. Franklin and Sugar creek Townships, **Armstrong County**, affecting 51.3 acres. Receiving streams: Patterson Creek and an unnamed tributary to Patterson Creek (TSF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received November 17, 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:

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

37030305. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a sand and gravel operation in Plain

Grove Township, **Lawrence County** affecting 98.2 acres. Receiving streams: Jamison Run; tributary to Slippery Rock Creek; Slippery Rock Creek to Connoquenessing Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received November 17, 2003.

4950-37030305-E-1. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to place support facilities and mine within 100 feet (but not closer than 50 feet) of an unnamed tributary to Jamison Run No. 2 in Plain Grove Township, **Lawrence County**. Receiving streams: Jamison Run; tributary to Slippery Rock Creek; Slippery Rock Creek to Connoquenessing Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received November 17, 2003.

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

02030301 and NPDES Permit No. PA0250490. LaFarge North America, Inc. (5160 Main St., Whitehall, PA 18052-1827). Application for commencement, operation and reclamation of a noncoal surface mine in West Mifflin Borough, **Allegheny County**, affecting 106 acres. Receiving stream: Thompson Run (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge: Pennsylvania American Water Company. Application received November 14, 2003.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the

specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

EA46-014. William T. Hutchinson, 1686 Woodbridge Lane, Collegeville, PA 19426, Lower Salford Township, **Montgomery County**, ACOE Philadelphia District.

A request for an Environmental Assessment for impacts associated with the construction, operation and maintenance of the nonjurisdictional dam across an unnamed tributary to West Branch of Skippack Creek (TSF). The proposed dam will provide stormwater management for Store Road Estates. The project will impact approximately 335 linear feet of watercourse. The project is about 2,000 feet southwest of the intersection of Store Road and Morris Road (Collegeville, PA Quadrangle N: 21.2 inches, W: 0.1 inch).

E46-766. Live Lexington Management Corporation, P. O. Box 860, Spring House, PA 19477-0860, Hatfield Township, **Montgomery County**, ACOE Philadelphia District.

To reissue Permit E46-766 to perform the following activities associated with the Market Plex and Line Lexington Industrial Park, approximately 3,200 feet northwest from the intersection of Orvilla Road and Route 309 (Telford, PA Quadrangle N: 6.9 inches; W: 4.1 inches).

1. To construct and maintain 50 linear feet of 40.375-foot by 9.66-foot precast concrete arch roadway culvert and associated 21-inch and 18-inch RCP outfall structures in and along the Unionville tributary to the West Branch of the Neshaminy Creek for the proposed Sterling Drive.

2. To install and maintain 100 linear feet of 29-inch by 45-inch twin, HERCP stream enclosure roadway culvert in and along an unnamed tributary to the West Branch of the Neshaminy Creek for the proposed Silverstone Drive.

3. To eliminate approximately 900 feet of stormwater drainage ditch and redirect the flow through 740 linear feet of storm sewer piping starting at an existing endwall near SR 309 and ending at a location near the proposed intersection of Sterling Drive with Silverstone Drive.

These activities are associated with the internal roadway network for a future development phase for an existing industrial park and impact approximately 0.51 acre of wetlands. This project includes the construction of 0.54 acre of replacement wetlands.

E09-867. Department of Transportation, District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, New Britain Township, **Bucks County**, ACOE Philadelphia District.

To remove an existing single-span reinforced concrete arch bridge and to construct and maintain, in its place, a single-span prestressed concrete spread box beam bridge across the North Branch of Neshaminy Creek (WWF) associated with the roadway improvements for Callowhill

Road. The proposed bridge will have a clear span of 65.0 feet and a minimum underclearance of approximately 5.9 feet. This work also includes placement and maintenance of associated riprap protection at the abutments and temporary stream crossings. The site is approximately 800 feet northwest of the intersection of Callowhill Road (SR 4003m, Sec. 83S) and Creek Road (Doylestown, PA USGS Quadrangle N: 11.3 inches; W: 11.5 inches).

E46-949. McGrath Homes, 1262 Wood Lane, Langhorne, PA 19047, Limerick Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the following activities associated with the construction of the Villas Subdivision/McGrath Homes.

1. To place fill within an existing manmade pond on the southern corner of the site adjacent to the golf course property for the purpose of providing an access road "D."

2. To construct an 8-inch utility stream crossing of an unnamed tributary of Schuylkill River impacting 0.01 area of adjacent wetlands (PFO).

3. The applicant also requests Environmental Assessment approval for impacts associated with the construction and maintenance of a nonjurisdictional dam across an unnamed tributary to Brooke Evans Creek (WWF) for stormwater management.

The site is just northwest of the intersection of Brownback and Limerick Center Road (Phoenixville, PA USGS Quadrangle N: 16.1 inches; W: 10.5 inches).

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

E40-351A. Joseph Paglianite, 105 Country Club Road, Dallas, PA 18612 in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To amend DEP Permit No. E40-351 to authorize the modification of an existing dock and boat slip complex in Harveys Lake, to include five additional pile-supported boat slip fingers and an 8-foot long connecting walkway from the existing dock. The additional fingers are approximately 2.0 to 2.5 feet wide each, with lengths varying from approximately 18 to 20 feet. The modification is within an overall area of approximately 100 feet by 25 feet, next to Grotto Pizza in the Sunset Section of Harveys Lake (Harveys Lake, PA Quadrangle N: 18.3 inches; W: 4.6 inches).

E58-259. Great Bend Township, P. O. Box 781, Great Bend, PA 18821 in Great Bend Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain approximately 175 linear feet of placed rock bank protection, along the right bank of a tributary to Salt Lick Creek (HQ-CWF) for the purpose of stabilizing the adjoining roadway. The rock will extend to a height of approximately 27 feet above the streambed. The project is along T-747 (Graham Hollow Road), approximately 0.5 mile west of the intersection of T-747 and T-821 (Great Bend, PA-NY Quadrangle N: 9.1 inches; W: 16.0 inches).

E35-367. Lackawanna County, County Administrative Building, Suite 211, 200 Adams Avenue, Scranton, PA 18503 in Covington Township, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span precast concrete arch bridge having a span of 32 feet and an underclearance of 7.2 feet

across East Branch Roaring Brook Creek (HQ-CWF) to place fill in a de minimis area of PSS wetlands equal to 0.03 acre. The project is on Frey Town Road (T-347) at its crossing of East Branch Roaring Brook (Sterling, PA Quadrangle N: 9.9 inches; W: 12.7 inches).

E40-627. Sand Springs Development Corporation, 4511 Falmer Drive, Bethlehem, PA 18020 in Butler Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain an 8-inch sanitary sewer line crossing (Utility Crossing 1) of Long Run and adjacent wetlands (total linear impact approximately 28 feet); an 8-inch sanitary sewer line crossing (Utility Crossing 2) of a tributary to Long Run (total linear impact approximately 5 feet); a road crossing (Crossing B) of Long Run and adjacent wetlands, consisting of a 20.0-foot by 6.8-foot open-bottomed arch culvert (total linear impact approximately 82 feet); a roadcrossing (Crossing C) of a tributary to Long Run and adjacent wetlands, consisting of a 4.0-foot by 2.0-foot box culvert, including approximately 160 linear feet of channel change extending up and downstream of the culvert to incorporate waterfalls with two 3-foot drops; a roadcrossing (Crossing F) of a tributary to Long Run, consisting of a 48-inch CMP culvert, including approximately 60 linear feet of channel relocation upstream of the culvert (total linear impact to existing channel approximately 90 feet); and a road crossing (Crossing Q) of a tributary to Long Run, consisting of a 48-inch CMP culvert (total linear impact approximately 80 feet). The total wetland impact, including activities previously authorized under General Permits and activities proposed under the current application, is approximately 0.20 acre. The project (known as the Sand Springs Golf Community) is on the west side of SR 0309, approximately 0.5 mile north of SR 0080 (Freeland, PA Quadrangle N: 11.0 inches; W: 14.0 inches).

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

E02-1442. Greicon Construction and Development Company, LLC, 8 Alice Street, Crafton, PA 15205. Bryna Ridge Wetland Fill in Collier Township, **Allegheny County**, Pittsburgh ACOE District (Oakdale, PA Quadrangle N: 3.4 inches; W: 7.7 inches) (Latitude: 40° 23' 37" —Longitude: 80° 10' 49"). The applicant proposes to place fill in a reported 0.1 acre of wetland and 800 feet of unnamed watercourses within the Robinson Run (WWF) watershed in association with the construction of a 40-lot, single family, residential subdivision, referred to as the Bryna Ridge Plan of Lots. The site is off of Baldwin Road, approximately 800 feet from the roadways intersection with Cowan Road.

E32-459. Department of Transportation, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. Mudlick Run Culvert in North Mahoning Township, **Indiana County**, Pittsburgh ACOE District (Marion Center, PA Quadrangle N: 21.5 inches; W: 6.5 inches) (Latitude: 40° 52' 6" —Longitude: 79° 2' 49"). The applicant proposes to operate and maintain twin 40-foot long, 36-inch diameter concrete cast pipes in Mudlick Run (HQ-CWF). With inlet and outlet protection, construction of the pipes has impacted 55 linear feet of stream channel. No vegetated wetlands were impacted.

WATER QUALITY CERTIFICATION REQUEST

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

Certification Request Initiated by Chief, Civil Project Development Branch, Department of the Army, Baltimore District, U. S. Army Corps of Engineers, P. O. Box 1715, Baltimore, MD 21203-1715.

WQC41-001 Project Description: The proposed project is to place approximately 1,500 linear feet of R-7 rock rip-rap protection along the west bank of Loyalsock Creek. The project site is west of Montoursville Borough in Loyalsock Township, Lycoming County and extends from approximately the Interstate 180 bridge, upstream 1,500 feet to a point near the mouth of Mill Creek

(Montoursville North, PA Quadrangle N: 0.5 inch, W: 8.45 inches). The purpose of the project is to stabilize the stream bank and to protect an existing sewer line. Rock will be placed over the sewer line and along the creek embankment to protect them from further degradation from erosion. In addition to the impact to the stream channel and floodway, it is proposed to temporarily disturb approximately 0.06 acre of palustrine scrub-shrub wetlands, which will be restored upon completion of the project. Loyalsock Creek has a Chapter 93 water use protection designation of TSF.

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 application has 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>
03011	Steven J. Carten Eldorado Properties Corp. P. O. Box 2621 Harrisburg, PA 17105	Northumberland	Point Township	Two ASTs storing fuel oil	4.2 million 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

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0052990	Rodney A. Mitchell 221 Valley Green Drive Coatesville, PA 19320	Chester County West Caln Township	Rock Tributary	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0061085	Glenburn Service Company P. O. Box O Clarks Summit, PA 18411	Lackawanna County Glenburn Township	Ackerly Creek 5A	Y
PA0029017	Schuylkill Haven Municipal Authority 12 West Main Street Schuylkill Haven, PA 17972-1900	Schuylkill Haven Borough Schuylkill County	Schuylkill River 3A	N

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0038229 Sewage	Hempfield Township Municipal Authority R. D. 6 Woodward Drive Greensburg, PA 15601	Westmoreland County Hempfield Township	Township Line Run	Y
PA0092355 Sewage	Municipal Authority of the Borough of Belle Vernon	Fayette County Belle Vernon	Monongahela River	Y
PA0095150 Sewage	Fred M. Junko, Jr. P. O. Box 906 Uniontown, PA 15401	Allegheny County Forward Township	Monongahela River	Y
PA0096113 Sewage	McGuffey School District 117 Main Street Claysville, PA 15323	Washington County Buffalo Township	UNT of Buffalo Creek	Y
PA0096911 Sewage	R & M Manufacturing Sales and Service Inc. P. O. Box 750 Waynesburg, PA 15370	Greene County Whiteley Township	Dyers Fork	Y
PA0217981 Sewage	Richard W. and Kathryn A Weimer R. R. 4 Box 377 Blairsville, PA 15717-8908	Westmoreland County Derry Township	UNT of Boatyard Run	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0218006 Sewage	Conemaugh Township Municipal Water and Sewer Authority 16980 Route 286 Highway West Saltsburg, PA 15681-8023	Indiana County Conemaugh Township	Blacklegs Creek	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0222631	Wendy A. Gray 17242 Enterprise Road Titusville, PA 16354	Oil Creek Township Venango County	Unnamed tributary to Pine Creek	Y
PA0222682	Leasa A. Maley 6118 Maley Drive Limestone, NY 14753	Corydon Township McKean County	Unnamed tributary to Willow Creek	Y

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

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

NPDES Permit No. PA0013391, Industrial Waste, **Tuscan/Lehigh Valley Dairies, Inc.**, 880 Allentown Road, Lansdale, PA 19446. This proposed facility is in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Towamencin Creek-3E, Perkiomen.

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

Description of Proposed Action/Activity: Approval for the amendment of the existing permit to reflect following changes: Monitoring frequency from twice a month to once a month at Outfall 001. Remove monitoring requirements for zinc, manganese and aluminum at Outfall 002.

