

# 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 January 14, 2003.

#### BANKING INSTITUTIONS

##### Holding Company Acquisition

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-26-02	Franklin Financial Services Corporation, Chambersburg, to acquire up to 23.5% of American Home Bank, National Association, Lancaster	Chambersburg	Effective

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-4-03	Parkvale Bank Monroeville Allegheny County	<i>To:</i> Brentwood Town Sq. Pittsburgh Allegheny County  <i>From:</i> 4128 Brownsville Rd. Pittsburgh Allegheny County	Effective
1-9-03	Lebanon Valley Farmers Bank Lebanon Lebanon County	<i>To:</i> 901 East Main St. (Out Parcel) Palmyra Lebanon County  <i>From:</i> Palmyra Shopping Center 901 East Main St. Palmyra Lebanon County	Filed

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

PAUL H. WENTZEL, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-166. Filed for public inspection January 31, 2003, 9:00 a.m.]

### 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 January 21, 2003.

**BANKING INSTITUTIONS****Holding Company Acquisitions**

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-17-03	Citizens Financial Group, Inc., Providence, RI, to acquire 100% of the voting shares of Commonwealth Bancorp, Inc., Norristown, PA	Providence, RI	Effective

**New Charter Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-17-03	Clearfield Interim Bank & Trust Company Clearfield Clearfield County	Clearfield	Approved
1-17-03	East Penn Interim Bank Emmaus Lehigh County	Emmaus	Filed

**Conversions**

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
1-10-03	Ambler Savings and Loan Association Ambler Montgomery County <i>To:</i> Ambler Savings Bank Ambler Montgomery County Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.	Ambler	Filed

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-17-03	Citizens Bank of Pennsylvania, Philadelphia, and Commonwealth Bank, Norristown Surviving Institution—Citizens Bank of Pennsylvania, Philadelphia All branch offices, including the former main office, of Commonwealth Bank will become branch offices of Citizens Bank of Pennsylvania. <i>Former Main Office:</i> 2 West Lafayette Street Norristown Montgomery County	Philadelphia	Effective

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-22-02	Royal Bank of Pennsylvania Narberth Montgomery County	1650 Grant Avenue Philadelphia Philadelphia County	Opened
1-6-03	Northwest Savings Bank Warren Warren County	355 Biddle Street Kane McKean County (Drive-Up Facility)	Opened
1-9-03	Northwest Savings Bank Warren Warren County	3140 Cape Horn Road Red Lion York County	Opened
1-13-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	37-41 Brown Street Middletown Dauphin County (Drive-Up Facility)	Opened

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-6-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 4110 Brownsville Rd. Pittsburgh Allegheny County  <i>From:</i> 4148 Brownsville Rd. Pittsburgh Allegheny County	Effective
1-6-03	Community Bank and Trust Company Clarks Summit Lackawanna County	<i>To:</i> 60 Main Street Clifford Susquehanna County  <i>From:</i> Route 106 Clifford Susquehanna County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-15-03	Bank of Hanover and Trust Company Hanover York County	951 York Street Hanover York County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
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*Note:* Addendum to Weekly Summary No. 1, for week ending January 7, 2003:

Subsequent to the merger of GTE Erie Federal Credit union (GTE) with and into Erie Insurance Exchange Credit Union (Survivor), the Survivor changed its corporate title to "Erie Community Credit Union." In addition, the former main office of GTE became a branch office of Survivor as follows:

916 French Street  
Erie  
Erie County

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
1-17-03	Knoll Employees Credit Union East Greenville Montgomery County	Amendment to Article 8 provides for a change in the field of membership.	Approved and Effective

PAUL H. WENTZEL, Jr.  
*Acting Secretary*

[Pa.B. Doc. No. 03-167. Filed for public inspection January 31, 2003, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 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 February 2003, is 7%.

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 an 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 4.52 to which was added 2.50 percentage points for a total of 7.02 that by law is rounded off to the nearest quarter at 7%.

PAUL H. WENTZEL, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-168. Filed for public inspection January 31, 2003, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Pennsylvania School of Art & Design for Approval of Amendment of Its Articles of Incorporation

#### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Pennsylvania School of Art & Design for a Certificate of Authority approving the amendment to and the restating of its Articles of Incorporation in their entirety.

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 shall be filed 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 by 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the previously listed office to schedule a time for an in-office review. Duplicate copies 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, (717) 787-4448 or Paula Fleck, (717) 772-3623 to discuss how the Department may best accommodate their needs.

THOMAS R. WINTERS,  
*Acting Secretary*

[Pa.B. Doc. No. 03-169. Filed for public inspection January 31, 2003, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed 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 new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. 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 this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The 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. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. 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 renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

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

**I. NPDES Renewal Applications**

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

<i>NPDES 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>
PA0054623	Gary W. Volovnik 1624 Three Mile Run Road Perkasie, PA 18944	Bucks County East Rockhill	Three Mile Run	Y

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

<i>NPDES 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>
PA0040932	Northwestern Lehigh School District 6493 Route 309 New Tripoli, PA 18066	Lehigh County Weisenberg Township	Unnamed tributary to Lyon Creek 2C	Y

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

<i>NPDES 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>
PA0087611	Richfield Area Joint Authority R. R. 2, Box 35 Richfield, PA 17089	Juniata County Monroe Township	West Branch Mahantango Creek 6C	Y
PA0082147	Holtwood MHP Irvin Peifer 204 Stone Mill Drive Elizabethtown, PA 17022	Lancaster County Martic Township	UNT to Susquehanna River 7K	Y
PA0028886	Borough of Quarryville 300 Saint Catherine Street Quarryville, PA 17566	Lancaster County Quarryville Borough Providence Township	UNT to S. Fork Big Beaver Creek 7K	Y
PA0028347	Martinsburg Municipal Authority 133 East Allegheny Street P. O. Box 307 Martinsburg, PA 16662-0307	Blair County N. Woodbury Township	UNT to Plum Creek 11A	Y
PA0086428	Mazza Vineyards, Inc. P. O. Box 680 Cornwall, PA 17016	Lancaster County Rapho Township	Chickies Creek 7G	Y
PA0085243	Manns Choice-Harrison Township Joint Municipal Authority P. O. Box 28 Manns Choice, PA 15550	Bedford County Monaghan Township	Raystown Branch Juniata River 11D	Y
PA0084476	Hemlock Girl Scout Council Camp Small Valley 350 Hale Avenue Harrisburg, PA 17104	Dauphin County Jefferson Township	UNT to Armstrong Creek 6C	Y
PA0084611	CMV Sewage Co., Inc. Colonial Crossings MHP 300 Bailey Drive Stewartstown, PA 17363	York County North Codorus Township	UNT to Codorus Creek 7H	Y

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

<i>NPDES 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>
PA0115215 Industrial Waste	Lucas Trucking Corp. 9657 North Route 220 Highway Jersey Shore, PA 17740	Lycoming County Piatt Township	Unnamed tributary of West Branch Susquehanna River 10A	Y

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

**PA0037117**, Sewage, **Cornell Abraxas Group, Inc.**, Blue Jay Village Forest Road, Box 59, Marienville, PA 16239-0059. This proposed facility is located in Howe Township, **Forest County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is at the discharge point for this HQ stream.

The receiving stream, unnamed tributary to the Branch, is in watershed 16-F and classified for HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of .04 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,800/100 ml as a geometric average	
Phosphorus	1.0		2.0
Total Residual Chlorine	0.3		0.7
Dissolved Oxygen		minimum of 7 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0222429**, Sewage, **Best Oil Travel Center**, Route 422 (West)/I-79 Intersection, Portersville, PA 16051. This proposed facility is located in Muddycreek Township, **Butler County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Camp Allegheny Intake on Slippery Rock Creek in Wayne Township, Lawrence County, approximately 11 miles below point of discharge.

The receiving stream, Muddy Creek, is in watershed 20-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX		
CBOD <sub>5</sub>			
(5-1 to 10-31)	20		40
(11-1 to 4-30)	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	8.5		17.0
(11-1 to 4-30)	25.0		50.0
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		39,700/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and Report

The EPA Waiver is in effect.

**PA0025470**, Sewage, **Vernon Township Sanitary Authority (Fredricksburg STP)**, 17946 Turner Road, Meadville, PA 16335. This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the General Authority of the City of Franklin on French Creek at Franklin, approximately 25 miles below point of discharge.

The receiving stream, Cussewago Creek, is in watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of .37 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	10		20
Phosphorus (4-1 to 10-31)	2		4
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 22,600/100 ml as a geometric average	
Total Residual Chlorine	0.4		1.4
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0029122**, Sewage, **Saxonburg Area Authority**, Dinnerbell Road, Saxonburg, PA 16056. This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Activity: Existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Zelenople Municipal Water Works and Connoquenessing Creek at Zelenople, 24 miles below point of discharge.

The receiving stream, Thorn Run, is in watershed 20-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.5 MGD.

#### *Interim Limits*

<i>Parameter</i>	<i>Monthly Average (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
CBOD <sub>5</sub> (5-1 to 10-31)	42	63	10	15	20
(11-1 to 4-30)	83	125	20	30	40
Total Suspended Solids	125	187	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	8.3		2		4
(11-1 to 4-30)	25		6		12
Total Phosphorus (as P) (4-1 to 10-31)	8.3		2		4
Copper (Interim)	XX		0.04		0.08
Zinc	XX		XX		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,800/100 ml as a geometric average		
Total Residual Chlorine			0.43		1.42
Dissolved Oxygen			minimum of 6 mg/l at all times		
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 001 based on a design flow of 0.75 MGD.

#### *Final Limits*

<i>Parameter</i>	<i>Monthly Average (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
CBOD <sub>5</sub> (5-1 to 10-31)	94	125	15	20	30
(11-1 to 4-30)	156	250	25	40	50
Total Suspended Solids	188	281	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	15.6		2.5		5.0
(11-1 to 4-30)	46.9		7.5		15
Total Phosphorus (as P) (4-1 to 10-31)	12.5		2		4
Copper (Interim)	0.25		0.04		0.08
(Final)	0.18		0.028		0.066

<i>Parameter</i>	<i>Monthly Average (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Zinc					
(Interim)	1.31		0.21		0.42
(Final)	1.25		0.2		0.56
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,900/100 ml as a geometric average		
Total Residual Chlorine			0.38		1.25
Dissolved Oxygen			minimum of 5 mg/l at all times		
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report.

The EPA Waiver is in effect.

**PA0030333**, Sewage, **Shenango Valley Commercial Institute, Inc.**, School House Road, Pulaski, PA 16143. This proposed facility is located in Pulaski Township, **Lawrence County**.

Description of Proposed Activity: Renewal of a treated minor discharge from a privately owned sewage treatment works.

The receiving stream, unnamed tributary to Deer Creek, is in watershed 20-A and classified for WWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Western Pennsylvania Water Company on the Shenango River at New Castle, approximately 15 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.002 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	.5		1.2
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0025461**, Sewage, **Vernon Township Sanitary Authority (South Watson Run Sewage Treatment Plant)**, 10929 Jackson Avenue, Meadville, PA 16335. This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the General Authority of the City of Franklin on French Creek at Franklin, approximately 30 miles below point of discharge.

The receiving stream, Watson Run, is in watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of .27 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	20	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 4,700/100 ml as a geometric average	
TRC	0.3		0.9
Lead			
(Interim)	0.05		0.13
(Final)	0.01		0.025
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.



**PA0210714**, Sewage, **Mark D. and Wendy J. Watt**, 344 N. Park Street, Sykesville, PA 15865. This proposed facility is located in Winslow Township, **Jefferson County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Hawthorn Water Authority on Redbank Creek at Hawthorne Borough, approximately 35 miles below point of discharge.

The receiving stream, unnamed tributary to Fehley Run, is in watershed 17C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000800 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine	XX		
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and Report

The EPA Waiver is in effect.

**PA0102130**, Industrial Waste, **Evans City Borough**, Lindsey Road, Route 528, Evans City, PA 16033. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Activity: discharge of treated industrial waste.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Connoquenessing Creek and the Zelenople Water Works intake at Zelenople, approximately 6.5 miles below point of discharge.

The receiving stream, Likens Run, is in watershed 20-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.123 MGD.

<i>Parameter</i>	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX	XX			
Total Suspended Solids	XX	XX	30	60	60
Iron	XX	XX	2	4	5
Manganese	XX	XX	1	2	2.5
Aluminum	0.67	1.34	0.65	1.3	1.62
Total Residual Chlorine			0.21		0.7
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report.

The EPA Waiver is in effect.

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

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

**PA0012777**, Industrial Waste, **Rohm and Haas Company**, 5000 Richmond Street, Philadelphia, PA 19137. This application is for renewal of an NPDES permit to discharge noncontact cooling water and stormwater from three outfalls serving the Rohm and Haas Facility in the City of Philadelphia, **Philadelphia County**. These are existing discharges to Delaware Estuary, Zone 3.

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

The proposed effluent limits for Outfalls 001, 003 and 007 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			96°F
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for the sum of Outfalls 001, 003 and 007 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids (Influent)	Monitor and Report		
(Effluent)	Monitor and Report		
Total Suspended Solids (Net)	30	60	75
1,2 Dichloroethane	Monitor and Report		
4,4' DDD	Monitor and Report		

Special Conditions: thermal requirements; special test methods.

The EPA Waiver is not in effect.

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

**PA004668**, Industrial Waste, **Republic Services of PA, LLC**, 4400 Mt. Pisgah Road, York, PA 17402. This proposed facility is located in Windsor and Lower Windsor Townships, **York County**.

Description of Proposed Activity: The application is for the renewal of an NPDES permit for existing discharge of industrial waste, groundwater, sewage and stormwater.

The receiving stream, Kreutz Creek, is in the State Water Plan watershed 7-1 and is classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for the Red Lion Municipal Authority is located on the Susquehanna River, approximately 18 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limitations for Outfall 001 (industrial waste, groundwater and sewage) based on a design flow of 0.5 MGD and discharge to an unnamed tributary of Kreutz Creek are:

<i>Parameter</i>	<i>Mass (lbs/ay)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	From 6.0 to 9.0 inclusive		
Dissolved Oxygen	XXX	XXX	Minimum of 5.0 mg/l at all times		
Total Residual Chlorine	XXX	XXX	0.13	XXX	0.42
Total Suspended Solids	41	82	10	20	25
CBOD <sub>5</sub>	41	82	10	20	25
NH <sub>3</sub> -N					
(5-1 to 10-31)	4.0	8.0	1.0	2.0	2.5
(11-1 to 4-30)	12	24	3.0	6.0	7.5
Total Phosphorus	8.3	XXX	2.0	XXX	4.0
Benzoic Acid	0.066	0.11	0.016	0.027	0.04
α-Terpineol	0.015	0.03	0.0036	0.0072	0.009
p-Cresol	0.013	0.024	0.0032	0.0057	0.008
Phenol	0.032	0.041	0.0077	0.01	0.019
Total Zinc	0.19	0.28	0.046	0.067	0.115
Total Copper	XXX	XXX	Monitor and Report		XXX
Total Lead	XXX	XXX	Monitor and Report		XXX
Bis(2-ethylhexyl)phthalate	XXX	XXX	Monitor and Report		XXX
Tetrachloroethylene	XXX	XXX	Monitor and Report		XXX
Trichloroethylene	XXX	XXX	Monitor and Report		XXX
Dichlorodifluoromethane	XXX	XXX	XXX	Monitor and Report	XXX
Total Boron	XXX	XXX	XXX	Monitor and Report	XXX
Osmotic Pressure	XXX	XXX	XXX	Monitor and Report	XXX
Fecal Coliform					
(5-1 to 9-30)	XXX	XXX	200/100 ml as a geometric mean		
(10-1 to 4-30)	XXX	XXX	2,000/100 ml as a geometric mean		

The proposed final effluent limitations for Outfall 001 (industrial waste, groundwater and sewage) based on a design flow of 0.5 MGD and discharge to Kreutz Creek are:

<i>Parameter</i>	<i>Mass (lbs/ay)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	From 6.0 to 9.0 inclusive		
Dissolved Oxygen	XXX	XXX	Minimum of 5.0 mg/l at all times		
Total Residual Chlorine	XXX	XXX	0.25	XXX	0.84
Total Suspended Solids	41	82	10	20	25
CBOD <sub>5</sub>	41	82	10	20	25

Parameter	Mass (lbs/ay)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
NH <sub>3</sub> -N					
(5-1 to 10-31)	4.0	8.0	1.0	2.0	2.5
(11-1 to 4-30)	12	24	3.0	6.0	7.5
Total Phosphorus	8.3	XXX	2.0	XXX	4.0
Benzoic Acid	0.066	0.11	0.016	0.027	0.04
$\alpha$ -Terpineol	0.015	0.03	0.0036	0.0072	0.009
p-Cresol	0.013	0.024	0.0032	0.0057	0.008
Phenol	0.032	0.041	0.0077	0.01	0.019
Total Zinc	0.19	0.28	0.046	0.067	0.115
Total Copper	XXX	XXX	Monitor and Report		XXX
Total Lead	XXX	XXX	Monitor and Report		XXX
Bis(2-ethylhexyl)phthalate	XXX	XXX	Monitor and Report		XXX
Tetrachloroethylene	XXX	XXX	Monitor and Report		XXX
Trichloroethylene	XXX	XXX	Monitor and Report		XXX
Dichlorodifluoromethane	XXX	XXX	XXX	Monitor and Report	XXX
Total Boron	XXX	XXX	XXX	Monitor and Report	XXX
Osmotic Pressure	XXX	XXX	XXX	Monitor and Report	XXX
Fecal Coliform					
(5-1 to 9-30)	XXX	XXX	200/100 ml as a geometric mean		
(10-1 to 4-30)	XXX	XXX	5,500/100 ml as a geometric mean		

Four stormwater outfalls are identified in the permit, with proposed monitoring requirements for ammonia-nitrogen, benzoic acid, p-Cresol, phenol,  $\alpha$ -Terpineol, total zinc, BOD<sub>5</sub>, pH, TSS, total zinc, total boron, total iron, TDS, total lead, total copper, total nickel, total antimony, hexavalent chromium, total nitrogen and total magnesium.

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.

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

**PA0228621**, Sewage, SIC 4952, **Smithfield Township Authority**, R. R. 2, Box 189, Columbia Cross Roads, PA 16914. This proposed facility will be located in Smithfield Township, **Bradford County**.

Description of Proposed Activity: The applicant has applied for a NPDES permit for the discharge of treated municipal wastewater from a proposed 60,000 gallon per day extended aeration wastewater treatment plant. The system will be owned and operated by the Smithfield Township Authority and will provide sanitary sewer collection and treatment for the area in and around the unincorporated Village of East Smithfield.

The receiving stream, Tomjack Creek, is in the State Water Plan watershed 4C and is classified for TSF.

The nearest downstream public water supply intake, for the Danville Municipal Water Authority, is located on the Susquehanna River, 144 river miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.06 MGD, are:

Parameter (mg/L)	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25		40	50
Total Suspended Solids	30		45	60
Total Chlorine Residual	0.5		1.0	1.17
NH <sub>3</sub> -N				
(5-1 to 10-31)	6		9	12
(11-1 to 4-30)	18		27	36
Fecal Coliforms				
(5-1 to 9-30)	200/100 mL			
(10-1 to 4-30)	2,000/100 mL as a Geometric Average			
pH	6.0—9.0 at all times			

**PA0034576**, Sewerage SIC 4952, **Towanda Municipal Authority**, 724 Main Street, Towanda, PA 18848. This existing facility is located in Towanda Borough, **Bradford County**.

Description of Proposed Activity: Amendment of an NPDES permit to expand an existing discharge of treated sewage wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 4C and classified for WWF. The nearest downstream public water supply intake for the Danville Municipal Authority is located on the Susquehanna River, 133 miles below the point of discharge.

The proposed effluent limits for the expansion of Outfall 001 based on a design flow of 1.74 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
%UV Transmittance	Report Daily Minimum			
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

In addition to the effluent limits, the permit contains Part C 8 that requires reporting of sanitary sewer overflows.

**PA0007455**, Industrial Waste, SIC 3724, **Textron Lycoming**, 652 Oliver Street, Williamsport, PA 17701. This facility is located in Williamsport, **Lycoming County**.

Description of Proposed Activity: NPDES amendment for addition of two new sets of ground water recovery wells.

The receiving stream, Lycoming Creek, is in the State Water Plan watershed 10-A and is classified for WWF and aquatic life, water supply and recreation. The nearest downstream public water supply intake is the Pennsylvania American Water Company located approximately 30 miles below the discharge.

The proposed effluent limits for Outfall 005 are based on a design flow of 0.16 MGD.