NPDES Permit No. PA0051519, Industrial Waste, **Perkasie Industries Corporation**, 50 East Spruce Street and Constitution Avenue, Perkasie, PA 18944. This proposed facility is in Perkasie Borough, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into East Branch of Perkiomen Creek-3E Watershed.

NPDES Permit No. PA0024651, Sewage, **Atglen Borough Sewer Authority**, P. O. Box 250, Atglen, PA 19310. This proposed facility is in Atglen Borough, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into Valley Creek in 7K Watershed

NPDES Permit No. PA0051331, Sewage, **Girl Scouts of Southeastern Pennsylvania**, P. O. Box 27540, Philadelphia, PA 19118. This proposed facility is in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into Swamp Creek-3E Watershed.

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

NPDES Permit No. PA0084701 Amendment No. 1, Sewage, **Penn Township Municipal Authority, Cove Facility**, 102 Municipal Building Road, Duncannon, PA 17020. This proposed facility is in Penn Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to the Susquehanna River in Watershed 7-A.

NPDES Permit No. PA0087050 Amendment No. 1, Sewage, **Licking Creek Homeowners Association**, 1115 Sheller Avenue, Chambersburg, PA 17201. This proposed facility is in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Licking Creek in Watershed 13-C.

NPDES Permit No. PA0028347, Sewage, **Martinsburg Municipal Authority**, 133 East Allegheny Street, Martinsburg, PA 16662-0307. This proposed facility is in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Plum Creek in Watershed 11-A.

NPDES Permit No. PA0082791, Industrial Waste, **Chester County Solid Waste Authority, Lancaster Landfill**, 7224 Division Highway, Narvon, PA 17555. This proposed facility is in Caernarvon Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters of the Conestoga River in Watershed 7-J.

NPDES Permit No. PA0247031, CAFO, **Andy Young, Red Knob Farm**, 322 Balance Meeting Road, Peach Bottom, PA 17563. This proposed facility is in Little Britain Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization for the operation of a 1,294.85 AEU dairy and heifer farm in Watershed 7-K.

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

NPDES Permit No. PA0002054-A2, Industrial Waste, **Reliant Energy Mid-Atlantic Power Holdings, LLC and Reliant Energy Seward, LLC**, 1001 Broad Street, Johnstown, PA 15907. This proposed facility is in East Wheatfield Township, **Indiana County**.

Description of Proposed Action/Activity: Amended to discharge untreated cooling water from the Seward Generating Station.

NPDES Permit No. PA0219339, Industrial Waste, **Belden & Blake Corporation**, 22811 Titusville Road, Pleasantville, PA 16341 issued October 31, 2003. The proposed Jones Treatment Facility is in Blacklick Township, **Indiana County**.

Description of Proposed Action/Activity: Discharge treated coalbed methane fluids to receiving waters named Blacklick Creek.

NPDES Permit No. PA0021148, Sewage, **Borough of Mount Pleasant**, Etze Ave., Mt. Pleasant, PA 15666. This proposed facility is in Mt. Pleasant Township, **Westmoreland County**.

Description of Proposed Action/Activity: Adds Outfalls SW1—SW3 to the permit and authorizes a discharge of uncontaminated stormwater runoff from the sewage treatment plant site through the outfalls.

NPDES Permit No. PA0218413, Amendment No. 1, Sewage, **Economy Borough Municipal Authority**, 2860 Conway Walrose Road, Baden, PA 15005. This proposed facility is in Economy Borough, **Beaver County**.

Description of Proposed Action/Activity: Discharge of treated sewage to receiving waters, known as Big Sewickley Creek, from Big Sewickley Creek STP.

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

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

WQM Permit No. 4603419, Sewerage, **Norristown Municipal Waste Authority**, 235 East Airy Street, 2nd Floor, Norristown, PA 19401-5048. This proposed facility is in Norristown Borough, **Montgomery County**.

Description of Proposed Action/Activity: Modify existing treatment plant to allow flows in excess of 11.5 gpd to secondary portion of facility.

WQM Permit No. 4603417, Sewerage, **Horsham Water and Sewer Authority**, 617B Horsham Road, Horsham, PA 19044. This proposed facility is in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sewage pump station.

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

WQM Permit No. 5003401, Sewerage, **Penn Township Municipal Authority**, 102 Municipal Road, Duncannon, PA 17020. This proposed facility is in Penn Township, **Perry County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities.

WQM Permit No. 2896401 Amendment No. 03-1, Sewerage, **Licking Creek Homeowners Association**, 1115 Sheller Avenue, Chambersburg, PA 17201. This proposed facility is in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for modifications to the construction/operation of sewage treatment facilities and sewers and appurtenances.

WQM Permit No. 2803404, Sewerage, **Christina and Greg Gress**, 8446 Cumberland Highway, Chambersburg, PA 17201. This proposed facility is in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities.

WQM Permit No. 3691202 Amendment No. 03-1, Industrial Waste, **Valley Proteins, Inc.**, 151 ValPro Drive, P. O. Box 3588, Winchester, VA 22604. This proposed facility is in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for a permit amendment in the construction/operation of the installation of a final air flotation clarifier before chlorination.

WQM Permit No. 3603202, Industrial Waste, **Chester County Solid Waste Authority**, 7224 Division Highway, Narvon, PA 17555. This proposed facility is in Caernarvon Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of industrial waste treatment facilities.

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

WQM Permit No. 2003428, Sewerage, **Danial D. and Linda Rae Reade, Trustees for Danial D. and Linda Rae Reade Family Trust**, 9685 Pettis Road, Meadville, PA 16335. This proposed facility is in East Mead Township, **Crawford County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>
Shenango Township 3439 Hubbard-West Middlesex Road West Middlesex, PA 16159	Mercer	Shenango Township
Wheatland Borough 71 Broadway Avenue Wheatland, PA 16161	Mercer	Wheatland Borough
Mercer County 503 Mercer County Courthouse Mercer, PA 16137	Mercer	
South Pymatuning Township 3483 Tamarack Drive Sharpsville, PA 16150	Mercer	South Pymatuning Township
West Middlesex Borough 25 North Street West Middlesex, PA 16159	Mercer	West Middlesex Borough
Greene Township 9333 Tate Road Erie, PA 16509	Erie	Greene Township
Wayne Township 1418 Wampum Road Ellwood City, PA 16116	Lawrence	Wayne Township
Lawrence County Lawrence County Government Center 430 Court Street New Castle, PA 16101	Lawrence	
Perry Township R. R. 2, Box 287 Portersville, PA 16051	Lawrence	Perry Township

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>
PAI023903024	WAWA, Inc. 260 W. Baltimore Pike Wawa, PA 19063	Lehigh	City of Allentown	Trout 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>
PAI2030603001	First National Bank in Fleetwood Main and Franklin Streets Fleetwood, PA 19522	Berks	Richmond Township	Moselem Creek HQ-CWF
PAI2030603002	David and Suzette Shaak 7740 South Tropical Trail Merritt Island, FL 32952	Berks	Longswamp Township	Little Lehigh Creek HQ

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lackawanna County Dunmore Borough	PAG2003503018	Michael Cestone 114 Prospect St. Dunmore, PA 18512	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Lehigh County Upper Milford Township	PAR10Q008-R-2	F. A. Rohrbach Little Lehigh Development Corp. 130 S. 16th St. Emmaus, PA 18049	Hosensack Creek CWF	Lehigh County Conservation District (610) 391-9583
Luzerne County Pittston Township	PAG2004003026	Scranton Altoona Terminal Corp. 801 Suscon Road Dupont, PA 18641	Collins Creek CWF	Luzerne County Conservation District (570) 674-7991
Ontelaunee Township Berks County	PAG2000603045	Anthony Forino 555 Mountain Home Rd. Sinking Spring, PA 19608	Willow Creek CWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Hereford Township Berks County	PAG2000603090	Fred Hellrich 414 Fox Hollow Lane Annapolis, MD 21403	West Branch of Perkiomen Creek CWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Marion Township Berks County	PAG2000603049	Century Land Development Co. 14 Summer Hill Dr. Sinking Spring, PA 19608	Tulpehocken Creek WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Spring Township Berks County	PAG2000603091	Spring Township 2800 Shillington Road Reading, PA 19608-1682	Tulpehocken Creek WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Muhlenberg Township Berks County	PAG2000603085	Christopher Santarelli 201 Nichols Street Leesport, PA 19533	Laurel Run CWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Borough of Marysville Perry County	PAG0050003013	Borough of Marysville Lower River Interceptor 200 Overcrest Rd. Marysville, PA 17053	Susquehanna River 3 acres	Perry County Conservation District P. O. Box 36 New Bloomfield, PA 17068 (717) 582-8988, Ext. 4
Centre County Taylor Township	PAG2001403043	St. Joseph Institute 129 Beckman Drive Altoona, PA 16602	California Hollow TSF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 15823 (814) 355-6817
Cambria County Richland Township	PAG2001103014(1)	United States Army Reserve 99th Regional Support Command 99 Soldiers Lane Coraopolis, PA 15108	Unnamed tributary to Solomon Run WWF	Cambria County Conservation District (814) 472-2120
Washington County City of Washington	PAG2006303033	City of Washington 55 Maiden Street Washington, PA 15301	Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Butler Township Butler County	PAG2001003028	Krendale Golf Course, Inc. Fairways at Krendale 139 Winterwood Drive Cranberry Township, PA 16001	UNT to Little Connoquenessing Creek CWF	Butler County Conservation District (724) 284-5270
Neshannock Township Lawrence County	PAG2003703006	The Villas at Autumn Hills 149 Enclave Drive New Castle, PA 16105	UNT to Shenango River and to Neshannock Creek WWF/TSF	Lawrence County Conservation District (724) 652-4512
Bradford Township McKean County	PAG2064203005	University of Pittsburgh at Bradford UPB Athletic Fields 300 Campus Drive Bradford, PA 16701	West Tunungwant Creek CWF	NWRO (814) 332-6942
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Falls Township Bucks County	PAR800089	National Railroad Passenger Corp. 400 West 31st St. 4th Floor New York, NY 10001	Van Sciver Lake 2E Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bensalem Township Bucks County	PAR800122	Con-Way Transportation Services 3240 Hillview Ave. Palo Alto, CA 94304	UNT to Mill Creek 2F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Hatfield Township Montgomery County	PAR110050	Cemcolift Inc. 2801 Township Rd. Hatfield, PA 19440	UNT to Neshaminy Creek 2F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
City and County of Philadelphia	PAR200038	Allied Tube & Conduit Corp. 11350 Norcom Rd. Philadelphia, PA 19154	Walton Run 3J Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Gwynedd Township Montgomery County	PAR230048	Colorcon Co. 415 Moyer Blvd. West Point, PA 19440	Wissahickon Creek 3F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Limerick Township Montgomery County	PAR210031	Silvi of Montgomery 355 Newbold Rd. Fairless Hills, PA 19030	UNT to Hartenstine Creek 3F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Langhorne Borough Montgomery County	PAR230081	ANI Holding Inc. 47-B Runway Rd. Levittown, PA 19057	Mill Creek 2F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
<i>General Permit Type—PAG-4</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Hayfield Township Crawford County	PAG048589	Bruce E. and Susan Y. King 16395 Lynn Road Saegertown, PA 16433	Unnamed tributary to Cussewago Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Farmington Township Warren County	PAG048491	Jeffrey A. Gray R. R. 3, Box 3335 Russell, PA 16345	Unnamed tributary to Rhine Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
East Mead Township Crawford County	PAG048933	Danial D. and Linda Rae Reade, Trustees Danial D. and Linda Rae Reade Family Trust 9685 Pettis Road Meadville, PA 16335	Unnamed tributary to French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Southampton Township Cumberland County	PAG083507	Shippensburg Borough Authority 963 Avon Drive Shippensburg, PA 17257	Mark Brandt—Mud Level Road Farm Southampton Township Cumberland County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Southampton Township Cumberland County	PAG083507	Shippensburg Borough Authority 963 Avon Drive Shippensburg, PA 17257	Mark Brandt—Britton Road Farm Southampton Township Cumberland County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-12

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lancaster County Mount Joy Township	PAG123579	James Snively Snively Farms 412 Ridge View Road South Elizabethtown, PA 17022	UNT to Conoy Creek TSF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-13

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>
PAG132211	Borough of Catasauqua 118 Bridge St. Catasauqua, PA 18032	Lehigh	Catasauqua Borough	Lehigh River TSF Catasauqua Creek CWF	Y
PAG132214	Whitehall Township 3219 MacArthur Road Whitehall, PA 18052	Lehigh	Whitehall Township	Lehigh River WWF Jordan Creek TSF, MF Copley Creek CWF Spring Creek CWF	Y
PAG132217	Edwardsville Borough 470 Main St. Edwardsville, PA 18704	Luzerne	Edwardsville Borough	Susquehanna River WWF Toby Creek WWF	Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133520	Lower Heidelberg Township 236 W. Lancaster Ave. Shillington, PA 19607	Berks	Lower Heidelberg Township	Tulpehocken Creek TSF Cacoosing Creek WWF Little Cacoosing Creek WWF Spring Creek CWF	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>
PAG133514	Marion Township 420 Water St. Stouchsburg, PA 19567	Berks	Marion Township	Tulpehocken Creek CWF	Y
PAG133523	Penn Township 237 W. Lancaster Ave. Shillington, PA 19607	Berks	Penn Township	Plum Creek CWF	Y
PAG133522	Muhlenberg Township 5401 Leesport Ave. Temple, PA 19560	Berks	Muhlenberg Township	Schuylkill River WWF Laurel Run CWF-MF Laurel Run WWF-MF	Y
PAG133521	Maidencreek Township One Quarry Rd. Blandon, PA 19510	Berks	Maidencreek Township	Willow Creek CWF	Y
PAG133662	City of Altoona 1301 12th St. Altoona, PA 16601-4391	Blair	Altoona City	Brush Run (Creek) WWF Burgoon Run TSF Mill Run WWF Spring Run WWF	Y
PAG133519	Lower Alsace Township 750 N. 25th St. Reading, PA 19606	Berks	Lower Alsace Township	Antietam Creek CWF Schuylkill River WWF	Y
PAG133527	Leesport Borough P. O. Box 710 Leesport, PA 19533	Berks	Leesport Borough	Schuylkill River WWF, MF	Y
PAG133518	Laureldale Borough 3406 Kutztown Rd. Laureldale, PA 19605	Berks	Laureldale Borough		Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136101	Speers Borough 300 Phillips Street Charleroi, PA 15022-1029	Washington	Speers Borough	Monongahela River WWF Maple Creek WWF UNT to the Monongahela River WWF	Y
PAG136102	Charleroi Borough 4th and Fallowfield Avenue Municipal Bldg., Room 209 Charleroi, PA 15022	Washington	Charleroi Borough	Monongahela River WWF Maple Creek WWF UNT to the Monongahela 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>
PAG136105	Fallowfield Township 9 Memorial Drive Charleroi, PA 15022	Washington	Fallowfield Township	Pigeon Creek WWF Maple Creek WWF UNT to the Monongahela River WWF	Y
PAG136109	North Charleroi Borough 555 Walnut Avenue Charleroi, PA 15022	Washington	North Charleroi Borough	Monongahela River WWF UNT to the Monongahela River WWF	Y
PAG136129	Monongahela City 449 West Main Street Monongahela, PA 15063	Washington	Monongahela City	Monongahela River WWF Pigeon Creek WWF Dry Run WWF	Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG138309	Ellport Borough 313 Burns Avenue Ellwood City, PA 16117-3910	Lawrence	Ellport Borough	Y
PAG138327	Valencia Borough 2031 Three Degree Road Valencia, PA 16059	Butler	Valencia Borough	Y

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).

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

Operations Permit issued to **Wyoming County Housing Authority**, P. O. Box 350, Nicholson, PA 18446, PWS ID 2660047, Overfield Township, **Wyoming County** on October 24, 2003, for the operation of facilities approved under Construction Permit No. 6603501.

Operations Permit issued to **Palmerton Municipal Authority**, 443 Delaware Avenue, Palmerton, PA 18071, PWS ID 3130012, Palmerton Borough, **Carbon County** on November 10, 2003, for the operation of facilities approved under Construction Permit No. N/A.

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

Permit No. 4146426—Permit-by-Rule. Public Water Supply.

Applicant **H20 to Go**
William F. Brightman
 49 Village Square Drive
 Marietta, PA 17547

Township Old Lycoming

County **Lycoming**

Type of Facility PWS—This permit is for the operation of a NAMA-approved water dispenser and disinfection equipment at Weis Markets Store No. 52, 1916 Lycoming Creek Rd., Williamsport, PA 17701.

Permit to Construct November 14, 2003
 Innovative Technology

WATER ALLOCATIONS

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

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

WA13-70. Succession to Water Rights. The Department has acknowledged that **Palmerton Municipal Authority**, 443 Delaware Avenue, Palmerton, **Carbon County**, has given notice that it will succeed to all rights and obligations under the permit issued to the former Palmer Water Company, 900 Delaware Avenue, Palmerton, Carbon County, on November 7, 2003.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hellam Township	44 Walnut Springs Road York, PA 17406	York

Plan Description: The approved plan provides for the adoption and implementation of an on-lot sewage disposal system management ordinance and a well drillers ordinance. The plan also provides for the extension of public sewer to properties on SR 462 between the Borough of Hallam and Ducktown Road with sewage flows tributary to the Eastern York County Sewer Authority Wastewater Treatment Plant. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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.

Former Sears Auto Center, North Coventry Township, **Chester County**. David Side, GHR Consulting Services, Inc. has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline, lead, MTBE and unleaded gasoline. 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.

Lancaster Shopping Center, City of Lancaster, **Lancaster County**. Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482 and PPL, 651 Delp Road, Lancaster, PA 17601, on behalf of Lancaster Shopping Center, 1645 Lititz Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report was submitted with 90 days of a release and is intended to document remediation of the site to the Statewide Health Standard.

Defense Distribution Depot Susquehanna PA SWMU 27 Tank 950, Fairview Township, **York County**. Weston Solutions, Inc., 1400 Weston Way, Building 4-2, West Chester, PA 19380, on behalf of Defense Logistics Agency, Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to the Statewide Health Standard.

Penn View Mobile Home Park, Exeter Township, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Mark Reedy, 1121 Broadway Avenue, Reading, PA 19606, submitted a Final Report concerning remediation of site soils contaminated with kerosene. The report was submitted with 90 days of a release and is intended to document remediation of the site to the Statewide Health Standard.

Kemps Foods, Inc., City of Lancaster, **Lancaster County**. Geologic NY, Inc., P. O. Box 5080, Cortland, NY

13405, on behalf of Kemps Foods, Inc., 1801 Hempstead Road, Lancaster, PA 17604, submitted a Final Report concerning remediation of site groundwater contaminated with BTEX, PHCs and PAHs. The report is intended to document remediation of the site to the Statewide Health Standard.

Whelan Investment Company a/k/a Ettline Foods Corporation, Spring Garden Township, **York County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112-3377, on behalf of Martin J. Whelan, 525 State Street, P. O. Box 563, York, PA 17405, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to the Statewide Health Standard.

Former Sunoco York Terminal, City of York, **York County**. Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Sunoco, Inc., Blueball Avenue and Post Road, Marcus Hook, PA 19061, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil and unleaded gas. The report is intended to document remediation of the site to the Site-Specific and Statewide Health Standards.

Barbara Peters Property, Maxatawny Township, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of Barbara Peters, 111 Kohler Road, Kutztown, PA 19530, submitted a Final Report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Residential Standard.

K & K Dodge, Borough of Wrightsville, **York County**. Alliance Environmental Services, Inc., on behalf of K & K Dodge, Inc., 887 Locust Street, Wrightsville, PA 17368, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with leaded gasoline and site groundwater contaminated with chlorinated solvents, leaded gasoline and volatile organics. The report is intended to document remediation of the site to the Site-Specific, Statewide Health and Background Standards.

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

PPL West Williamsport Substation, City of Williamsport, **Lycoming County**. PPL, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with PCBs. This Final Report is intended to demonstrate remediation of the site to meet the Site-Specific Standard.

Wilhold Facility (Former) a/k/a NewellRubbermaid Sunbury Site, City of Sunbury, **Northumberland County**. Cummings/Riter Consultants, on behalf of NewellRubbermaid, 6833 Stalter Drive, Suite 101, Rockford, IL 61108, has submitted a Final Report concerning soil contaminated with heavy metals and solvents. This Final Report is intended to demonstrate remediation of the site to meet the Statewide Health Standard.

Stover Property, Gregg Township, **Centre County**. Gannett Fleming, Inc. on behalf of Fred and Nancy Stover, 685 Green Grove Road, Spring Mills, PA 16875, has submitted a Final Report concerning soil and groundwater contaminated with fuel oil no. 2. This Final Report is intended to demonstrate remediation of the site to meet the Statewide Health Standard.

Munro Farm, Castanea Township, **Clinton County**. American Color & Chemical, LLC, Mount Vernon Street, Lock Haven, PA 17745, has submitted a Final Report concerning soil contaminated with VOCs, SVOCs, pesticides, PCBs and inorganics. This Final Report is intended to demonstrate remediation of site soils to meet the Statewide Health Standard. See additional information in the Applications section of this *Pennsylvania Bulletin*.

Cognis, Castanea Township, **Clinton County**. Cognis Corporation, 300 Brookside Avenue, Ambler, PA 19002 has submitted a Final Report concerning soil contaminated with no. 2 fuel oil, organics, inorganics and PAHs. This Final Report is intended to demonstrate remediation of site soils to meet the Statewide Health Standard. See additional information in the Applications section of this *Pennsylvania Bulletin*.

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:

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

OSRAM Sylvania, Wellsboro Borough, **Tioga County**. Civil & Environmental Consultants, Inc. on behalf of OSRAM Sylvania, One Jackson Street, Wellsboro, PA 16901, has submitted a Remedial Investigation Report and Cleanup Plan concerning soil contaminated with heavy metals. This submission was made in partial fulfillment of the Site-Specific Standard. These reports were approved by the Department on October 23, 2003.

Lock Haven Auto Company, City of Lock Haven, **Clinton County**. Converse Consultants, on behalf of the City of Lock Haven, 20 East Church Street, Lock Haven, PA 17745-2599, has submitted a Baseline Environmental Report concerning soil and groundwater contaminated with diesel fuel, fuel oil no. 2, kerosene, MTBE and unleaded gasoline. This Baseline Environmental Report was submitted in partial fulfillment of the Special Industrial Area Requirements. This report was approved by the Department on October 31, 2003.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

Southeast Region: Regional Solid Waste Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

General Permit No. WMGM020SE003. Tube City Inc., 300 S. Steel Rd., P. O. Box 207, Morrisville, PA 19067. Determination of applicability under General Permit No. WMGM020 for scrap metal recycling. The Department returned the determination of applicability on November 18, 2003.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

Permit ID No. WMGRO38SW009. Emert Grinding, Inc., 133 Bicycle Road, Somerset, PA 15501. Operation of a waste tire processing facility in Lincoln Township, **Somerset County**. Determination of applicability denied in the Regional Office on November 18, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northwest Region: Regional Solid Waste Manager; 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 101397. Onyx Greentree Landfill, LLC, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. Major modification request for municipal solid waste incinerator ash as new waste type and approval for use as alternative daily cover at the Onyx Greentree Landfill. The major permit modification was issued by the Northwest Regional Office on November 20, 2003.

Permit No. 101646. World Resource Recovery Systems, Inc., 1631 East Avenue, Erie, PA 16503-2365, City of Erie, **Erie County**. Major Modification for radiation protection plan. The permit was issued by the Northwest Regional Office on November 21, 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.

Pacesetter Logistics, LLC, 6830 Porto Fino Circle, Fort Myers, FL 33912. Authorization No. WH5448. Effective November 18, 2003.

RFG Enterprises Inc., 1484 Harrisburg Pike, Lancaster, PA 17601-2630. Authorization No. WH5362. Effective November 18, 2003.

Hugos Trucking Inc., 351 Gramatan Ave., Mount Vernon, NY 10552. Authorization No. WH5450. Effective November 18, 2003.

Sturm Trucking Inc., 807 E. Baldwin St., Hackettstown, NJ 07840. Authorization No. WH5481. Effective November 18, 2003.

Jorge E. Cruz, Apt. 6B, 383 Hewes St., Brooklyn, NY 11211-6544. Authorization No. WH5550. Effective November 18, 2003.

Comco Hauling Inc., 437 Routh St., Monroeville, PA 15146. Authorization No. WH5557. Effective November 18, 2003.

McLallen Construction Inc., 1522 Clifford Dr., Erie, PA 16505. Authorization No. WH5565. Effective November 18, 2003.

Revoked 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.

Roccio Construction Hauling Services Inc., 15 Sterling Drive, Glocester, RI 02857. Authorization No. WH4203. Revoked November 17, 2003.

Patriot Hauling, Inc., 2208 Plainfield Pike, Johnston, RI 02919. Authorization No. WH4612. Revoked November 17, 2003.

C & K Trucking, LLC, 417 Mashamoquet Road, Pomfrey Center, CT 06259. Authorization No. WH4613. Revoked November 17, 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.

Christy Stahl Tire Recycling, 1301 Frankstown Road, Johnstown, PA 15902. Authorization No. WH5084. Voluntarily Terminated November 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.

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

09-302-084GP: Hines Horticulture, Inc. (6071 Durham Rd., Pipersville, PA 18947) on November 18, 2003, for a boiler in Plumstead Township, **Bucks County**.

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

GP3-06-05092B: Haines and Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on November 17, 2003, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Cumru Township, **Berks County**.

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

24-129: American Exploration Co.—Benezette Station (SR 24035, Medix Run, PA 15868) on November 13, 2003, for operation of a natural gas fired compressor engine in Benezette Township, **Elk County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0087C: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on November 18, 2003, to operate an ammonia process in Falls Township, **Bucks County**.