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Chromium	1.71	2.77	4.28
Chromium (Hex.)	0.15	0.30	0.45
Zinc	1.0	2.0	2.5
Trichloroethylene		0.20	
Iron	Monitor		
Manganese	Monitor		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0219223**, Industrial Waste, SIC N/A, **Viacom, Inc.**, 11 Stanwix Street, Pittsburgh, PA 15222. This application is for issuance of an NPDES permit to discharge groundwater from former Westinghouse Power Circuit Facility in Trafford Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Turtle Creek, classified for WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Pennsylvania American Water Company, located at Becks Run—Monongahela River, approximately 15 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.022 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Suspended Solids			20		40
Oil and Grease			15		30
Iron			3.5		7.0
Manganese			2.0		4.0
Benzene			0.001		0.0025
Total BTEX			0.1		0.25
Ethylbenzene			Monitor and Report		
Xylenes			Monitor and Report		
Vinyl Chloride			0.036		0.09
Toluene			Monitor and Report		
Trichloroethylene			0.012		0.03
Tetrachloroethylene			0.007		0.018
Total Polychlorinated Biphenyls*			$6.73 \times 10^{-6}$		$1.68 \times 10^{-5}$
pH	not less than 6.0 nor greater than 9.0				

\* See Item No. 4 in Part C of the permit.

The EPA waiver is in effect.

**PAS406101**, Industrial Waste, SIC 4953, **Envirotrol, Inc.**, 432 Green Street, P. O. Box 61, Sewickley, PA 15143-0061. This application is for renewal of an NPDES permit to discharge stormwater from reactivated carbon plant in Darlington Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, North Branch Little Beaver Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Steubenville Water Authority, located at Steubenville, OH, 30 miles below the discharge point.

*Outfall 001*: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS	Monitor and Report				
pH	Monitor and Report				

The EPA waiver is in effect.

**PA0007196**, Sewage, **Charles Shay**, R. D. 1, Box 2120, Clarksburg, PA 15725. This application is for renewal of an NPDES permit to discharge treated sewage from Charles Shay Sewage Treatment Plant in Young Township, **Indiana County**.

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

*Outfall 001*: existing discharge, design flow of 0.005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.0			4.0
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	0.08			0.18
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0026425**, Sewage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. This application is for renewal of an NPDES permit to discharge treated sewage from Lincoln Road Sewage Treatment Plant in Municipality of Penn Hills, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Shades Run, which are classified as 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 City of Pittsburgh Water Department on the Allegheny River.

*Outfall 001*: existing discharge, design flow of 0.24 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0032182**, Sewage, **Mingo Park Estates, Inc.**, 92 Little Mingo Road, Finleyville, PA 15332. This application is for renewal of an NPDES permit to discharge treated sewage from Mingo Park Estates, Inc. STP in Nottingham Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale tributary to a tributary of Mingo Creek, which are classified as a HQ-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 Pennsylvania American Water Company—Pittsburgh.

*Outfall 001:* existing discharge, design flow of 0.012 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	20			40
Suspended Solids	20			40
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216071**, Sewage, **Univar USA, Inc.**, 328 Bunola River Road, P. O. Box 303, Bunola, PA 15020-0303. This application is for renewal of an NPDES permit to discharge treated sewage from Univar USA Sewage Treatment Plant in Forward Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as 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 Western Pennsylvania Water Company located on the Monongahela River.

*Outfall 001:* existing discharge, design flow of 0.003 mgd.

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

The EPA waiver is in effect.

**PA0217824**, Sewage, **YMCA Camp Kon-O-Kwee**, 126 Nagel Road, Fombell, PA 16123-1198. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Kon-O-Kwee Sewage Treatment Plant in Marion Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Connoquenessing Creek, which are classified as 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 Beaver Falls Municipal Authority on the Beaver River.

*Outfall 001:* existing discharge, design flow of 0.03 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Phosphorus				
(4-1 to 10-31)	2			4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**WATER QUALITY MANAGEMENT  
PERMITS  
CONTROLLED INDUSTRIAL WASTE AND SEWAGE  
WASTEWATER  
APPLICATIONS UNDER THE CLEAN STREAMS  
LAW  
PART II PERMITS**

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on an 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 this 15-day comment period will be considered in making the final decision regarding the application. The 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 reserves the right to hold a public hearing 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 of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. 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.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

**I. 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. 1502421**, Sewerage, **Tredyffrin Township Municipal Authority**, 1100 DuPortail Road, Berwyn, PA 19312-1079. This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Proposed Action/Activity: Applicant is requesting approval to expand the existing trunk line from MH R44 to MH R43 (15 inches to 18 inches).

**WQM Permit No. 1502412 Amendment No. 1**, Sewerage, **Pennsylvania American Water Company**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320. This proposed facility is located in West Caln Township, **Chester County**.

Description of Proposed Action/Activity: Applicant is requesting the modification of a pump station and forcemain.

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

**WQM Permit No. 4502201**, **Aventis Pasteur, Inc.**, Discovery Drive, Swiftwater, PA 18370-0187. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: Aventis Pasteur, Inc. is proposing to increase the design flow of the wastewater treatment plant from 200,000 GPD to 350,000 GPD.

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

**WQM Permit No. 2103401**, Sewerage, **Timothy R. Brenneman**, 522 Highland Court, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment to serve their single family residence on Mountain Road.

**WQM Permit No. 6772405**, Amendment 03-1, Sewerage, **Borough of Wellsville Municipal Authority**, 299 Main Street, Wellsville, PA 17365. This proposed facility is located in Wellsville Borough, **York County**.

Description of Proposed Action/Activity: Improvements to the Doe Run Pump Station.

**WQM Permit No. 0703201**, Industrial Waste, **PPG Industries, Inc.**, One PPG Place, Pittsburgh, PA 15272. This proposed facility is located in Antin Township and Tipton Village, **Blair County**.

Description of Proposed Action/Activity: Addition of a sand filter at their Tipton facility.

**WQM Permit No. 0602205**, CAFO Operation, **Hetrickdale Farms**, 69 Hetrick Drive, Bernville, PA 19506. This proposed facility is located in Jefferson and Tulpehocken Townships, **Berks County**.

Description of Proposed Action/Activity: Construction of a new manure storage facility for a 1,762.5 AEU CAFO.

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

**WQM Permit No. 6203401**, Sewerage, **Howard Hull**, 858 Nagle Road, Erie, PA 16511-2111. This proposed facility is located in Pittsfield Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

**WQM Permit No. 6203402**, Sewerage, **Bonnie F. Mayes**, R. R. 2, Box 287, Pittsfield, PA 16340. This proposed facility is located in Brokenstraw Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

**WQM Permit No. 4303401**, Sewerage, **Thomas L. Waterloo**, 46 Autumn Drive, Mercer, PA 16137-3104. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

**NPDES Stormwater Individual Permit**

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations

are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application, within 30 days from the date of this public notice. Comments reviewed 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 a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department

through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**NPDES Permit PAS10G557**, Stormwater, **TH Properties, Inc.**, 345 Main Street, Harleysville, PA 19438, has applied to discharge stormwater associated with a construction activity located in Phoenixville Borough, **Chester County** to Schuylkill River (CWF).

**NPDES Permit PAI2011502001**, Stormwater, **Joseph McWilliams**, 871 Welsh Road, Honey Brook, PA 19344, has applied to discharge stormwater associated with a construction activity located in West Nantmeal Township, **Chester County** to East Branch Brandywine Creek (HQ-TSF-MF).

**NPDES Permit PAI2011502002**, Stormwater, **Excalibur Homes**, P. O. Box 701, Pottstown, PA 19464, has applied to discharge stormwater associated with a construction activity located in North Coventry Township, **Chester County** to unnamed tributary to Schuylkill River (HQ-TSF).

**NPDES Permit PAI2011502003**, Stormwater, **Toll Brothers, Inc.**, 3101 Philmont Avenue, Huntingdon Valley, PA 19006, has applied to discharge stormwater associated with a construction activity located in Charlestown Township, **Chester County** to Pickering Creek (HQ-TSF).

**NPDES Permit PAI2011502004**, Stormwater, **Sheridan Construction**, 1578 McDaniel Drive, West Chester, PA 19380, has applied to discharge stormwater associated with a construction activity located in Penn Township, **Chester County** to East Branch Big Elk Creek (HQ-TSF-MF).

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

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2024803001	James Strecansky Strecansky & Co., Inc. 4647 Saucon Creek Road Suite 100 Center Valley, PA 18034	Northampton County Hanover Township	Monocacy Creek HQ-CWF

*Schuylkill County Conservation District: 1206 Ag. Center Dr., R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS105716-R	Bruce Rarick Bernard and Charles Bann Ridgeview Est. Development 401 West Preston Ave. Girardville, PA 17935	Schuylkill County Ringtown Borough Union Township	Little Catawissa Creek Dark Run HQ-CWF

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

*Cumberland County Conservation District, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013; (717) 240-7812.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2032103001	Don Diehl Aston Subdivision 4 E. High Street, Suite 1 Carlisle, PA 17013	Cumberland County South Middleton Township	Yellow Breeches HQ-CWF



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

Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.

NPDES No.	Applicant Name and Address	County and Municipality	Receiving Water/Use
PAI2041403001	Nittany Ridge 416 River Ave., PMB 233 Williamsport, PA 17701	Centre County Walker and Marion Townships	Little Fishing Creek HQ-CWF
PAI2041403003	Charlotte Smith 3050 Mareng Rd. Port Matilda, PA 16870	Centre County Halfmoon Township	Halfmoon Creek HQ

## 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 the 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 this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment 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 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 available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

### SAFE DRINKING WATER

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

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

**Permit No. 3102504**, Public Water Supply.

Applicant	<b>Alexandria Borough Water Authority</b>
County	<b>Huntingdon</b>
Responsible Official	Steve McEwen, Authority Chairperson Route 305 Alexandria, PA 16611

Type of Facility	PWS
Consulting Engineer	Mark V. Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475
Application Received Date	December 12, 2002
Description of Action	Construction of a new membrane water filtration and a 100,000 gallon finished water storage tank.
<b>Permit No. 3602525</b> , Public Water Supply.	
Applicant	<b>New Holland Borough Authority</b>
County	<b>Lancaster</b>
Responsible Official	J. Richard Fulcher, Manager 436 East Main Street New Holland, PA 17557
Type of Facility	PWS
Consulting Engineer	Gerald R. McClune, P. E. ARRO Consulting Inc. 270 Granite Run Drive Lancaster, PA 17601-6804
Application Received Date	December 16, 2002
Description of Action	The addition of Well No. 7 to augment the existing system. Treatment is also proposed and will consist of softening by cation exchange, phosphate addition for corrosion control and disinfection by gas chlorination.