15-0078A: Centocor Inc. (90 Great Valley Pkwy, Malvern, PA 19355) on November 21, 2003, for operation of a 2,000 kW electric generator in East Whiteland Township, **Chester County**.

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

39-304-009D: Ransom Industries LP (101 North Church Street, Macungie, PA 18062) on November 13, 2003, to install an air cleaning device to collect particulate matter from a wheel grinder at their Tyler Pipe Penn Division facility in Macungie Borough, **Lehigh County**.

45-399-015: United Huxley Envelope (P. O. Box 37, Mount Pocono, PA 18344) on November 13, 2003, to construct flexographic printing presses utilizing low VOC inks for the envelope manufacturing operation at the facility in Coolbaugh Township, **Monroe County**.

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

22-03041B: Librandi's Machine Shop, Inc. (93 Airport Drive/HIA, Middletown, PA 17057) on November 19, 2003, to construct an electroplating line in Middletown Borough, **Dauphin County**. This facility is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

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

16-035B: Commodore Corp. (Route 66N, Clarion, PA 16214) on November 12, 2003, for modifications to Plan Approval 16-035A in Clarion, **Clarion 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; Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0232: Cemco Lift, Inc. (2801 Township Line Road, Hatfield, PA 19440) on November 11, 2003, to operate a spray paint booth in Hatfield Township, **Montgomery County**.

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

22-301-058: Department of Agriculture (2301 North Cameron Street, Harrisburg, PA 17110) on May 10, 2003,

to construct an animal health laboratory multichambered incinerator, controlled by a Venturi wet scrubber and a mist eliminator in Susquehanna Township, **Dauphin County**. This plan approval was extended.

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

8-318-027: Mill's Pride—Pennsylvania (100 Lamoka Road, Sayre, PA 18840) on November 14, 2003, to extend the authorization to operate a wood kitchen cabinet finishing line and associated air cleaning device (a thermal oxidizer), various pieces of woodworking equipment and associated air cleaning devices (fabric collectors) and various other pieces of equipment on a temporary basis until March 13, 2004, in Athens Township, **Bradford County**. The plan approval has been extended.

8-318-027A: Mill's Pride—Pennsylvania (100 Lamoka Road, Sayre, PA 18840) on November 14, 2003, to extend the authorization to operate a wood kitchen cabinet glazing line on a temporary basis until March 13, 2004, in Athens Township, **Bradford County**. The plan approval has been extended.

49-00009A: Mohawk Flush Doors, Inc. (US Route 11, Northumberland, PA 17857) on November 13, 2003, to extend the authorization to operate two wooden door roll coaters and spray booth 4 on a temporary basis until March 12, 2004, in Point Township, **Northumberland County**. The plan approval has been extended.

49-00007B: Merck and Company, Inc. (P. O. Box 600, Danville, PA 17821) on November 18, 2003, to delete several best available technology requirements which had been erroneously established by the Department for an existing pharmaceutical process vessel and to modify a recordkeeping requirement for an air cleaning device (a condenser) to specify once per shift coolant temperature recording rather than continuous coolant temperature recording in Riverside Borough, **Northumberland County**.

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

04-00083A: Beaver Valley Alloy Foundry Co. (4165 Brodhead Road, Monaca, PA 15061) on November 17, 2003, to install a dust collector at their Monaca Plant in Monaca Borough, **Beaver County**. This plan approval was extended.

63-307-027: American Iron Oxide Production Co. (Foster Plaza No. 7, 661 Andersen Drive, Pittsburgh, PA 15220) on November 17, 2003, to install a baghouse and scrubbers in Allenport Borough, **Washington County**. This plan approval was extended.

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

10-338A: Superior Adsorbents, Inc. (AC Valley Industrial Park, Route 38, Emlenton, PA 16373) on November 13, 2003, construction of a resin bonded filter plant in the Allegheny Township, **Butler County**.

20-291A: Taylor Ramsey Corp. (631 Central Avenue, Titusville, PA 16354) issued November 12, 2003, installation of a wood fired boiler in Titusville, **Crawford 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; Edward Brown, Facilities Permitting Chief, (610) 832-6242.

46-00198: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) on November 19, 2003, their Title V Operating Permit was revised to incorporate conditions from Plan Approval PA-46-0198D for the bean cleaning source and its associated baghouse in Upper Hanover Township, **Montgomery County**. Revisions include a more stringent particulate matter limit and work practice standards for the operation of the baghouse. The revisions to the Title V Operating Permit were made under 25 Pa. Code § 127.450. The changes made to the permit do not result in an increase of emissions.

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

36-05009: JL Clark, Inc. (303 North Plum Street, Lancaster, PA 17602) on November 13, 2003, to operate a lithographic decorative metal can coating/graphic art manufacturing facility in City of Lancaster, **Lancaster County**. This is a renewal of the operating permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

28-03016: Contech Construction Products, Inc. (600 North Washington Street, Greencastle, PA 17225) on November 18, 2003, to operate their steel pipe manufacturing facility in Antrim Township, **Franklin County**.

67-05055: ConAgra Foods, Inc. (321 Taylor Avenue, Red Lion, PA 17356) on November 17, 2003, to operate their flour milling facility in Red Lion Borough, **York County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

06-05035: The Glidden Co. d/b/a ICI Paints (301 Bern Street, Reading, PA 19601-1252) on November 17, 2003, to modify thinning tanks controlled by a fabric collector at their Glidden Plant in Reading City, **Berks County**. The State-only operating permit was administratively amended to incorporate Plan Approval No. 06-05035C into the operating permit. This is Revision No. 1 of the operating permit.

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

8-399-027: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) on November 14, 2003, to authorize the use of an existing scrubber system to control the ammonia emissions from a process tank

(T-7) previously vented directly to atmosphere in North Towanda Township, **Bradford County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

15-00025: Kimball International Marketing, Inc. (1220 Wilson Drive, West Chester, PA 19380) on November 18, 2003, for their facility in West Goshen Township, **Chester County**. The facility's emission points include surface coating equipment for metal furniture; the facility is a non-Title V (State-only), Synthetic Minor facility. The facility has elected to cap their VOCs and HAPs to Minor Source threshold levels. The facility will be adding wood furniture surface coating to each spray booth. Minimal usage is expected, resulting in a de minimis increase of VOC (0.44 ton per year) and PM (0.01 ton per year) emissions for the Synthetic Minor facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permit Actions

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

24980104 and NPDES Permit No. PA0227854. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of existing bituminous strip and auger operation in Horton Township, **Elk County** affecting 29.5 acres. Receiving streams: unnamed tributaries to Johnson Run and two unnamed tributaries to Brandy Camp Creek. Application received September 9, 2003. Permit issued November 13, 2003.

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

11980102 and NPDES Permit No. PA0234753. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, permit renewal for continued operation of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 240.0 acres. Receiving streams: UNTs to Fallentimber Run and Fallentimber Run (CWF). There are no potable water supply

intakes within 10 miles downstream. Application received September 25, 2003. Permit issued November 17, 2003.

32990101 and NPDES Permit No. PA0235016. Walter L. Houser Coal Company, Inc., 13448 SR 422, Suite 1, Kittanning, PA 16201, permit revision to change the land use from forestland to pastureland in Washington Township, **Indiana County**, affecting 33.5 acres. Receiving streams: Sugar Camp Run to the South Branch Plum Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 2, 2003. Permit issued November 17, 2003.

32990110 and NPDES Permit No. PA0235164. KMP Associates, 1094 Lantz Road, Avonmore, PA 15618, permit revision to add 4.4 acres to the permit area. Total SMP acres goes from 36.9 to 41.3 in Young Township, **Indiana County**. Receiving streams: unnamed tributaries to Harpers Run and Harpers Run to Blacklegs Creek to the Kiskiminetas River (CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 20, 2003. Permit issued November 17, 2003.

Noncoal Permit Actions

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

47032801. Richard L. Beachel (524 Fairview Road, Danville, PA 17821), commencement, operation and restoration of a quarry operation in Derry Township, **Montour County** affecting 2.0 acres, receiving stream: none. Application received January 24, 2003. Permit issued November 19, 2003.

58032801. Powers Stone, Inc. (R. R. 5 Box 124, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received February 24, 2003. Permit issued November 19, 2003.

54030801. Helen I. Grow (223 Arch Street, Ringtown, PA 17967), commencement, operation and restoration of a quarry operation in Union Township, **Schuylkill County** affecting 5.0 acres, receiving stream: none. Application received August 27, 2003. Permit issued November 19, 2003.

58032809. Timothy Mark Smith (R. R. 3 Box 329E, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Lanesboro Borough, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 30, 2003. Permit issued November 20, 2003.

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

03930401 and NPDES Permit No. PA0200662. Seven Sisters Mining Co., Inc. (200 Route 22, P. O. Box 300, Delmont, PA 15626-0300). Permit renewal issued for reclamation only of a noncoal surface mining site in South Bend Township, **Armstrong County**, affecting 21.3 acres. Receiving streams: unnamed tributary to Crooked Creek. Application received October 10, 2003. Renewal issued November 19, 2003.

65930601 and NPDES Permit No. PA0200379. Timothy K. Hoover (3497 Route 981, Saltsburg, PA 15681). Renewal of NPDES for a noncoal surface mine, in Loyalhanna Township, **Westmoreland County**, affecting 77.4 acres. Receiving stream: unnamed tributary to Conemaugh River. Renewal application received September 24, 2003. Renewal permit issued November 19, 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.

15034042. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Fetters Mill in East Whiteland Township, **Chester County** with an expiration date of December 31, 2004. Permit issued November 17, 2003.

360340112. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting at 5160 Old Philadelphia Pike in Salisbury Township, **Lancaster County** with an expiration date of January 5, 2004. Permit issued November 17, 2003.

360340113. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting at Eagle Heights Development in Manor Township, **Lancaster County** with an expiration date of December 5, 2008. Permit issued November 17, 2003.

21034062. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting at 1226 Hillside Drive in Carlisle Borough, **Cumberland County** with an expiration date of October 31, 2004. Permit issued November 18, 2003.

06034056. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Melrose Place Housing in Maiden Creek Township, **Berks County** with an expiration date of December 5, 2007. Permit issued November 18, 2003.

48034034. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at The Preserve Housing in Forks Township, **Northampton County** with an expiration date of December 1, 2007. Permit issued November 18, 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 §§ 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.

E23-051. City of Chester Economic Development Authority, 511 Welsh Street, 4th Floor, P. O. Box 466, Chester, PA 19016-0466, City of Chester, **Delaware County**, ACOE Philadelphia District.

To reissue and amend Permit No. E23-051 associated with the Barry Bridge Park Expansion Project which previously granted authorization on September 24, 1982, to construct and maintain a boat ramp and docking facility and an outfall structure along the right bank of the Delaware River (WWF-MF) at a point immediately downstream from U. S. Route 322 (the Commodore Barry Bridge) in the City of Chester, Delaware County (Marcus Hook USGS Quadrangle N: 14.75 inches, W: 0.50 inch).

This authorization was previously amended in May 31, 1984, to allow additional dredging work necessary to construct the boat ramps, then amended again in December 24, 1985, to include the use of sheet piling for the reconstruction of an existing bulkhead and then reissued and amended in December 3, 1987, to include the construction and maintenance of one new boat ramp, maintenance of the two existing boat ramps and the addition of a permanent pier abutting the existing ramps.

Additional proposed work will include the following activities:

1. To construct and maintain a pedestrian bridge over a tidal combined sewer overflow (CSO) tidal ditch discharging to the Delaware River.
2. To install and maintain riprap bank stabilization along approximately 600 linear feet of the CSO tidal ditch and the Delaware River.
3. To construct and maintain an approximately 225-foot long timber pile supported fishing pier, which will extend approximately 100 feet into the Delaware River.
4. To construct and maintain a new stormwater drainage system and associated 18-inch HDPE outfall, which will replace an existing outfall.

5. Multiple minor site improvements including, but not limited to, minor regarding in the floodplain and installation of sidewalks, security fencing and site lighting.

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

E39-424. Lower Macungie Township, 3400 Brookside Road, Macungie, PA 18062. Lower Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a cable-concrete lined, trap-zoidal outfall channel consisting of a 6-foot bottom width and 3:1 side slopes in the floodway of Little Lehigh Creek (HQ-CWF) and to construct and maintain a highway obstruction in the floodplain of Little Lehigh Creek

consisting of new road construction and pavement widening. The project is on Spring Creek Road approximately 1.6 mile east of SR 0100 (Allentown West, PA Quadrangle N: 8.0 inches; W: 10.8 inches) (Subbasin: 27).

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

E05-317: Southern Cove Joint Municipal Authority, P. O. Box 235, Woodbury, PA 16695 in Woodbury Borough and Woodbury Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain approximately 51,000 feet of 10-inch, 8-inch, 6-inch and 2-inch gravity and pressure PVC wastewater collection sewers and 3,500 feet of wastewater force main in Woodbury Township and Woodbury Borough, Bedford County involving: (1) four bored stream crossings of Hickory Bottom Creek, a perennial watercourse (HQ CWF): (a) 25-foot by 14-inch (Hopewell, PA Quadrangle N: 12.2 inches; W: 17.3 inches); (b) 25-foot by 14-inch (Hopewell, PA Quadrangle N: 12.4 inches; W: 17.2 inches); (c) 20-foot by 12-inch (Hopewell, PA Quadrangle N: 12.8 inches; W: 17.0 inches); and (d) 20-foot by 12-inch (Hopewell, PA Quadrangle N: 13.0 inches; W: 16.9 inches); (2) six bored stream crossings of Yellow Creek, a perennial watercourse (HQ CWF): (a) 40-foot by 16-inch (New Enterprise, PA Quadrangle N: 12.8 inches; W: 0.4 inch); (b) 35-foot by 12-inch (New Enterprise, PA Quadrangle N: 13.6 inches; W: 0.4 inch); (c) 55-foot by 14-inch (New Enterprise, PA Quadrangle N: 14.1 inches; W: 0.4 inch); (d) 50-foot by 14-inch (New Enterprise, PA Quadrangle N: 14.4 inches; W: 0.3 inch); (e) 20-foot by 14-inch (Hopewell, PA Quadrangle N: 16.8 inches; W: 17.4 inches); and (f) 20-foot by 4-inch (Hopewell, PA Quadrangle N: 18.0 inches; W: 16.9 inches); (3) two bored stream crossings of an unnamed tributary to Yellow Creek, a perennial watercourse (HQ CWF): (a) 20-foot by 14-inch (Hopewell, PA Quadrangle N: 19.3 inches; W: 16.7 inches); and (b) 25-foot by 14-inch (Hopewell, PA Quadrangle N: 20.4 inches; W: 16.0 inches); (4) one 10-foot by 25-foot dry trench stream crossing of Yellow Creek (Hopewell, PA Quadrangle N: 16.6 inches; W: 17.3 inches); (5) one 3-foot by 25-foot stream crossing under an existing culvert on unnamed tributary to Yellow Creek (Hopewell, PA Quadrangle N: 20.9 inches; W: 16.1 inches); (6) one 4-foot by 25-foot stream crossing under an existing culvert on an unnamed tributary to Hickory Bottom Creek (HQ CWF) (Hopewell, PA Quadrangle N: 12.8 inches; W: 16.2 inches); and (7) two crossings of Exceptional Value PEM wetlands: (a) 2,760-foot by 25-foot (New Enterprise, PA Quadrangle N: 13.6 inches; W: 0.4 inch); and (b) 150-foot by 25-foot (Hopewell, PA Quadrangle N: 18.7 inches; W: 16.6 inches). A total of 113 linear feet of temporary watercourse impacts associated with 24 stream crossings under existing culverts, 1 dry trench stream crossing and 4 coffer dams have been waived under 105.12(a)(1) and (2). The project proposes to temporarily impact 1.67 acres of Exceptional Value PEM wetlands and temporarily impact 387 linear feet of stream channel.

E36-761: Valley Lea Riding Club, 881 Stively Road, Strasburg, PA 17579 in Drumore Township, **Lancaster County**, ACOE Baltimore District.

To add a 4-foot wide by 6-foot long wing wall and a 4-foot wide by 18-foot long wing wall to the existing 6-foot by 6-foot southern abutment and to maintain the existing 5-foot wide pedestrian bridge having a clear span of 50-foot crossing Fishing Creek (HQ-CWF, wild trout) at a point approximately 800 feet northwest of the Drumore

Township municipal building (Wakefield, PA Quadrangle N: 12.2 inches; W: 16.3 inches) in Drumore Township, Lancaster County.

E01-241: Adams County Board of Commissioners, Adams County Courthouse, Gettysburg, PA 17325 in Cumberland and Freedom Townships, **Adams County**, ACOE Baltimore District.

To replace and maintain the decking on Adams County Bridge No. 119 (Red Rock Road) and construct and

maintain abutment and pier scour protection at T-327 (Red Rock Road) over Marsh Creek (CWF) (Fairfield, PA Quadrangle N: 6.2 inches; W: 3.5 inches) in Cumberland and Freedom Townships, Adams County. The project will impact 0.0042 acre of palustrine emergent wetlands, 0.0002-acre permanent impact and 0.004-acre temporary impact. The amount of permanent wetland impact is considered a de minimis impact of 0.0002 acre and wetland mitigation is not required.

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>
03-02-021	Mark J. Wanner Clearwater International LLC 100 Industrial Drive Leetsdale, PA 15056	Allegheny	Leetsdale Borough	Fourteen ASTs storing hazardous substance	104,720 gallons total
03-22-003	Robert W. Arnold Hershey Foods Corp. Flight Operations 1025 Reese Avenue Hershey, PA 17033	Dauphin	Lower Swatara	Two ASTs storing jet fuel	12,000 gallons each
03-36-002	Frederick L. Shaak R. R. Donnelley & Sons Co. 216 Greenfield Road Lancaster, PA 17601-5885	Lancaster	Lancaster	One AST storing recovered solvent blend	100,000 gallons total
03-48-003	Jon Wiese Conectiv Bethlehem, LLC P. O. Box 6066 Newark, DE 19714-6066	Northampton	Bethlehem	One AST storing low sulfur distillate fuel oil	4 million gallons total

SPECIAL NOTICES

Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors

The Department of Environmental Protection (Department) announces the submission deadline for 2003 host municipality inspector program reimbursement applications as March 31, 2004. Reimbursements are available to municipalities under Act 101 (section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and Act 108 (section 304), the Hazardous Sites Cleanup Act of 1988. Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery or commercial hazardous waste storage, treatment and disposal facilities within its geo-

graphic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified host municipality inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for host municipality inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. If a municipality does not receive, but requires an application, contact the Program Development Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870, or visit the Department's website at www.dep.state.pa.us (DEP Keyword: Municipal Waste). Questions about the program should be directed to the Program Development Section at the previous address or telephone number.

The deadline for submitting applications is 4:30 p.m. on March 31, 2004. Applications received by the Department after the deadline will not be considered.

[Pa.B. Doc. No. 03-2321. Filed for public inspection December 5, 2003, 9:00 a.m.]

Act 175 Recycling Program Plan; Public Comment Period

The Department of Environmental Protection (Department) has developed a proposed Act 175 Recycling Program Plan (plan) under the act of December 9, 2002 (P. L. 1404, No. 175) (Act 175). Act 175 amended the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. §§ 4000.101—4000.1904) by, among other things, requiring the Department to develop a plan to assist municipalities in making recycling programs under the act financially self-sufficient. The plan must address the four following provisions:

1. A market development program to be funded by the recycling fund.
2. The extent to which municipal recycling programs under the Act can be sustained by restructuring the allocation of available recycling grants provided by Chapter 9.
3. Recommendations to county recycling coordinators designed to encourage market development.
4. Specific means, including legislative changes, that the Department intends to use to assist municipalities in making their recycling programs under the act self-sufficient.

In addition to the four provisions, the proposed plan includes funding recommendations to assist municipalities to meet and further the goals of both the act and Act 175. The proposed plan was developed in consultation with the Recycling Fund Advisory Committee and the State Solid Waste Plan Subcommittee of the Solid Waste Advisory Committee. A copy of the proposed plan must be submitted to the General Assembly by December 9, 2003.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed plan to the Department of Environmental Protection, P. O. Box 8471, Harrisburg, PA 17105-8472 (express mail: Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472). Comments submitted by facsimile will not be accepted. The Department must receive all comments, suggestions or objections on the plan by January 5, 2004. All comments received during the public comment period will be summarized and responded to by the Department in a comment and response document. A copy of this document will be posted on the Department's website (www.dep.state.pa.us) and will be available to any interested individual upon request.

Comments may also be submitted electronically to the Department to slohman@state.pa.us and must also be received by the Department by January 5, 2004. A subject heading of the proposal and a return name and address must be included in each transmission.

Copies of the draft plan are available by contacting the Department, (717) 787-7382, slohman@state.pa.us. Copies of the draft plan are also available on the Department's website at www.dep.state.pa.us (DEP Keyword: Recycling).

Individuals with a disability who require accommodations to provide comments to the Department on the draft plan should contact the Department at (717) 787-7382 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2322. Filed for public inspection December 5, 2003, 9:00 a.m.]

Coal and Clay Mine Subsidence Insurance Fund Board Meeting

The 2003 annual meeting of the Coal and Clay Mine Subsidence Insurance Fund Board will take place on December 18, 2003, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us. Questions regarding the agenda should be directed to Lawrence Ruane, (717) 783-9590, lruane@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lawrence Ruane at (717) 783-9590 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2323. Filed for public inspection December 5, 2003, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board Meeting

The Cleanup Standards Scientific Advisory Board will hold a meeting on Wednesday, December 10, 2003, at 9 a.m. in the Second Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

Questions concerning this meeting should be directed to Marilyn Wooding, (717) 783-7509, mwooding@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 783-7509 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2324. Filed for public inspection December 5, 2003, 9:00 a.m.]

Delaware Water Resources Regional Committee Meeting

The Delaware Water Resources Regional Committee (Committee) has scheduled a meeting for Friday, December 12, 2003, at 10 a.m. at the Department of Environmental Protection's (Department) Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Committee is one of six committees created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan, and to provide recommendations to the Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

Questions concerning this meeting should be directed to Susan Weaver, (717) 783-8055, suweaver@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department's website at www.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2325. Filed for public inspection December 5, 2003, 9:00 a.m.]

Great Lakes Water Resources Regional Committee Meeting

The Great Lakes Water Resources Regional Committee (Committee) has scheduled a meeting for Tuesday, December 9, 2003, at 10 a.m. at the Department of Environmental Protection's (Department) Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

The Committee is one of six regional committees created by 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

Questions concerning this meeting should be directed to Susan Weaver, (717) 783-8055, suweaver@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department's website at www.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2326. Filed for public inspection December 5, 2003, 9:00 a.m.]

Lower Susquehanna Water Resources Regional Committee Meeting

The Lower Susquehanna Water Resources Regional Committee (Committee) has scheduled a meeting for Thursday, December 18, 2003, at 10 a.m. at the Cumberland County Cooperative Extension Office, 1100 Claremont Road, Carlisle, PA 17013-8802.

The Committee is one of six regional committees created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

Questions concerning this meeting should be directed to Susan Weaver, (717) 783-8055, suweaver@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2327. Filed for public inspection December 5, 2003, 9:00 a.m.]

Ohio Water Resources Regional Committee Meeting

The Ohio Water Resources Regional Committee (Committee) has scheduled a meeting for Monday, December 8, 2003, at 10 a.m. at the Westmoreland County Cooperative Extension Office, Donohoe Center, R. R. 12, Box 202E, Donohoe Road, Greensburg, PA 15601.

The Committee is one of six regional committees created by under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

Questions concerning this meeting should be directed to Susan Weaver, (717) 783-8055, suweaver@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at

(717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2328. Filed for public inspection December 5, 2003, 9:00 a.m.]

Potomac Water Resources Regional Committee Meeting

The Potomac Water Resources Regional Committee (Committee) has scheduled a meeting for Friday, December 19, 2003, at 10 a.m. at the Adams County Conservation District, 670 Old Harrisburg Road, Suite 201, Gettysburg, PA 17325-3404.

The Committee is one of six regional committees created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

Questions concerning this meeting should be directed to Susan Weaver, (717) 783-8055, suweaver@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at ww.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2329. Filed for public inspection December 5, 2003, 9:00 a.m.]

Solid Waste Advisory Committee; Residual Waste Subcommittee Special Meeting

The Residual Waste Subcommittee of the Department of Environmental Protection's (Department) Solid Waste Advisory Committee will hold a special meeting on December 10, 2003, from 1:30 p.m. to 3:30 p.m. in the Second Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg. The purpose of the meeting is to discuss the Department's proposed Clean Fill Policy and proposed General Permit WMGR096 to Beneficially Use Residual Waste.

The proposed guidance and draft permit are available on the Department's website at www.dep.state.pa.us (DEP Keyword: Participate; then "Proposals Open for Comment"). Questions concerning the handouts for the meeting should be directed to William Pounds, (717) 787-7381, wpounds@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should

contact Tammy Snyder at (717) 787-9871 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2330. Filed for public inspection December 5, 2003, 9:00 a.m.]

Upper/Middle Susquehanna Water Resources Regional Committee Meeting

The Upper/Middle Susquehanna Water Resources Regional Committee (Committee) has scheduled a meeting for Tuesday, December 16, 2003, at 10 a.m. at the Centre County Solid Waste Authority Interpretive Center, Building D, 253 Transfer Road, Bellefonte, PA 16823.

The Committee is one of six regional committees created by 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

Questions concerning this meeting should be directed to Susan Weaver, (717) 783-8055, suweaver@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at ww.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-2331. Filed for public inspection December 5, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Wednesday, December 10, 2003, from 1 to 4 p.m. in Room 125N—Training Room A, Keystone Building, Commonwealth and Forster Streets, Harrisburg, PA.

The Department of Health reserves the right to cancel this meeting without prior notice.

For additional information, or persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Karl Hoffman, Program Administrator, Hearing Program, Division of Newborn Disease Prevention and Identification,

(717) 783-8143, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2332. Filed for public inspection December 5, 2003, 9:00 a.m.]