**Permit No. 3602526**, Public Water Supply.

Applicant	<b>Revere Tavern and Rainbow Dinner Theatre</b>
Municipality	Leacock Township
County	<b>Lancaster</b>
Responsible Official	Patricia Watson, Manager P. O. Box 336 Paradise, PA 17562
Type of Facility	PWS
Consulting Engineer	David T. Lewis, P. E. ARRO Consulting Inc. 270 Granite Run Drive Lancaster, PA 17601

Application Received Date December 17, 2002  
 Description of Action Installation of nitrate treatment by anion exchange to remove the elevated levels of nitrate in the source water. System will also include softening by cation exchange and disinfection by iodine.

**Permit No. 0102509**, Public Water Supply.

Applicant **Department of the Army**  
 Municipality Liberty Township  
 County **Adams**  
 Responsible Official Travis R. McCoun  
 Environmental Program  
 Manager—Site R  
 201 Beasley Drive  
 Fort Detrick, MD 21702

Type of Facility Public Water Supply  
 Application Received Date December 20, 2002  
 Description of Action Modification of potable water treatment facilities.

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

**Application No. Minor Amendment**, Public Water Supply.

Applicant **Jersey Shore Joint Water Authority**  
 Borough Jersey Shore Borough  
 Responsible Official Michael Zellers  
 Jersey Shore Joint Water  
 Authority  
 220 South Main Street  
 Jersey Shore, PA 17740  
 Type of Facility PWS—Renovations to Larry's  
 Creek Sedimentation Basin  
 Consulting Engineer Paul Krizan  
 Larson Design Group  
 1000 Commerce Park Drive  
 Williamsport, PA 17740

Application Received Date January 2, 2003

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

**Permit No. 6303501**, Public Water Supply.

Applicant **Authority of the Borough of Charleroi**  
 3 McKean Avenue  
 Charleroi, PA 15022  
 Township or Borough Charleroi Borough  
 Responsible Official Robert Butz, General Manager  
 Authority of the Borough of  
 Charleroi  
 3 McKean Avenue  
 Charleroi, PA 15022

Type of Facility WTP  
 Consulting Engineer Chester Engineers  
 Airside Business Park  
 250 Airside Drive  
 Moon Township, PA 15108

Application Received Date January 6, 2003

Description of Action Install new raw water intake screens membrane filtration system, clearwell storage, electrical and mechanical equipment.

#### MINOR AMENDMENT

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

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

**Application No. 0903501**, Minor Amendment.

Applicant **Springfield Township**  
 Responsible Official Jeffrey C. Mease  
 2320 Township Road  
 Quakertown, PA 18951

Type of Facility PWS  
 Consulting Engineer Carroll Engineer Corporation  
 949 Easton Road  
 Warrington, PA 18976

Application Received Date January 13, 2003

Description of Action Change in disinfection from gas chlorine to sodium hypochlorite at Well No. 2.

### 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 any 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 demon-

strates 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 listed. 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.*

**The Reserves at Gwynedd (Soil)**, Upper Gwynedd Township, **Montgomery County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Carmen Danella, Danella Companies, 470 East Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents and inorganics. 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 Reporter* on December 19, 2002.

**The Reserves at Gwynedd (Groundwater)**, Upper Gwynedd Township, **Montgomery County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Carmen Danella, Danella Companies, 470 East Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Reporter* on December 19, 2002.

**Appel/Kees Property**, Abington Township, **Montgomery County**. Jeffrey E. Goudsward, Penn E&R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Jane Kees, 2327 Nyslor Ave., Abington, PA 19001-2406, has submitted a Notice of Intent to Remediate soil contaminated with Fuel Oil NO. 2. 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* on December 9, 2002.

**C & D Technologies, Inc. Facility**, Conshohocken Borough/Whitemarsh Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of C & D Technologies, Linda Hansen, 1400 Union Meeting Rd., Blue Bell, PA 19422, has submitted a Notice of Intent to Remediate soil contaminated with inorganics, lead and PAH; and groundwater contaminated with inorganics and PAH. The applicant proposes to remediate the site to meet Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Times Herald* on December 20, 2002.

**Former U-Haul Property**, City of Philadelphia, **Philadelphia County**. Christina L. Schwinn, Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Broad & Washington Corp., Michael Fluehr, 101 S. King St., Gloucester City, NJ 08030, has submitted a Notice of Intent to Remediate soil contaminated with lead and PAH; and groundwater contaminated with chlorinated solvents, Fuel Oil No. 2, and PAH. The applicant proposes to remediate the site to meet Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on December 23, 2002.

**Spring Lock Scaffolding Company**, City of Philadelphia, **Philadelphia County**. Paul Ledebur, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Randy Rapoport, Spring Lock Scaffolding Co., 2600 N. 2nd St., Philadelphia, PA 19133, has submitted a Notice of Intent to Remediate soil contaminated with Fuel Oil No. 2 and used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on December 23, 2002.

**Broad and Washington Property**, City of Philadelphia, **Philadelphia County**. Christina L. Schwinn, Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Broad & Washington Corp., Michael Fluehr, 101 S. King St., Gloucester City, NJ 08030, has submitted a Notice of Intent to Remediate soil contaminated with inorganics and PAH; and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on December 23, 2002.

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

**Castrol Heavy Duty Lubricants, Inc.—Montgomery Facility**, Clinton Township, **Lycoming County**. Z & A Environmental Services, LLC, on behalf of Castrol Heavy Duty Lubricants, Inc., 9300 Pulaski Highway, Baltimore, MD 21220, has submitted a Notice of Intent to

Remediate soil and groundwater contaminated with BTEX 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 *Williamsport Sun-Gazette*. See additional entry in Actions section of this *Pennsylvania Bulletin*.

**Croftwood Mills—Metal Wire Driftwood M&M Pipeline**, Driftwood Borough, **Cameron County**. ERM, on behalf of Nassau Metals Corporation, 101 Crawfords Corner Road, Room 2J-132B, Holmdel, NJ 07333-3030, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, diesel fuel, lead, other organics, inorganics, PAHs, PCBs and unleaded gasoline; and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAHs and unleaded gasoline. The applicant proposes to remediate the site to meet a combination of the Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bradford Era* on November 29, 2002.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

##### Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

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

**PAD000739672. U. S. Steel Corporation**, 600 Grant Street, Suite 2068, Pittsburgh, PA 15219. South Taylor Environmental Park, 555 Delwar Road, Pittsburgh, PA 15236. An application for a permit renewal of a hazardous waste post-closure permit in West Mifflin Borough, **Allegheny County**, was received in the Regional Office on January 9, 2003.

#### 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.

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

**Permit Application No. 101571. Mostoller Landfill, Inc.**, 7095 Glades Pike, Somerset, PA 15501. Mostoller Landfill Inc., SR 31, Somerset, PA 15501. A major modification application for a landfill design update, to a municipal waste landfill in Brothersvalley/Somerset Townships, **Somerset County**, was received in the Regional Office on January 15, 2003.

Comments or information concerning the application should be directed to Michael Forbeck, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. 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. WMGR002D007. Hilltop Enterprises Inc.**, 1418 Hilltop Rd., Chester Spring, PA 19425. The beneficial use of wastewater treatment sludge generated at paper and pulp mills for use as a soil additive to establish or reestablish agricultural productivity 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 complete by the Division of Municipal and Residual Waste on January 8, 2003

Persons interested in obtaining more information about the general permit application may contact 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 17101-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### 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 these 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 the 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. 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 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.**

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

**42-158H: Temple Inland Forest Products Corp.** (Hutchins Road, Mt. Jewett, PA 16740) for modification to permit conditions to modify hours of operation and adjust emission limits for facility-wide sources and addition of natural gas injection system to improve VOC control while decreasing NOx emissions at the Mt. Jewett Manufacturing Complex in Sergeant Township, **McKean County**. The facility is a Title V Facility.

**61-011B: Merisol Antioxidants LLC** (292 State Route 8, Oil City, PA 16301) for process modifications and control modifications to reduce VOC emissions from vacuum distillation column vents in Cornplanter Township, **Venango County**. The facility is a Title V Facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

**23-0009B: The Boeing Co., Integrated Defense Systems, Rotorcraft** (P. O. Box 16858, M/S P39-00, Philadelphia, PA 19142-0858) for installation of aerospace paint spray booth at the Boeing aircraft production plant at Stewart Avenue and Route 291, Ridley Township, **Delaware County**. The installation of the aerospace paint spray booth will result in the emissions of: 1.3 tons per year of VOCs; 0.01 ton per year of particulate matter; 0.3 ton per year of organic hazardous air pollutants; and 0.001 ton per year of inorganic hazardous air pollutants. The Plan Approval and Operating Permit will contain

additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Saffo, Facilities Permitting Chief, (570) 826-2531.*

**48-309-121: Keystone Cement Co.** (P. O. Box A, Bath, PA 18014) for installation and operation of a fabric collector to replace the existing electrostatic precipitator which controls emissions emanating from the No. 2 cement kiln in East Allen Township, **Northampton County**. The cement kiln can be fired by waste oil, bituminous coal/coke, hazardous waste and Department approved alternate fuels. There will be no increases in clinker production, no increases in the quantity of non-hazardous and hazardous wastes fired in the cement kiln and no increases in the emissions previously approved and listed in the issued Title V Operating Permit No. 48-00003. The operation of the cement kiln and associated fabric collector will result in a particulate emission rate of 116.6 tons per year based on an allowable particulate emission standard of 0.02 gr/dscf. This emission rate is less than the allowable rate listed in the Title V Operating Permit. 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 company will be required to conduct an initial stack test to show compliance with the particulate emission standard of 0.02 gr/dscf. In addition, the operation of the No. 2 kiln shall continue to comply with all applicable conditions of the issued Title V Operating Permit No. 48-00003. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

**06-05087A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for modification of an existing bituminous asphalt concrete plant controlled by a fabric collector by using Waste Derived Liquid Fuels (WDLF) to heat the dryer section at the Bechtelsville Quarry (Martin Stone) in Colebrookdale Township, **Berks County**. The facility is a non-Title V (State-only) facility. The modification will subject the source to 40 CFR Part 60, Subpart I—Standards of Performance for New Stationary Sources. The annual production rate of potential emissions will be limited to 12 tons of particulate, 71 tons of SOx, 50 tons of NOx, 25 tons of CO and 10.5 tons of VOC. Limits will be placed on the hazardous constituents in the WDLF. The approval will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

### OPERATING PERMITS

**Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

**22-05022: Harrisburg State Hospital** (Cameron and Maclay Streets, Harrisburg, PA 17105) for operation of natural gas and or no. 2 oil fired boilers and emergency

generators in the City of Harrisburg, **Dauphin County**. This Title V Operating Permit is being renewed.