Rate Adjustment

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

1) Flat fees (as follows) apply to amounts that may be charged by a health care facility or health care provider when copying medical charts or records either: (a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or (b) for a district attorney.

2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Workers' Compensation Act (77 P.S. §§ 1-1041.4) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to financial responsibility) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The following charges list do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of September 30, 2002, through September 30, 2003, the consumer price index was 2.3%.

Accordingly, the Secretary provides notice that, effective January 1, 2004, the following payments may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

<i>Search and Retrieval of Records:</i>	<i>Not to Exceed</i>
	<i>\$16.94</i>
Amount charged per page for pages 1—20	\$ 1.13
Amount charged per page for pages 21—60	\$.85
Amount charged per page for pages 61—end	\$.29
Amount charged per page for microfilm copies	\$ 1.68

Search and Retrieval of Records: *Not to Exceed*
\$16.94

Flat fee for production of records to support any claim under Social Security Act or claims under other Federal or State financial needs based programs **\$21.46**

Flat fee for supplying records requested by a district attorney **\$16.94**

Note: Federal regulations enacted under the Health Insurance Portability and Accountability Act (HIPAA) in 45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The United States Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the United States Department of Health and Human Services, Office of Civil Rights, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, www.hhs.gov/ocr/hipaa.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department of Health is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be directed to James T. Steele, Jr., Deputy Chief Counsel, Room 825, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, for speech and/or hearing impaired persons, the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) or V/TT (717) 783-6514.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 03-2333. Filed for public inspection December 5, 2003, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$500,000 Cash Celebration 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:

- Name:* The name of the game is Pennsylvania \$500,000 Cash Celebration.
- Price:* The price of a Pennsylvania \$500,000 Cash Celebration instant lottery game ticket is \$10.
- Play Symbols:* Each Pennsylvania \$500,000 Cash Celebration instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15

(FIFTEEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIFTEEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Star Symbol (STAR) and Money Bag Symbol (DBLE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000 and \$500,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania \$500,000 Cash Celebration instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$500,000 (FIVHUNTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10,000 (TEN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (DBLE), and a prize play symbol of \$500 (FIV HUN) appears under the Money Bag Symbol (DBLE) on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$500 (FIV HUN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (DBLE),

and a prize play symbol of \$200 (TWO HUN) appears under the Money Bag Symbol (DBLE) on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$200 (TWO HUN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$100 (ONE HUN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (DBLE), and a prize play symbol of \$50\$ (FIFTY) appears under the Money Bag Symbol (DBLE) on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$50\$ (FIFTY) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (DBLE), and a prize play symbol of \$20\$ (TWENTY) appears under the Money Bag Symbol (DBLE) on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (DBLE), and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the Money Bag Symbol (DBLE) on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning

Numbers” play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$15\$ (FIFTN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$10^{.00} (TEN DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a

prize play symbol of \$10^{.00} (TEN DOL) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Money Bag Symbol (DBLE), and a prize play symbol of \$5^{.00} (FIV DOL) appears under the Money Bag Symbol (DBLE) on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$5^{.00} (FIV DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Numbers Match Any of The Winning Numbers, Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$5 × 2	\$10	1:100	96,000
\$5 w/MB	\$10	1:25	384,000
\$10 w/Star	\$10	1:25	384,000
\$10	\$10	1:150	64,000
\$5 × 3	\$15	1:100	96,000
\$15 w/Star	\$15	1:75	128,000
\$15	\$15	1:100	96,000
\$5 × 4	\$20	1:150	64,000
\$10 × 2	\$20	1:60	160,000
\$10 w/MB	\$20	1:60	160,000
\$20	\$20	1:14.29	672,000
\$15 × 2 + \$10 × 2	\$50	1:600	16,000
\$5 × 8 + \$10	\$50	1:600	16,000
\$15 × 3 + \$5	\$50	1:600	16,000
\$20 w/MB + \$10	\$50	1:600	16,000
\$25 × 2	\$50	1:600	16,000
\$20 × 2 + \$10	\$50	1:600	16,000
\$10 × 5	\$50	1:600	16,000
\$5 × 10	\$50	1:600	16,000
\$50 w/Star	\$50	1:600	16,000
\$50	\$50	1:600	16,000
\$10 × 5 + \$50	\$100	1:600	16,000
\$25 × 3 + \$5 × 5	\$100	1:480	20,000
\$15 × 4 + \$20 × 2	\$100	1:480	20,000
\$50 × 2	\$100	1:600	16,000
\$20 × 5	\$100	1:480	20,000
\$10 × 10	\$100	1:480	20,000
\$50 w/MB	\$100	1:480	20,000
\$100 w/Star	\$100	1:1,200	8,000
\$100	\$100	1:480	20,000
\$15 × 10 + \$25 × 2	\$200	1:2,400	4,000
\$15 × 10 + \$10 × 5	\$200	1:2,400	4,000
\$20 × 5 + \$50 × 2	\$200	1:2,400	4,000
\$20 × 10	\$200	1:2,400	4,000
\$200 w/Star	\$200	1:2,400	4,000
\$200	\$200	1:2,400	4,000
\$100 × 5	\$500	1:24,000	400
\$50 × 10	\$500	1:24,000	400
\$200 w/MB + \$100	\$500	1:24,000	400
\$500 w/Star	\$500	1:24,000	400
\$500	\$500	1:24,000	400
\$100 × 10	\$1,000	1:30,000	320
\$200 × 5	\$1,000	1:30,000	320
\$500 w/MB	\$1,000	1:40,000	240
\$1,000	\$1,000	1:30,000	320

When Any of Your Numbers
Match Any of The Winning
Numbers, Win With Prize(s) of:

	Win	Approximate Odds	Approximate No. of Winners Per 9,600,000 Tickets
\$1,000 × 10	\$10,000	1:240,000	40
\$10,000	\$10,000	1:240,000	40
\$500,000	\$500,000	1:960,000	10

Star = Win prize automatically

MB (Money Bag) = Win double the prize

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$500,000 Cash Celebration instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$500,000 Cash Celebration, prize money from winning Pennsylvania \$500,000 Cash Celebration instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$500,000 Cash Celebration instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$500,000 Cash Celebration or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2334. Filed for public inspection December 5, 2003, 9:00 a.m.]

Pennsylvania Kisses and Cash 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 Kisses and Cash.

2. *Price:* The price of a Pennsylvania Kisses and Cash instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Kisses and Cash instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played

separately. Each Pennsylvania Kisses and Cash instant lottery game ticket will also contain a "Fast \$14" bonus area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5^{.00} (FIV DOL), \$7^{.00} (SVN DOL), \$10^{.00} (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for "Game 2" are: Rose Symbol (ROSE) and X Symbol (XXX).

(d) The play area for "Game 3" will contain a "Lucky Symbol" area and a "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and the "Your Symbols" area are: Lips Symbol (KISS), Bear Symbol (BEAR), Candy Symbol (CANDY), Diamond Symbol (DIMND), Gift Symbol (GIFT), Cash Symbol (CASH), Balloon Symbol (BALLN), Crown Symbol (CROWN), Heart Symbol (HEART), Cupid Symbol (CUPID), Bow Symbol (BOW), Ring Symbol (RING) and Cake Symbol (CAKE).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$5^{.00} (FIV DOL), \$7^{.00} (SVN DOL), \$10^{.00} (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$50,000 (FTY THO).

(b) The prize play symbols and their captions located in the 6 "Prize" areas for "Game 3" are: \$5^{.00} (FIV DOL), \$7^{.00} (SVN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$50,000 (FTY THO).

(c) The prize play symbols and their captions located in the "Fast \$14" bonus area are: \$14\$ (FORTN) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1" are \$5, \$7, \$10, \$14, \$21, \$42, \$70, \$140 and \$50,000. The prizes that can be won in "Game 2" are \$5, \$7, \$10, \$14, \$21, \$42, \$70, \$140 and \$50,000. The prizes that can be won in "Game 3" are \$5, \$7, \$14, \$21, \$42, \$70, \$140 and \$50,000. The prize that can be won in the "Fast \$14" bonus area is \$14. The player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,160,000 tickets will be printed for the Pennsylvania Kisses and Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching play symbols of \$140 (ONEHUNFRY) in the play area, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets with three matching play symbols of \$70\$ (SEVENTY) in the play area, on a single ticket, shall be entitled to a prize of \$70.

(4) Holders of tickets with three matching play symbols of \$42\$ (FRY TWO) in the play area, on a single ticket, shall be entitled to a prize of \$42.

(5) Holders of tickets with three matching play symbols of \$21\$ (TWY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$21.

(6) Holders of tickets with three matching play symbols of \$14\$ (FORTN) in the play area, on a single ticket, shall be entitled to a prize of \$14.

(7) 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.

(8) Holders of tickets with three matching play symbols of \$7^{.00} (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching play symbols of \$5^{.00} (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$50,000 (FTY THO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$140 (ONEHUNFRY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$70\$ (SEVENTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$70.

(4) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$42\$ (FRY TWO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$42.

(5) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$21\$ (TWY ONE) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$21.

(6) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$14\$ (FORTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$14.

(7) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$10^{.00} (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$7^{.00} (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching Rose Symbol (ROSE) play symbols in the same row, column or diagonal, and a prize play symbol of \$5^{.00} (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$140 (ONEHUNFRY) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$70\$ (SEVENTY) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(4) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$42\$ (FRY TWO) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$42.

(5) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$21\$ (TWY ONE) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$21.

(6) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$14\$ (FORTN) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(7) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$7^{.00} (SVN DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5^{.00} (FIV DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Holders of tickets with a prize play symbol of \$14\$ (FORTN) in the "Fast \$14" bonus area, on a single ticket, shall be entitled to a prize of \$14.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Fast \$14 Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,160,000 Tickets</i>
	\$5			\$5	1:35.29	61,200
		\$5		\$5	1:35.29	61,200
			\$5	\$5	1:33.33	64,800
	\$7			\$7	1:150	14,400
		\$7		\$7	1:200	10,800
			\$7	\$7	1:200	10,800
			\$5 × 2	\$10	1:120	18,000
	\$10			\$10	1:120	18,000
		\$10		\$10	1:60	36,000
	\$7		\$7	\$14	1:100	21,600
		\$7	\$7	\$14	1:100	21,600
\$14				\$14	1:100	21,600
	\$7	\$7		\$14	1:10.53	205,200
	\$7	\$7	\$7	\$21	1:150	14,400
			\$7 × 3	\$21	1:200	10,800
\$14	\$7			\$21	1:200	10,800
\$14		\$7		\$21	1:200	10,800
\$14			\$7	\$21	1:200	10,800
	\$21			\$21	1:300	7,200
		\$21		\$21	1:600	3,600
			\$21	\$21	1:600	3,600
\$14			\$14 × 2	\$42	1:4,800	450
\$14			\$7 × 4	\$42	1:4,800	450
\$14	\$14	\$14		\$42	1:4,800	450
\$14		\$14	\$14	\$42	1:4,800	450
\$14	\$14		\$14	\$42	1:4,800	450
			\$21 × 2	\$42	1:6,000	360
			\$7 × 6	\$42	1:6,000	360
	\$42			\$42	1:6,000	360
		\$42		\$42	1:6,000	360
			\$42	\$42	1:6,000	360
\$14			\$14 × 4	\$70	1:24,000	90
\$14	\$14	\$14	\$7 × 4	\$70	1:24,000	90
	\$70			\$70	1:24,000	90
		\$70		\$70	1:24,000	90
			\$70	\$70	1:30,000	72
			\$70 × 2	\$140	1:120,000	18
	\$140			\$140	1:120,000	18
		\$140		\$140	1:120,000	18
			\$140	\$140	1:120,000	18
	\$50,000			\$50,000	1:2,160,000	1
		\$50,000		\$50,000	1:2,160,000	1
			\$50,000	\$50,000	1:2,160,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Kisses and Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Kisses and Cash, prize money from winning Pennsylvania Kisses and Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Kisses and Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Kisses and Cash or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2335. Filed for public inspection December 5, 2003, 9:00 a.m.]

Pennsylvania Treasure Chest 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 Treasure Chest.