Harrisburg State Hospital is subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G. The facility's major sources of emissions include three boilers and three engine driven generators and other engine-generators which primarily emit NOx. The Title V Operating Permit No. 22-05022 renewal will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**36-05018: Tomkins Industries, Inc.** (8101 East Kaiser Boulevard, Anaheim, CA 92808) for operation of a bathware manufacturing facility in West Donegal Township, **Lancaster County**. This action is a renewal of the Title V Operating Permit issued in 1998. The facility's major source of emissions is from the manufacture of bathware products from fiberglass-based materials. The primary emission is styrene that is both a VOC and HAP. The Title V Operating Permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Safko, Facilities Permitting Chief, (570) 826-2531.*

**39-303-007A: Eastern Industries Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for the operation of a batch asphalt plant utilizing waste derived liquid fuel and the associated air cleaning device at the Ormrod Plant, North Whitehall Township, **Lehigh County**.

**48-00006: Reliant Energy Mid-Atlantic Power Holdings, LLC** (P. O. Box 1050, Johnstown, PA 15907-1050) for the issuance of a Title IV Phase II Acid Rain Permit to the Portland Generating Station in Upper Mt. Bethel Township, **Northampton County**.

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

**07-05025: Sunoco Partners Marketing and Terminals LP** (R. D. 2, Sugar Run Road, Altoona, PA 16601) for operation of a petroleum distribution center at the Eldorado Terminal in Allegheny Township, **Blair County**. The State-only operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**22-03013: Pinnacle Health System** (111 South Front Street, Harrisburg, PA 17101) for boilers (natural gas or No. 2 oil fired) and emergency generators (No. 2 oil fired) at the Harrisburg Hospital in the City of Harrisburg, **Dauphin County**. The annual emissions of NOx from the units are approximately 8 tons. The facility's State-only operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**22-03023: Appalachian Stone, Inc.** (P. O. Box 127, Duncannon, PA 17020) for concrete precast plant and batch loading operations in Reed Township, **Dauphin**

**County**. The State-only operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**22-03037: Consolidated Scrap Resources, Inc.** (P. O. Box 1761, Harrisburg, PA 17105) for operation of a metal scrap shredder controlled by a Smart Water Injection System and a cyclone in the City of Harrisburg, **Dauphin County**. Actual PM10 emissions are expected to be less than 10 TPY. 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.

**28-03014: Union Tools** (500 Dublin Avenue, Columbus, OH 43215) for saw mill operations in Southampton Township, **Franklin County**. The State-only operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**28-03022: Valley Quarries** (169 Quarry Road, Chambersburg, PA 17201) for rock crushing operations at the Mt. Cydonia Sand Plant I in Guilford Township, **Franklin County**. The State-only operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**29-03004: Mellott Enterprises, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) for painting operations at the Orchard Business Park in Bethel Township, **Fulton County**. The State-only operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**38-03001: Lebanon Chemical Corp.** (P. O. Box 180, Lebanon, PA 17042) for fertilizer drying and bagging operations controlled by a fabric collector in South Lebanon Township, **Lebanon County**. The State-only operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**38-03032: Sun Pipe Line Co.** (10 Penn Center, 20th Floor, Philadelphia, PA 19013) for operation of a biofilter treatment/soil vapor extraction at its Cornwall Pumping Station in West Cornwall Township, **Lebanon County**. The State-only operating permit shall contain appropriate conditions designed to keep the facility operating within all applicable air quality requirements.

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

**25-00964: FMCTI—Smith Meter** (16022 Wagner Avenue, Erie, PA 16502) for operation of their facility in the City of Erie, **Erie County**. The facility's primary sources of emissions are facility heaters, two surface coating operations and associated equipment.

**20-00005: W. L. Dunn Construction Co.** (180 North Franklin Street, Cochranon, PA 16314). Synthetic Minor Operating Permit for operation of the facility's air contamination sources consisting of a 200 tph asphalt plant, a concrete mixing plant and a 100 tph sand and gravel operation in East Fairfield Township, **Crawford County**.

## 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 each 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 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

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 described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. 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 which 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 persons 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 desires to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

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

**49920101R2. Blaschak Coal Corporation** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an anthracite

surface mine operation in Coal Township, **Northumberland County** affecting 1016.0 acres, receiving stream: none. Application received January 14, 2003.

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

**17880126 and NPDES Permit No. PA0116599. Waroquier Coal Company**, P. O. Box 128, Clearfield, PA 16830. Revision to an existing bituminous surface mine-auger-coal refuse disposal permit for a Change in Permit Acres from 288.9 to 290.4 acres. Receiving streams: unnamed tributaries to the West Branch of the Susquehanna River (CWF). Application received December 27, 2002.

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

**65960108 and NPDES Permit No. PA0201669. Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15601-0427). Renewal application for reclamation only of a bituminous surface mine located in Ligonier Township, **Westmoreland County**, affecting 105.8 acres. Receiving streams: unnamed tributary to Indian Camp Run to Ninemile Run to Loyalhanna Creek (CWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received January 9, 2003.

**65860105 and NPDES Permit No. PA0588601. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Renewal application for continued operation and reclamation of a bituminous surface mine located in Donegal Township, **Westmoreland County**, affecting 369 acres. Receiving streams: unnamed tributaries to Four Mile Run (TSF) and unnamed tributary to Jacob's Creek (CWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received January 15, 2003.

**03020112 and NPDES Permit No. PA0250325. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Application for commencement, operation and reclamation of a bituminous surface mine located in south Bend Township, **Armstrong County**. Receiving streams: Craig Run to Crooked Creek (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Permit application received January 10, 2003.

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

**32970112 and NPDES Permit No. PA0234605. Mears Enterprises, Inc.**, P. O. Box 157, Clymer, PA 15728, permit renewal for continued operation of a bituminous surface and auger mine and for discharge of treated mine drainage in Green Township, **Indiana County**, affecting 102.7 acres. Receiving streams: Buck and Dixon Runs. The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company Two Lick Creek intake. Application received January 10, 2003.

**32970109 and NPDES Permit No. PA0234532. P & N Coal Company, Inc.**, 240 West Mahoning Street, P. O. Box 332, Punxsutawney, PA 15767, permit renewal for reclamation only and continued restoration of a bituminous surface and discharge of treated mine drainage in Banks Township, **Indiana County**, affecting 62.3 acres. Receiving streams: UNTs to Brady Run and UNTs to Horton Run to Cush Creek classified for HQ-CWF.

There are no potable water supply intakes within 10 miles downstream. Application received January 9, 2003.

**17980111 and NPDES Permit No. PA0234796. K & J Coal Company, Inc.**, P. O. Box 189, Westover, PA 16692, permit renewal for reclamation only and continued restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Chest Township, **Clearfield County**, affecting 41.0 acres. Receiving stream: Chest Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 14, 2003.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**03971301. NPDES Permit PA0215091, DLR Mining, Inc.** (3065 Airport Rd., Indiana, PA 15701), to renew the permit for the Ridge Mine in South Bend and Young Townships, **Armstrong and Indiana Counties**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received November 7, 2002.

**30841314. NPDES Permit PA0215368, Eberhart Coal Co.** (258 Woodside-Old Frame Rd., Smithfield, PA 15478), to revise the permit for the Titus Mine in Dunkard Township, **Greene County**, Surface Acres Proposed 22.7, Underground Acres Proposed 214.3, SCP Acres Proposed 214.3, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Dunkard, classified for WWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received November 7, 2002.

Chapter 105 permit in Dunkard Township, Greene County, ACOE Pittsburgh District (Garards Fort Quadrangle from N: 2.05 inches; W: 0.1 inch to N: 2.25 inches; W: 0.15 inch). This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15) and 401 Water Quality Certification request, if applicable submitted as part of the mining permit renewal/revision application to authorize the reconstruction of Titus Run. Written comments or objections on the request for section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office identified. Comments should contain the name, address and telephone number of the person comments, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections are addressed an a concise statement of comments objections or suggestions including relevant facts upon which they are based. Application received November 7, 2002.

**03871202. NPDES Permit PA0215414, DLR Mining, Inc.** (3065 Airport Rd., Indiana, PA 15701), to renew the permit for the Triple K deep mine in Burrell, Kiskiminetas and Parks Townships, **Armstrong County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received November 26, 2002.

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

**10970104 and NPDES Permit No. PA0227561. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation Venango Township, **Butler County** affecting 130.8 acres. Receiving streams: unnamed tributaries to Little Scrubgrass Creek; unnamed tributaries to Scrubgrass Creek; and unnamed tributary to Seaton Creek, all classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received January 14, 2003.

*Noncoal Applications Received*

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

**67830301C4 and NPDES Permit PA0613380. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit for existing discharge of treated mine drainage in Conewago Township, **York County**, receiving stream: unnamed tributary to Little Conewago Creek (TSF). Application received January 10, 2003.

**28030301 and NPDES Permit PA0224201. D. L. George & Sons Construction Company** (13321 Midvale Road, Waynesboro, PA 17268), commencement, operation and restoration of a quarry operation and discharge of treated mine drainage in Antrim Township, **Franklin County** affecting 18.5 acres, receiving stream: Paddy Run (WWF). Application received December 30, 2002.

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

**08030801. Robert J. Johnson**, R. R. 4, Box 4055, Wyalusing, PA 18853. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Wyalusing Township, **Bradford County** affecting 3 acres. Receiving stream: Billings Creek. Application received January 10, 2003.

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

**4273SM6A2, Grannas Brothers Stone & Asphalt Company, Inc.**, P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES Permit No. PA0212555, Frankstown Township, **Blair County**, receiving stream unnamed tributary to Brush Creek. NPDES Renewal application received January 13, 2003.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for 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(a)), 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. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any 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. Each individual 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 the hours of 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 the 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 Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-930 Lower Frederick Township**, 533 Spring Mount Road, P. O. Box 253, Zieglerville, PA 19492-0253, Lower Frederick Township, **Montgomery County**, ACOE Philadelphia District.

To remove, replace and maintain an existing 15-foot wide, two span arch bridge on Zieglerville Road which crosses the Goshenhoppen Creek (TSF) with twin 15-foot by 6-foot concrete box culvert (Perkiomenville, PA Quadrangle N: 4.8 inches; W: 14.2 inches).

Work will also include: approximately 100 linear feet of drainage channel stabilization at the downstream side of the road; and relocation of the 12-inch water main.

**E09-847. Borough of Perkasio**, P. O. Box 275, Perkasio, PA 18944, Perkasio Borough, **Bucks County**, ACOE Philadelphia District.

To place fill within the 100-year floodplain of the East Branch of Perkiomen Creek for the purpose of expanding Lenape Park. The site is located approximately 500 feet northeast of the intersection of Constitution Avenue (SR 152) and Silver Street (Telford, PA USGS Quadrangle N: 20.9 inches; W: 7 inches).

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

**E31-186. Eydie Miller, Huntingdon County Commissioners**, 223 Penn Street, Huntingdon, PA 16652 in Springfield Township, **Huntingdon County**, ACOE Baltimore District.

To remove the existing three span bridge and then to construct and maintain a two span bridge having a clear span of 177.4 feet on a 70 degree skew with minimum underclearance of 13.35 feet across Sideling Hill Creek (HQ-CWF) on T-313 (Walnut Grove Road) located about

0.6 mile northwest of the Village of Maddenville (Orbisonia, PA Quadrangle N: 1.6 inches; W: 12.6 inches) in Springfield Township, Huntingdon County.

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

**E03-412. P.C. Exploration, Inc.**, 502 Keystone Drive, Warrendale, PA 15086, Cowanshannock Township, **Armstrong County**, ACOE Pittsburgh District.

To operate and maintain an existing low flow crossing consisting of three 36-inch corrugated metal pipe culverts in Cowanshannock Creek (WWF) for the purpose of accessing an existing gas well. The crossing is located off of SR 1026, approximately 1,000 feet east of its intersection with SR 0839 (Plumville, PA Quadrangle N: 13.1 inches; W: 15.0 inches).

**E65-808. Unity Township**, 1104 Beatty County Road, Latrobe, PA 15650, Unity Township, **Westmoreland County**, ACOE Pittsburgh District.

To dredge approximately 800 feet of an unnamed tributary to Nine Mile Run (WWF) and to establish and maintain a low flow channel in said stream along the same length for the purpose of minimizing flooding. The project is located in the Village of Whitney (Latrobe, PA Quadrangle N: 0.3 inch; W: 4.5 inches).

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

**E24-231, Mosquito Creek Sportsman Association**, P. O. Box 218, Frenchville, PA 16836, Mosquito Creek Sportsman Association—Mosquito Creek Restoration/Abatement: Pebble Run Project, in Benezette, **Elk County**, ACOE Baltimore District (Dents Run, PA Quadrangle N: 1.8 inches; W: 7.6 inches).

To construct and maintain an inlet weir in Pebble Run (HQ-CWF), an outfall within 50 feet of the top of the bank of Pebble Run, a small dam and an inlet pipeline for the construction of a vertical flow wetland for acid rain abatement. The project includes temporary impact to 0.006 acre of EV PSS wetlands.

**E25-668, Waste Management of Pennsylvania, Inc.**, 851 Robison Road East, Erie, PA 16509, Lakeview Landfill Stream Relocation, in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 10.5 inches; W: 1.25 inches).

Construct and maintain a stream relocation of an unnamed tributary (Trib-1) to Walnut Creek (CWF; MF) to facilitate the expansion of the Lakeview Landfill. Flows would be diverted from Trib-1 to the relocated stream channel, which will connect to another unnamed tributary to Walnut Creek (Trib-1A). The total length of Trib-1 within the project area is 5,240 feet, with 4,941 feet to be relocated. Approximately 150 feet of Trib-1 contained in the project area will be left in place immediately upstream of Footemill Road and another 150 feet will remain in place in the headwaters area and will feed the relocated stream. The stream relocation plan will provide 5,825 feet of mitigation for the proposed 4,941 feet of impact to Trib-1. The 5,825 feet mitigation includes the relocated stream channel (3,390 feet), stream channel construction for flow through wetland replacement areas (745 feet), stream channel construction to provide groundwater flows, culvert removal and associated stream construction (250 feet) and riparian buffer establishment (150 feet).

The project will also result in impacts to 14 PEM and PSS wetland areas totaling 2.61 acres. The wetland

impacts will be mitigated through the construction and maintenance of eight wetland replacement areas totaling 3.47 acres. All wetland replacement areas are located in the project area.

#### DAM SAFETY

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

**D30-035A. RAG Cumberland Resources, L.P.**, 158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370. To modify, operate and maintain Cumberland Mine Slurry Pond Disposal Facility No. 1 across a tributary to Whitely Creek (TSF), for the purpose of impounding waste slurry from mining operation (Oak Forest, PA Quadrangle N: 9.7 inches; W: 3.4 inches) in Whiteley Township, **Greene County**.

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### ACTIONS

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## FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval.

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

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

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

#### I. Municipal and Industrial Permit 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.*

**NPDES Permit No. PA0011622**, Industrial Waste, **Exelon Generation Company**, 200 Exelon Generation Company, Kennett Square, PA 19348. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Renewal to discharge into Delaware Estuary-Zone 3.

**NPDES Permit No. PA0057207**, Sewage, **William Smith**, P. O. Box 105, 1492 Salford Street, Salford, PA 18957-0105. This proposed facility is located in Upper Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Perkiomen Creek-3E.

**NPDES Permit No. PA0042927**, Sewage, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465. This proposed facility is located in South Coventry Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to French Creek -3D.

**NPDES Permit No. PA0057053**, Sewage, **John W. Feldmayer**, 866 Shavertown Road, Boothwyn, PA 19061. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to West Branch of Chester Creek-3G.

**NPDES Permit No. PA0055166**, Sewage, **Andrew C. Azzara**, 1650 Mill Road, West Furlong, PA 18925. This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into a dry swale of Neshaminy Creek-2F Neshaminy.

**NPDES Permit No. PA0057096**, Sewage, **Oxford Area Sewer Authority**, P. O. Box 380, 401 Market Street, Oxford, PA 19363. This proposed facility is located in East Nottingham Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Tweed Creek-7K Watershed.

**WQM Permit No. 1501201 Amendment**, Industrial Waste, **To-Jo Mushrooms, Inc.**, 974 Penn Green Road, Avondale, PA 19311. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to modify the wastewater treatment plant.

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

**NPDES Permit No. PA0053813**, Industrial Waste, **Farm & Home Oil Company**, 100 Tank Farm Road, Macungie, PA 18062. This proposed facility is located in Lower Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Renewal of the NPDES Permit to discharge treated stormwater into unnamed tributary to Swabia Creek.

**NPDES Permit No. PA0070505**, Industrial Waste, **Geo Specialty Chemicals, Inc.**, 2409 North Cedar Crest Boulevard, Allentown, PA 18104. This proposed facility is located in South Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge industrial waste to Jordan Creek.

**NPDES Permit No. PA0062154**, Sewage, **Mountain View School District**, R. R. 1, Box 339-A, Kingsley, PA 18826-9778. This proposed facility is located in Harford Township, **Susquehanna County** and discharges to Millard Creek.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

**NPDES Permit No. PA0028568**, Sewage, **Bangor Borough Authority**, 900 Lower South Main Street, P. O. Box 51, Bangor, PA 1801. This proposed facility is located in Washington Township, **Northampton County**.

Description of Proposed Action: to renew NPDES Permit.

**NPDES Permit No. PA0070491**, Sewage, **Mahoning Valley Nursing & Rehabilitation Center**, 397 Hemlock Drive, Lehigh, PA 18235-9640. This proposed facility is located in Mahoning Township, **Carbon County** and discharges to Stewart Creek.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

**NPDES Permit No. PA0062731**, Sewage, **Vickie A. Tomazin**, 293 Swopes Valley Road, Pine Grove, PA 17963-9716. This proposed facility is located in Pine Grove Township, **Schuylkill County** and discharges to Swopes Valley Run.

Description of Proposed Action/Activity: Renewal of NPDES permit.

**NPDES Permit No. PA0064238**, Sewage, **West Mahanoy Township Supervisors**, 190 Penn Avenue, Shenandoah Heights, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County** and discharges to Shenandoah Creek.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

**NPDES Permit No. PA0063193**, Sewage, **Wayne S. McClure**, P. O. Box 124, Middleport, PA 17953-0124. This proposed facility is located in Middleport Borough, **Schuylkill County** and discharges to Schuylkill River.

Description of Proposed Action/Activity: Renewal of NPDES permit.

**NPDES Permit No. PA0062987**, Sewage, **David J. Bell**, 703 Lennox Court, Lansdale, PA 19446. This proposed facility is located in Liberty Township, **Susquehanna County** and discharges to UNT Snake Creek.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

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

**NPDES Permit No. PA0085332**, Sewage, **Delta Borough**, 602 Main Street, P. O. Box 278, Delta, PA 17314. This proposed facility is located in Peach Bottom Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Scott Creek in Watershed 7-I.

**NPDES Permit No. PA0009253**, Industrial Waste, **United Defense, L.P.**, P. O. Box 15512, York, PA 17405-1512. This proposed facility is located in West Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Codorus Creek in Watershed 7H.

**NPDES Permit No. PA0085111**, Industrial Waste, **Altoona City Water Authority (Tipton Plant)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Tipton Run in Watershed 11-A.

**NPDES Permit No. PA0085120**, Industrial Waste, **Altoona City Authority (Plane 9)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Juniata Township, **Blair County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Blair Gap Run in Watershed 11-A.

**NPDES Permit No. PA0080519**, Sewage, **Antrim Township**, 10655 Antrim Church Road, P. O. Box 130, Greencastle, PA 17225. This facility is located in Antrim Township, **Franklin County**. Final notice is given that on December 31, 2002, the Department issued an NPDES permit to Antrim Township.

This notice reflects changes from the notice published at 32 Pa.B. 5899 (November 30, 2002).

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Total Nitrogen	8.0		16

Total Mercury was removed after evaluation of additional laboratory information.

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

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

**NPDES Permit No. PA0110485**, Sewerage SIC 4952, **United Water Pennsylvania**, P. O. Box 4151, Harrisburg, PA 17111. This existing facility is located in South Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge 0.035 MGD to Susquehanna River from the Columbia County Industrial Park sewage plant.

**NPDES Permit No. PA0228664**, Industrial Waste, SIC 4941, **Glen Hope Water Authority**, P. O. Box 116, Glen Hope, PA 16645. This proposed facility is located in Glen Hope Borough, **Clearfield County**.

Description of Proposed Activity: Issuance of an NPDES permit for a proposed discharge from the public water supply treatment plant.