2. *Price:* The price of a Pennsylvania Treasure Chest instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Treasure Chest instant lottery game ticket will contain one play area featuring a "Treasure Chest Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Treasure Chest Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN) and a Pirate Symbol (PIRATE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 8 "Prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,000 (TWO THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$100, \$500, \$2,000 and \$25,000. A player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Treasure Chest instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of \$25,000 (TWYFIVTHO) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$2,000 (TWO THO) appears in the corresponding "Prize" area on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of \$2,000 (TWO THO) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$500 (FIV HUN) appears in the corresponding "Prize" area on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of

\$500 (FIV HUN) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$100 (ONE HUN) appears in the corresponding "Prize" area on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$40\$ (FORTY) appears in the corresponding "Prize" area on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$25\$ (TWY FIV) appears in the corresponding "Prize" area on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the corresponding "Prize" area on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the corresponding "Prize" area on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Treasure Chest Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the corresponding "Prize" area, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$4⁰⁰ (FOR DOL) appears in the corresponding "Prize" area on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Treasure Chest Numbers” play symbols and a prize play symbol of \$4.⁰⁰ (FOR DOL) appears in the corresponding “Prize” area, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Pirate Symbol (PIRATE), and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears in the corresponding “Prize” area on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Treasure

Chest Numbers” play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears in the corresponding “Prize” area, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Treasure Chest Numbers” play symbols and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears in the corresponding “Prize” area, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Either Treasure Chest Number, Win With Prize(s) of:

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 × 2	1:30	200,000
\$2	1:30	200,000
\$2 w/Pirate	1:30	200,000
\$1 × 4	1:50	120,000
\$4	1:50	120,000
\$4 w/Pirate	1:50	120,000
\$1 × 5	1:150	40,000
\$5	1:150	40,000
\$5 w/Pirate	1:150	40,000
\$2 × 5	1:500	12,000
\$5 × 2	1:500	12,000
\$10	1:375	16,000
\$10 w/Pirate	1:75	80,000
\$5 × 5	1:150	40,000
\$25	1:150	40,000
\$25 w/Pirate	1:150	40,000
\$5 × 8	1:2,000	3,000
\$10 × 4	1:2,000	3,000
\$25 + \$5 × 3	1:2,000	3,000
\$40	1:1,935	3,100
\$40 w/Pirate	1:2,000	3,000
\$10 × 6 + \$20 × 2	1:24,000	250
\$20 × 5	1:24,000	250
\$40 × 2 + \$5 × 4	1:24,000	250
\$100	1:24,000	250
\$100 w/Pirate	1:24,000	250
\$100 × 5	1:120,000	50
\$500	1:120,000	50
\$500 w/Pirate	1:120,000	50
\$500 × 4	1:1,200,000	5
\$2,000	1:1,200,000	5
\$2,000 w/Pirate	1:1,200,000	5
\$25,000	1:1,200,000	5

Pirate = Win prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Treasure Chest instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Treasure Chest, prize money from winning Pennsylvania Treasure Chest instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Treasure Chest instant lottery game,

the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Treasure Chest or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2336. Filed for public inspection December 5, 2003, 9:00 a.m.]

Rates of Tax on Aviation Gasoline and Jet Fuel for 2004; Oil Company Franchise Tax Rate for 2004; Alternative Fuels Tax Rates

Aviation Gasoline and Jet Fuels

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2004 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines will remain at the current rate of 4 1/10¢ per gallon or fractional part thereof.

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2004 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines will remain at the current rate of 1 8/10¢ per gallon or fractional part thereof.

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter. The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b), the rate of each tax increases or decreases 1/10¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, subject to a maximum rate of 6¢ per gallon for aviation gasoline and 2¢ per gallon for jet fuels. On November 1, 2003, the most recently available 12-month period was September 2002 to September 2003, as reported in Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2003, USDL 03-546, released October 10, 2003, for which the percentage change was -8.7%. Accordingly, as the percentage change is less than 10%, the current aviation gasoline tax rate and jet fuel tax rates will remain unchanged.

Oil Company Franchise Tax

The Secretary announces that for calendar year 2004 there is an increase in the current rate of the oil company franchise tax from 13.9¢ per gallon to 14.2¢ per gallon on all liquid fuels and from 18.8¢ per gallon to 19.2¢ per gallon on all fuels used or sold and delivered by distributors within this Commonwealth under 75 Pa.C.S. §§ 9002 and 9004(b) (relating to definitions; and imposition of tax, exemptions and deductions), definition of "cents per gallon equivalent basis."

*The rate of 4 1/10¢ per gallon consists of the 1 1/2¢ per gallon tax imposed by the Liquid Fuels and Fuels Tax Act, 75 Pa.C.S. § 9004(c)(1), and the 2 6/10¢ per gallon additional tax imposed by 74 Pa.C.S. § 6121(a). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax) and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a "cents per gallon equivalent basis," which is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the Pennsylvania Bulletin no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

"Average wholesale price" as used previously is defined as:

The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.

For the 12-month period ending September 30, 2003, the Department has determined that the average wholesale price of liquid fuels and fuels was 91.9¢ per gallon.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
Total Mills per Gallon:	153.5	208.5
Decimal Equivalent:	.1535	.2085
Multiply by Average Wholesale Price:	× 91.9¢	× 91.9¢
Product:	14.107¢	19.161¢
Oil Company Franchise Tax per Gallon (Rounded Up to Next Highest Tenth):	14.2¢	19.2¢

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as previously computed is collected at the same time as the liquid fuels and fuels tax of 12¢ per gallon; therefore, effective January 1, 2004, the combined rate of tax for liquid fuels (primarily gasoline) is 26.2¢ per gallon and for fuels (primarily undyed diesel fuel) is 31.2¢ per gallon.

Alternative Fuels Tax Rates for 2004

Under 75 Pa.C.S. § 9004(d), the Secretary is required to compute the rate of tax applicable to each alternative

fuel on a gallon-equivalent basis. Under 75 Pa.C.S. § 9002, "gallon-equivalent basis" is defined as the "amount of any alternative fuel as determined by the department to contain 114,500 BTUs." The amount determined on a "gallon-equivalent basis" for each alternative fuel is subject to the liquid fuels and oil company franchise taxes currently imposed on 1 gallon of gasoline.

The rate of tax on 1 gallon of gasoline during the period of this notice is \$.12 liquid fuels tax and \$.142 oil company franchise tax for a total tax of \$.262 per gallon of gasoline.

The Secretary announces that the 2004 tax rates for alternative fuels are as follows:

<i>Alternative Fuel</i>	<i>Rate of Conversion (BTU/gal of Alternative Fuel)</i>	<i>Amount Equivalent to 1 Gallon of Gasoline at 114,500 BTU per Gallon</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,400	1.499	\$.175
Methanol	56,560	2.024	\$.130
Propane/LPG	83,500	1.371	\$.192
E-85	105,545	1.085	\$.242
M-85	65,350	1.752	\$.150
Compressed Natural Gas	29,000 @ 3,000 PSI	3.948	\$.067
Liquefied Natural Gas	66,640	1.718	\$.153
Electricity	3,412 Btu/KWH	33.558 KWH	\$.008/KWH

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-2337. Filed for public inspection December 5, 2003, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Your Building Centers, Inc., 2607 Beale Avenue, P. O. Box 1230, Altoona, PA 16603, seeking to lease highway right-of-way in College Township, Centre County, 4,860 square feet adjacent to SR 26, Segment 190 and Offset 1658, for the purpose of parking. Only surface type improvements are permitted. No structures are permitted.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to George M. Khoury, P. E., District Executive, Engineering District 2-0, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830.

Questions regarding this application or the proposed use should be directed to Department of Transportation, Engineering District 2-0, Yvonne S. Parker, Real Estate Specialist, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830, (814) 765-0565.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 03-2338. Filed for public inspection December 5, 2003, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602 seeking to lease highway right-of-way on SR 0322 and SR 219, Sandy Township, Clearfield County, approximately 837 square meters (9,000 square feet) adjacent to SR 0322 and SR 119, for purposes of parking-only surface type improvements, no structures permitted.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to George M. Khoury, P. E., District Engineer, Engineering District 2-0, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830.

Questions regarding this application or the proposed use should be directed to Yvonne S. Parker, Real Estate Specialist, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 03-2339. Filed for public inspection December 5, 2003, 9:00 a.m.]

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2003

The Department of Transportation (Department), Bureau of Aviation, is accepting applications for Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2003.

Each year, under 74 Pa.C.S. §§ 6121—6124 (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as that indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of a grant, the covenant shall be deemed extended for 1 additional year. A violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department will receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in calendar year ending December 31, 2003, is the close of business on February 2, 2004. Applications shall be filed with the Department of Transportation, Bureau of Aviation, P. O. Box 3457, Harrisburg, PA 17101-3457.

Interested persons may direct their request for applications, inquiries or comments regarding the local real estate tax reimbursement program to Edward Buczeskie at (717) 705-1223.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 03-2340. Filed for public inspection December 5, 2003, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 20, 2003, and announced the following:

Regulations Approved

State Board of Medicine #16A-497: Sexual Misconduct (amends 49 Pa. Code Chapter 16)

State Board of Osteopathic Medicine #16A-539: Sexual Misconduct (amends 49 Pa. Code Chapter 25)

State Board of Medicine #16A-4912: Physician Delegation of Medical Services (amends 49 Pa. Code Chapter 18)

State Board of Nursing #16A-5115: Oral Orders (amends 49 Pa. Code Chapter 21)

Department of Labor and Industry #12-60: Uniform Construction Code; Administration and Enforcement; Elevators and Other Lifting Devices (amends 34 Pa. Code by amending Chapter 401 and adopting Chapters 403 and 405)

Department of Transportation #18-385: Vehicle Equipment and Inspection (amends 67 Pa. Code §§ 175.42 and 175.80)

Approval Order

Public Meeting held
November 20, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Medicine—Sexual Misconduct; Regulation No. 16A-497

On November 7, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine. This rulemaking amends 49 Pa. Code Chapter 16. The proposed regulation was published in the November 24, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2003.

This regulation provides guidance to practitioners and the public regarding sexual misconduct. Regulated practitioners include: medical doctors; midwives; physician assistants; drugless therapists; athletic trainers; acupuncturists; and applicants for a license or certificate that the Board may issue.

We have determined this regulation is consistent with the statutory authority of the State Board of Medicine (63 P. S. §§ 422.8 and 422.41(8)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 20, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Osteopathic Medicine—Sexual Misconduct; Regulation No. 16A-539

On March 27, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Osteopathic Medicine. This rulemaking amends 49 Pa. Code Chapter 25. The proposed regulation was published in the April 6, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2003.

This regulation provides guidance to practitioners and the public regarding sexual misconduct. Regulated practitioners include: osteopathic physicians; physician assistants; respiratory care practitioners; athletic trainers; acupuncturists; and applicants for a license or certificate issued by the Board.

We have determined this regulation is consistent with the statutory authority of the State Board of Osteopathic Medicine (63 P. S. §§ 271.10a(c), 271.15(a)(8) and (b)(9) and 271.16) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 20, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Medicine—Physician Delegation of Medical Services; Regulation No. 16A-4912

On August 24, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 18. The proposed regulation was published in the September 8, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2003.

This rulemaking establishes criteria under which medical doctors may delegate the performance of medical services to health care practitioners or technicians.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 422.17(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 20, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Nursing—Oral Orders; Regulation No. 16A-5115

On November 14, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing. This rulemaking amends 49 Pa. Code Chapter 21. The proposed regulation was published in the December 1, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2003.

This regulation allows licensed practical nurses (LPNs) to accept oral orders in accordance with the policy of the facility. This regulation also amends existing regulations to clarify that both professional nurses and LPNs can administer drugs. Finally, it removes the reference to “a licensed doctor of the healing arts” as the sole prescriber of drugs.

We have determined this regulation is consistent with the statutory authority of the State Board of Nursing (63 P. S. § 667.6) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 20, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Department of Labor and Industry—Uniform Construction Code; Administration and Enforcement; Elevators and Other Lifting Devices; Regulation No. 12-60

On August 14, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code by amending Chapter 401 and adopting Chapters 403 and 405. The proposed regulation was published in the August 24, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was initially submitted to the Commission on May 8, 2003. On June 9, 2003, the Department withdrew the regulation. The final-form regulation was resubmitted to the Commission on October 22, 2003. The Department tolled the review of this regulation to make corrections and clarify references, and simultaneously submitted revisions on November 6, 2003.

This regulation implements the Pennsylvania Construction Code Act (act) (35 P. S. §§ 7210.101—7210.1103). As required by the act, the regulation establishes a Uniform Construction Code (UCC) for Pennsylvania. It sets forth administrative and enforcement provisions including procedures for municipalities to elect to adopt and enforce the UCC and Statewide standards for elevators and other lifting devices.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S. §§ 7210.301 and 7210.304) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 20, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Department of Transportation—Vehicle Equipment and Inspection; Regulation No. 18-385

On August 12, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code §§ 175.42 and 175.80. The proposed regulation was published in the August 23, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 30, 2003.

This regulation adds inspection for the presence of appropriate emissions control components to the existing annual safety inspection in Chapter 175. The regulation applies to the 42 counties not currently subject to the emissions inspection program under Chapter 177. The amendments also eliminate the requirement for inspection stations to send copies of inspection reports to the Department.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 4103, 4702 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-2341. Filed for public inspection December 5, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT**Cigna Health Plan; Rate Filing**

On November 20, 2003, Cigna Health Plan submitted a filing to increase the group medical and pharmacy plan rates. The proposed rate increase for the medical plan is between 19% and 26% and the pharmacy plan is between 10% and 78%. The medical increase is expected to generate additional revenue of \$1.9 million and the pharmacy increase is expected to generate additional revenue of \$900,000 annually. The increase will impact approximately 3,000 members. The proposed effective date is April 1, 2004.