The receiving stream, an unnamed tributary to Blue Run, is in the State Water Plan watershed 8C and is classified for CWF. There are no nearby downstream public water supply surface water intakes.

**NPDES Permit No. PA0113158**, Sewerage 4952, **Daniel R. Hawbaker**, R. D. 1, Box 123, Port Matilda, PA 16870. This facility is located in Patton Township, **Centre County**.

Description of Action/Activity: Renewal of NPDES permit for small flow domestic wastewater treatment facilities.

**NPDES Permit No. PA0228656**, Industrial Waste, SIC 4941, **Irvona Municipal Authority**, P. O. Box 247,

Berwind Street, Irvona, PA 16656. This proposed facility is located in Irvona Borough, **Clearfield County**.

Description of Proposed Activity: Issuance of an NPDES permit for a proposed discharge from the public water supply treatment plant.

The receiving stream, North Witmer Run, is in the State Water Plan watershed 8C and is classified for CWF. There are no nearby downstream public water supply surface water intakes.

**NPDES Permit No. PA0028631**, Sewage, SIC 4952, **Mid-Cameron Authority**, 421 North Broad St., Emporium, PA 15834. The proposed discharges will be located in Shippen Township, **Cameron County**.

Description of Proposed Activity: Issuance of an NPDES permit for four discharges in association with the Emporium Shippen Township Wastewater Treatment Plant. Outfall 001 is the existing (and expanded) wastewater treatment plant outfall location. Effluent is currently discharged from the plant through Outfall 001, up to 1.05 MGD. Presently, flow in excess of 1.05 MGD is released through a combined sewer overflow, Outfall 002. An expansion of the treatment plant is proposed. Upon initiation of operation of the expanded plant, effluent will be discharged through Outfall 001, up to 2.5 MGD. Outfall 002 will be abandoned. Flow from 2.5 MGD to 3.7 MGD will travel through side stream treatment facilities, including screening, aerated grit, clarification and chlorine contact. Discharge from the "side stream" treatment will flow to a constructed wetland. The overflow from the constructed wetland will be discharged through Outfall 003 (CSO-Related Bypass). In addition, flow from the treatment plant will be diverted to the wetland during dry periods to sustain plant life. During extreme precipitation events, flow in excess of 3.7 MGD will be discharged directly to the Driftwood Branch of Sinnemahoning Creek through Outfall 004 (Expanded Plant CSO).

The receiving stream, the Driftwood Branch of Sinnemahoning Creek, is in the State Water Plan Watershed 8A and is classified for TSF. There are no affected downstream public water supply intakes.

**WQM Permit No. 5902412**, Sewerage 4952, **Charleston Township Municipal Authority**, P. O. Box 115, Wellsboro, PA 16901. This proposed facility is located in Charleston Township, **Tioga County**.

Description of Proposed Action/Activity: Applicant is granted approval for the construction of gravity and low pressure sewage collection system with pump stations to serve the Village of Whitneyville and areas of Charleston Township contiguous to Wellsboro Borough.

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

**NPDES Permit No. PA0096016**, Sewage, **Rostraver Estates, Inc.**, 116 East Pittsburgh Street, Greensburg, PA 15601 is authorized to discharge from a facility located at Rostraver Estates Sewage Treatment Plant, Rostraver Township, **Westmoreland County** to receiving waters named unnamed tributary of Speers Run.

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

**NPDES Permit No. PA0210404**, Sewage, **Melvin J. Wachob**, 4916 Glen Hazel Road, Wilcox, PA 15870. This proposed facility is located in Jones Township, **Elk County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to unnamed tributary to the East Branch Clarion River.

**NPDES Permit No. PA0222411**, Sewage, **Robert E. Farrell**, 30 Carey Farms Road, Erie, PA 16510. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to Lake Erie.

**NPDES Permit No. PA0222313**, Sewage, **Gene P. Kidder**, P. O. Box 106, Sigel, PA 15860. This proposed facility is located in Barnett Township, **Jefferson County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to unnamed tributary of Cathers Run.

**WQM Permit No. 6202410**, Sewerage, **Todd E. and Dawn E. Venman**, 65 Swede Hill Road, Russell, PA 16345. This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 4302419**, Sewerage, **Richard Lee Weber**, 146 East Shenango Street, Sharpsville, PA 16150. This proposed facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 4302420**, Sewerage, **Lester Schmucker, c/o Chester Miller**, 455 Fredonia Road, Fredonia, PA 16124. This proposed facility is located in Otter Creek Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 4302418**, Sewerage, **LeMoyné E. Moffett**, 50 Tanner Road, Greenville, PA 16125. This proposed facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 6202405**, Sewerage, **Joseph A. Moski**, 3726 Melrose Avenue, Erie, PA 16508-2322. This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a single residence.

#### **NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)**

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the

Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10D130	Tim Snyder P. O. Box 218 2405 Camp Rock Hill Road Trumbauersville, PA 18940	Bucks	West Rockhill Township	Butter Creek HQ-TSF
PAS10D129	Rotelle Builders 219 Niantic Road Barto, PA 19504	Bucks	Milford Township	Unami Creek HQ-TSF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS100250	Department of Conservation and Natural Resources Park Region No. 2 P. O. Box 387 Prospect, PA 16052-0387	Beaver County Hanover Township	Traverse Creek HQ-TSF

#### **APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits 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 Department of Environmental Protection approves the following coverage under the specific General Permit.

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).

The application 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.

#### **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 Nonexceptional Quality Sewage Sludge 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	Concentrated Animal Feeding Operations (CAFOs)

## NOTICES

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*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>
Buckingham Township Bucks County	PAR10D462-1	Toll Brothers P. O. Box 413 Buckingham, PA 18912-0413	Mill Creek CWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warwick Township Bucks County	PAR10D697	Central Bucks School District 320 West Swamp Road Doylestown, PA 18901	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plumstead Township Bucks County	PAR10D710	Gelder Building, LP 16 Great Hill Road New Hope, PA 18938	West Branch Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Wrightstown Township Bucks County	PAR10D660	Regina and Joe Danko 16 Driscoll Drive Ivyland, PA 18974	Unnamed tributary Jericho Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Darby Township Delaware County	PAR10J247	Maureen Henley 261 East Woodland Avenue Springfield, PA 19064	Harmesprota Run WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Delaware County	PAR10J250	Stephen Behrle 181 Dam View Drive Media, PA 19063	Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Marple Township Delaware County	PAR10J249	Bala Investments, Inc. 321 South Valley Forge Road Devon, PA 19333	Trout Run to Crum Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Edgemont Township Delaware County	PAR10J241	Dennis Meinhart and Charles Lattif 1921 Ridley Creek Road Media, PA 19028	Crum Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Goshen Township Chester County	PAR10G509	Village of Shannon 3744 West Chester Pike P. O. Box J Newtown Square, PA 19073	East Branch Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
London Grove Township Chester County	PAR10G510	Gilman Development 510 Philadelphia Pike Wilmington, DE 19899	Middle Branch White Clay Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lackawanna County Jessup Borough	PAR10N132	David Perry 141 Franklin St. Dunmore, PA 18512	Unnamed tributary to Sterry Creek CWF	Lackawanna County Conservation District (570) 281-9495
Schuylkill County Reilly Township	PAR105848	OSM 54 (3652) 101.1 Newtown West Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, 5th Floor Wilkes-Barre, PA 18711-0790	Gerhard Run Unclassified	Schuylkill County Conservation District (570) 622-3742
Luzerne County Hanover Township	PAG2004003001	Earth Conservancy, Inc. 101 S. Main St. Ashley, PA 18706	Warrior and Garringers Creeks CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Laflin Borough	PAG2004003002	American Asphalt 500 Chase Rd. Shavertown, PA 18708	Gardner Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Plains Township	PAG2004003003	Popple Properties 202 Main St. Laflin, PA 18702	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Lower Windsor Township York County	PAR10Y616	Donald Keener Lower Windsor Township 111 Walnut Valley Court Wrightsville, PA 17368	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township Red Lion Borough York County	PAR10Y660	Glenn Rexroth Rexroth Equities P. O. Box 98 Dallastown, PA 17313	Fishing Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAR10Y640	Honeysuckle Estates Rob Harkins 784 School House Lane Lewisberry, PA 17339	Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAR10Y636	Robert Kinsley Shrewsbury Commons Joint Venture R. D. 1, Box 131AA Seven Valleys, PA 17360	Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<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>
Glen Rock Borough York County	PAR10Y620	Fields of Broad Springs Ray Secrist 134 Valley Road Glen Rock, PA 17327	South Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Conoy Township Lancaster County	PAR10O491	G & R Associates 48 S. Market St. Elizabethtown, PA 17022	Bainbridge Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAR10O600	East Lampeter Township 2205 Old Philadelphia Pike Lancaster, PA 17602	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Pequea Township Lancaster County	PAR10O609	Department of Transportation District 8-0 2140 Herr St. Harrisburg, PA 17103	UNT to Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAR10O596	Abram G. Barley, Jr. 213 Stone Creek Rd. Lancaster, PA	Fishermans Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Cocalico Township Lancaster County	PAG2003603001	WICU Inc. 25 Main St. Denver, PA 17517	Stony Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Donegal Township Lancaster County	PAR10O601	TRG & CO/Kinsley Construction 2700 Water St. Box 2886 York, PA 17405	Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Centre County College Township	PAR10F171	Benner Park/Premiere Theatre 269 Waring Avenue State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Benton Borough	PAG2041903001	Columbia County Housing Corp. 700 Sawmill Rd., Suite 101 Bloomsburg, PA 17815	Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Cambria County	PAG2001103002	Department of Environmental Protection Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931	Brubaker Run CWF	Cambria County Conservation District (814) 472-2120



<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>
Fayette County	PAR10L090	Luzerne Township Sewage Authority 415 Hopewell Road Brownsville, PA 15417	Dunlap Creek WWF	Fayette County Conservation District (724) 438-4497
Butler County Summit Township	PAR10E203	Charles J. Merlo, Inc. 234 Merlo Road Mineral Point, PA 15942	Connoquenessing Creek WWF	Butler County Conservation District (724) 284-5270
Crawford County Union Township	PAR102327	Calvin Ernst Ernst Farms, LLC 9006 Mercer Pike Meadville, PA 16335	Kebert Run WWF	Crawford County Conservation District (814) 724-1793