This filing is available for public inspection during normal working hours at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Rulemaking, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2342. Filed for public inspection December 5, 2003, 9:00 a.m.]

Geisinger Health Plan; Rate Filing

On November 7, 2003, Geisinger Health Plan submitted a demographic filing to add regional rating factors to the approved age/gender and industry factors. Additionally, the filing requests to increase the maximum age/gender/industry from 1.35 to 1.75. Four regional factors are proposed (1.0344, .9678, 1.1050 and .9687 for the eastern, north central, south central and west, respectively). The requested effective date is April 1, 2004.

This filing is available for public inspection during normal working hours at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Rulemaking, 1311 Strawberry Square, Harrisburg, PA 17120 within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2343. Filed for public inspection December 5, 2003, 9:00 a.m.]

Keystone Health Plan East; Request for Approval of Medically Underwritten Individual Direct Pay HMO Contract and Rates; Form and Rate Filing

Keystone Health Plan East submitted both forms and rates for a medically underwritten individual direct pay HMO product for review and approval by the Insurance Department (Department). The rates for each individual subscriber will be based on age, gender, contract type, as well as the risk characteristics (based on medical underwriting) of the subscriber and dependents if a subscriber applies for a nonsingle contract. An effective date of February 1, 2004, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Carol E. Slack, A & H Actuarial Supervisor, Office of Rate and Policy Regula-

tion, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2344. Filed for public inspection December 5, 2003, 9:00 a.m.]

burg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2345. Filed for public inspection December 5, 2003, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 25, 2003, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). PCRB requests an overall 3.32% increase in collectible loss costs, effective April 1, 2004, on a new and renewal basis. Also, PCRB has calculated the Employer Assessment Factor effective April 1, 2004, to be 2.36%, as compared to the currently approved provision of 2.80%. Updates to a variety of other rating values to reflect the most recent available experience are also being submitted for approval. Finally, the filing includes proposed additions and/or changes to other manual rules consistent with intended practice regarding workers' compensation insurance options, classification procedures and related matters.

The entire April 1, 2004, loss cost filing will be available for review on PCRB's website at www.pcrb.com in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harris-

QCC Insurance Company; Request for Approval of Nongroup PPO Contract and Rates; Form and Rate Filing

QCC Insurance Company submitted both forms and rates for two nongroup limited benefit PPO contracts designed to be low-cost alternatives to its current Personal Choice options for review and approval by the Insurance Department (Department). The rates will be based on the attained age of the oldest adult covered by the contract and the contract type.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Carol E. Slack, A & H Actuarial Supervisor, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-2346. Filed for public inspection December 5, 2003, 9:00 a.m.]

OFFICE OF THE BUDGET

Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by section 2 of the act of October 19, 1995 (P. L. 324, No. 51), mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by the BLS on November 18, 2003, that the salaries covered by that law shall be increased by 2.4% effective January 1, 2004. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment, and the new salary:

Cola Adjustment for Elected and Appointed Officials Receiving Salaries Contained in Act 1995-51

Cola Adjustment is Based on the Percent Change in the CPI-U for PA-DE-NJ-MD, CMSA, for the 12-Month Period Ending October 2003

<i>Position</i>	<i>Salary Prior to 1/1/2004</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2004</i>
Governor	\$144,416	2.4%	\$147,882
Lieutenant Governor	\$121,309	2.4%	\$124,220
State Treasurer	\$120,154	2.4%	\$123,038
Auditor General	\$120,154	2.4%	\$123,038
Attorney General	\$120,154	2.4%	\$123,038

<i>Position</i>	<i>Salary Prior to 1/1/2004</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2004</i>
Large Agency Head	\$115,533	2.4%	\$118,306
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$109,756	2.4%	\$112,390
Secretary of Aging			
Secretary of Community and Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation and Natural Resources			
Small Agency Head	\$103,980	2.4%	\$106,476
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairperson	\$ 58,690	2.4%	\$ 60,099
Member	\$ 56,379	2.4%	\$ 57,732
Civil Service Commission****			
Chairperson	\$ 66,040	2.4%	\$ 67,625
Member	\$ 63,500	2.4%	\$ 65,024
State Tax Equalization Board			
Chairperson	\$ 20,219	2.4%	\$ 20,704
Member	\$ 18,773	2.4%	\$ 19,224
Milk Marketing Board			
Chairperson	\$ 18,773	2.4%	\$ 19,224
Member	\$ 18,052	2.4%	\$ 18,485
Securities Commission***			
Chairperson	\$ 31,588	2.4%	\$ 32,346
Member	\$ 28,818	2.4%	\$ 29,510
Athletic Commission			
Chairperson	\$ 15,166	2.4%	\$ 15,530
Member	\$ 14,441	2.4%	\$ 14,788
Board of Pardons			
Member	\$ 13,286	2.4%	\$ 13,605
Public Utility Commission			
Chairperson	\$112,256	**	\$114,890
Member	\$109,756	2.4%	\$112,390
Environmental Hearing Board*			
Chairperson	\$112,256	*	\$114,890
Member	\$109,756	*	\$112,390
Board of Claims*****			
Chairperson	\$106,663	2.4%	\$109,223
Member	\$101,049	2.4%	\$103,474

* The Environmental Hearing Board is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the Pennsylvania Public Utility Commission (PUC).

** Act 1995-51 requires that the PUC Chairperson shall receive \$2,500/year more than PUC members.

*** Per Act 1998-51.

**** Per Act 2002-140, effective November 27, 2002.

***** Per Act 2002-118, effective October 2, 2002.

MICHAEL J. MASCH,
Secretary

[Pa.B. Doc. No. 03-2347. Filed for public inspection December 5, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-310518F7005. North Pittsburgh Telephone Company and AT&T Wireless Services, Inc. Joint petition of North Pittsburgh Telephone Company and AT&T Wireless Services, Inc. for approval of a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and AT&T Wireless Services, Inc., by its counsel, filed on November 19, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a commercial mobile radio services 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 North Pittsburgh Telephone Company and AT&T Wireless 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. 03-2348. Filed for public inspection December 5, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

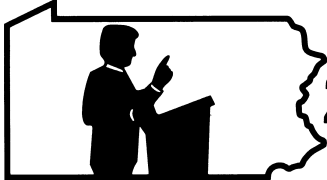
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

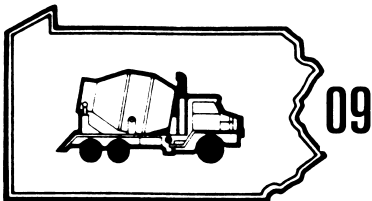
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer



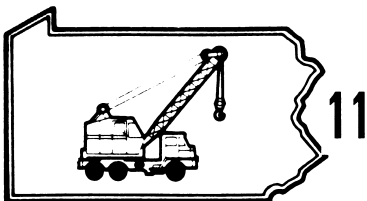
Construction & Construction Maintenance

2003-01 The contractor shall provide all materials, labor, and equipment to replace existing passenger elevator in the infirmary at the State Correctional Institution at Camp Hill.

Department: Corrections
Location: State Correctional Institution at Camp Hill, 2500 Lisburn Road, Camp Hill, PA 17011
Duration: January 15, 2004 to June 30, 2004
Contact: Jeffery Wright, (717) 975-5200

SU-2002/19 Etter Health Center, ADA Entry Re-Roof, Mechanical Upgrades. Shippensburg University of the State System of Higher Education invites General and HVAC Contractors to request bid documents for this project. Work includes ADA sidewalk and stairs, storefront replacement, renovations, re-roof and mechanical upgrades at Etter Health Center. Prospective Bidders may obtain project plans for a non-refundable deposit of \$30.00, by requesting in writing or by fax to STV Architects, ATTN: Virginia Stoudt, 205 West Welsh Drive, Douglassville, PA 19518. Phone: 610-385-8325. Fax: 610-385-8501. Pre-Bid Meeting with site visit immediately to follow will be held on December 17, 2003 at 10:00 a.m. in the Reed Operations Center. Bids Due: January 12, 2004 at 4:00 p.m., Old Main Room 300. Public Bid Opening: January 13, 2004 at 2:00 p.m., Old Main Room 203A. Contracts, MBE/WBE and Prevailing Wages apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

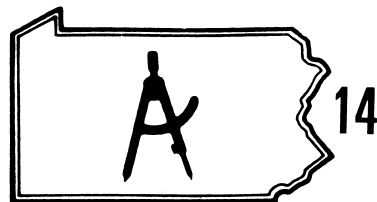
Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: 120 days after receipt of Notice to Proceed
Contact: Deborah K. Martin, (717) 477-1121



Demolition—Structural Only

W-0583-0301 Demolition and removal of Boiler Plant Chimneystack and Breaching at the Ebensburg Center.

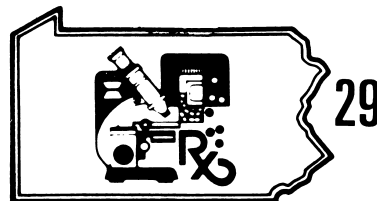
Department: Public Welfare
Location: Ebensburg Center, Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931
Duration: 90 Calendar days from effective date of contract.
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259



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.

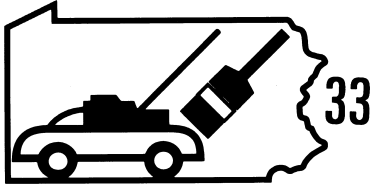
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Medical Services

CN00006034 Provide a school psychologist, on site as required, to the Scranton State School for the Deaf. Contract will be from the effective date through February 28, 2008. Do not call for information. All information is in the bid package. Fax (570) 963-4544 to obtain a copy of the bid package. Bid package is not available electronically. Bid Opening: 2 p.m. 12/29/2003.

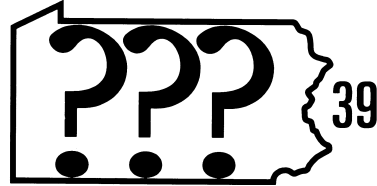
Department: Education
Location: Scranton State School for the Deaf, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: Five year contract with yearly cost changes
Contact: Merrill Mayenschein, Fax: (570) 963-4544



Property Maintenance

CL-595, Center for Alumni and Development Clarion University of Pennsylvania is soliciting bids for construction of a new office building in Clarion, PA. This 8,740 square foot, two story Federalist Style building will have a gable roof and dormers, a brick veneer, a structural system of wood stud framing, concrete block, and wood roof trusses. The building will contain office, conference rooms, and restrooms. The HVAC system includes DX cooling, split systems air handlers, and gas fired furnaces. Construction includes plumbing installations and electrical equipment and wiring including installation of telephone and data cabling. This building will sit on a just under one acre lot and will have onsite paved parking (completed by others). Landscape development in the areas not occupied by the building or parking lot will be part of the general contract. Contracts will be awarded for General, HVAC, Plumbing and Electrical Construction. Pre-Bid Meeting: 10 a.m., December 15, 2003 in McEntire Maintenance Building, Wilson Avenue, Clarion, PA. Bids Due: 2:00 p.m., January 13, 2004. Plans Cost: \$50.00, non-refundable, for a complete set of plans and specifications, payable to Clarion University. Plans and specifications may be reviewed without charge at the University or Builders Exchanges-list available from Clarion University. Contact for Plans and Specifications procurement: Judy McAninch, 218 Carrier Hall, Clarion University, Clarion, PA 16214, (814) 393-2240, jmcaininch@clarion.edu.

Department: State System of Higher Education
Location: Clarion University, Clarion, PA
Duration: 180 days from Notice to Proceed
Contact: Judy McAninch, (814) 393-2240



Miscellaneous

RFP #PPO/Rx-001 The Office of the Chancellor, State System of Higher Education, is soliciting proposals from insurance carriers to provide a preferred provider organization plan and/or prescription benefits managers to provide a prescription benefit plan with an anticipated effective date of July 1, 2004. The insurance carrier or prescription benefit manager must offer benefits and Statewide network providers. No broker fees will be paid under this contract or contracts. The RFP will provide interested vendors with sufficient information to prepare and submit proposals. Final proposals must be submitted by December 30, 2003. To receive an RFP, contact Mary Ann Spontak, Health Care Program Administrator, State System of Higher Education, 2986 North Second Street, Harrisburg, PA 17110, (717) 720-4166, mspontak@sshchan.edu.

Department: State System of Higher Education
Location: Harrisburg, PA
Duration: 5 years
Contact: Mary Ann Spontak, (717) 720-4166

CN00006114 Repair and Maintenance to FM Radio Communications System at Polk Center.

Department: Public Welfare
Location: Polk Center, P. O. Box 94, Polk, PA 16342
Duration: January 1, 2004 through December 31, 2006
Contact: Marty DuPont, (814) 432-0229

CN00006115 Recycle/Recharge Printer Cartridges and Fax Cartridges.

Department: Public Welfare
Location: Polk Center, P. O. Box 94, Polk, PA 16342
Duration: February 1, 2004 through June 30, 2006
Contact: Marty DuPont, (814) 432-0229

[Pa.B. Doc. No. 03-2349. Filed for public inspection December 5, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary