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Rostraver Township Westmoreland County	PAR806220	Three Rivers Marine & Rail Terminals LP Vista One Professional Center 17 Arentzen Blvd., Suite 206 Charleroi, PA 15022	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
South Pymatuning Township Mercer County	PAR128304	Dean Dairy Products Company 1858 Oneida Lane Sharpsville, PA 16150	Unnamed tributary to McCullough Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Cumberland County North Middleton Township	PAG043698	Timothy K. Brenneman 522 Highland Court Carlisle, PA 17013	UNT to Conodoguinet Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Millcreek Township	PAG043587	Paul and Flere Bomba 421 Cocalico Road Denver, PA 17517	Cocalico Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Pine Grove Township Warren County	PAG048856	Todd E. and Dawn E. Venman 65 Swede Hill Road Russell, PA 16345	Wiltsie Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048861	Richard Lee Weber 146 East Shenango Street Sharpsville, PA 16150	Unnamed tributary to Big Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Otter Creek Township Mercer County	PAG048863	Lester Schmucker c/o Chester Miller 455 Fredonia Road Fredonia, PA 16124	Unnamed tributary to the Little Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Salem Township Mercer County	PAG048860	LeMoyné E. Moffett 50 Tanner Road Greenville, PA 16125	Unnamed tributary to the Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048868	Joseph A. Moski 3726 Melrose Avenue Erie, PA 16508-2322	Unnamed tributary to the Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048517	William G. and Nanette L. Biery 14933 State Highway 198 Meadville, PA 16335-7759	Unnamed tributary of Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048506	Brian B. and Stacie E. Waldo 12302 Hamilton Road Edinboro, PA 16412	Unnamed tributary of Conneauttee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-7*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Palmyra Borough Lebanon County	PAG073505	Palmyra Borough Waste Water Treatment Plant 325 S. Railroad Street Palmyra, PA 17078	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allentown Lehigh County	PAG082203	City of Allentown Klines Island WWTP 112 Union Street Allentown, PA 18102-4912	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711
Waymart Wayne County	PAG082202	Waymart Area Authority Rear Railroad Lane P. O. Box 3300 Waymart, PA 18472	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711
Derry Township Dauphin County	PAG083518	Derry Township Municipal Authority 670 Clearwater Road Hershey, PA 17033-2453	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

<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>
Delaware Township Northumberland County	PAG084820	Lewisburg Area Joint Sewer Authority P. O. Box 305—River Road Lewisburg, PA 17837-0305	Fairchild Farm 2 Delaware Township Northumberland County	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3636

<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>
Stanley Auen No. 1 Farm Biosolids Site Conemaugh Township Indiana County	PAG086106	City of Johnstown 241 Asphalt Road Johnstown, PA 15906		Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Stanley Auen No. 2 Farm Biosolids Site Conemaugh Township Indiana County	PAG086106	City of Johnstown 241 Asphalt Road Johnstown, PA 15906		Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-9 (SSN)</i>				
<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>
Loyalsock Township Lycoming County	PAG094830	Kremser Brothers 1300 Jordan Ave. Montoursville, PA 17754	Loyalsock Farm Field 12 Loyalsock Township Lycoming County	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3655
Borough of Montoursville Lycoming County	PAG094830	Kremser Brothers 1300 Jordan Ave. Montoursville, PA 17754	Montoursville Farm Fields 1, 2, 4, 5, 6 Borough of Montoursville Lycoming County	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3636

## PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

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

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

**Permit No. 4699513**, Public Water Supply.

Applicant	<b>Frederick Mennonite Community</b> 2849 Big Road Frederick, PA 19435
Township	Upper Frederick
County	<b>Montgomery</b>

Type of Facility PWS  
 Consulting Engineer Superior Environmental Management Corporation  
 2960 Skippack Pike  
 Worcester, PA 19490

Permit to Construct Issued January 2, 2002

**Permit No. 1502508**, Public Water Supply.

Applicant **North Coventry Water Authority**  
 845 S. Hanover Street  
 Pottstown, PA 19464

Township North Coventry

County **Chester**

Type of Facility PWS

Consulting Engineer Spotts, Stevens and McCoy, Inc.  
 345 N. Wyomissing Boulevard  
 Wyomissing, PA 19610-0307

Permit to Construct Issued January 15, 2003

**Operations Permit** issued to **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940, PWS ID 1090122, Upper Makefield Township, **Bucks County** on January 6, 2003, for the operation of facilities approved under Construction Permit 0901501.

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

**Permit No. 2102506**, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Municipality Hampden Township

County **Cumberland**

Type of Facility Construction of a booster pumping station for the Pinehurst Hills Villas development.

Consulting Engineer William J. Smyers, P. E.  
 Gannett Fleming Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106 7100

Permit to Construct Issued January 9, 2003

**Operations Permit** issued to **Mockingbird, Inc.**, 7280017, Antrim Township, **Adams County** on January 15, 2003, for the operation of facilities approved under Construction Permit 2800508.

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

**Permit No. 1402507—Construction.** Public Water Supply.

Applicant **Penn State University**

Township Ferguson Township

County **Centre**

Type of Facility PWS—Construction of the chlorination facilities for well 28A.

Consulting Engineer Peter J. Lusardi, P. E.  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112

Permit to Construct Issued January 16, 2003

**Permit No. 4146426—Operation.** Public Water Supply.

Applicant **William Brightman, P. E.**  
 H2O to Go  
 49 Village Square Drive  
 Marietta, PA 17547

Borough Montoursville Borough

County **Lycoming County**

Type of Facility PWS—Install a new NAMA approved water dispenser and finished water holding and disinfection equipment at Weis Markets Store 37, 801 Loyalsock Ave., Montoursville, PA 17754.

Permit to Operate Issued January 15, 2003

**Permit No. 1800501—Operation.** Public Water Supply.

Applicant **Rote Mutual Water Co., Inc.**  
 P. O. Box 213  
 Mill Hall, PA 17751

Township Lamar Township

County **Clinton County**

Type of Facility PWS—Operation of a pressure cartridge filtration system with associated controls, orthophosphate and caustic soda feeds and miscellaneous transmission main changes.

Permit to Operate Issued January 16, 2003

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

**Operations Permit** issued to **Pittsburgh Water & Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222, PWS ID 5020038, City of Pittsburgh, **Allegheny County** on December 16, 2002, for the operation of facilities approved under Construction Permit 0298509.

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

**Operations Permit** issued to **Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066-6499, PWS ID 5100094, Cranberry Township, **Butler County** on January 9, 2003, for the operation of facilities approved under Construction Permit 1092503-T1-MA5.

**Operations Permit** issued to **Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066-6499, PWS ID 5100094, Cranberry Township, **Butler County** on January 17, 2003, for the operation of facilities approved under Construction Permit 1092503-T1-MA4.

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

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

**WA-275B**, Water Allocations, **Chester Water Authority**, 415 Welsh Street, Chester, PA 19016-0467, City of Chester, Londonderry and West Fallowfield Townships, **Delaware County**. A modification order has been issued to Chester Water Authority to include Londonderry and West Fallowfield Townships, Chester County in their service territory.

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

**WA11-236B**, Water Allocations, **Borough of Patton**, P. O. Box 175, Patton, PA 16668-0175, Patton Borough, **Cambria County**. The right to withdraw 750,000 gallons per day, when available, from Chest Creek.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Towanda Borough	P. O. Box 229 Towanda, PA 18848	Bradford
Monroe Borough	R. R. 2, Box 42 Monroeton, PA 18832	Bradford
Monroe Township	P. O. Box 132 Monroeton, PA 18832	Bradford
North Towanda Township	R. R. 1, Box 63-1 Towanda, PA 18848	Bradford
Towanda Township	P. O. Box 188 Towanda, PA 18848	Bradford
Wysox Township	R. R. 2, Box 255A Wysox, PA 18854	Bradford

**Plan Description:** The approved plan provides for expanding the Towanda Sewage Treatment Plant by .58 MGD and extending sewers to the Borough of Monroeton, to the Jackson MHP, to the Crystal Springs Motel and along 5th Avenue. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. 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 the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office under 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 listed. 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 ABAR Site**, Northampton Township, **Bucks County**. Randy Shuler, ERM, Inc., 250 Phillips Blvd., Suite 280, Ewing, NJ 08618, on behalf of Dennis Duffy, Superior Group, Inc., 3 Radnor Corp Center, Suite 400, Radnor, PA 19087, has submitted a Final Report for Soils concerning remediation of site soil contaminated with chlorinated solvents, Fuel Oil No. 2, PAH and used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard for soil only.

**Aspire, Inc.**, Falls Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Miceky Briggs, Esq., Attorney for PA Building, LLC, c/o Cox, Hodgman & Giarmarco, PC, 101 W. Big Beaver Rd., Columbia Center, Troy, MI 48084, has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with MTBE and unleaded gasoline and site groundwater contaminated with lead, MTBE and unleaded gasoline.

**Hilltown Orchard**, Hilltown Township, **Bucks County**. Walter Hungarter, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Heritage Building Group, 3326 Old York Rd., Furlong, PA 18925, has submitted a Final Report concerning remediation of site soil contaminated with pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Ashland Inc.—Former Aston Chemical Distribution Facility**, Chester Township, **Delaware County**. Patrick Peterson, Environmental Strategies Corp., 4 Penn Center West, Suite 315, Pittsburgh, PA 15276, on behalf of Dunlap, Mellor & Co., Inc., 100 N. Commerce Dr., Aston, PA 19014, has submitted a Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with solvents and BTEX. The report is intended to document remediation of the site to meet Site Specific Standards.

**Former Earl's Battery & Ignition Service Co., Inc.**, Upper Darby Township, **Delaware County**. Jeffrey E. Goudsward, Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Delco Realty Associates, LLC, 947 Chester Pike, Sharon Hill, PA 19079, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX, PAH, naphthalene and cumene; and groundwater contaminated with lead, BTEX, naphthalene and cumene. The report is intended to document remediation of the site to meet Statewide Health and Site Specific Standards.

**760 Moore Road Property**, Upper Merion Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA 19401, on behalf of Jerry V. DeRosa, CHMM, PFPC, Inc., 2 PNC Plaza, 19th Fl., 620 Liberty Ave., Pittsburgh, PA 15222-2719, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Dallas Miller Service Station**, Douglass Township, **Montgomery County**. Eric P. Kohlsaas, AMEC Earth & Environmental, Inc., 285 Davidson Ave., Somerset, NJ 08873, on behalf of Kathy Miller, 858 Forgedale Rd., Barto, PA 19504, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet Statewide Health and Site Specific Standards.

**Former Cochrane, Inc.**, Upper Merion Township, **Montgomery County**. Paul Ledebur, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Sugartown Worldwide, Inc., 500 American Ave., King of Prussia, PA 194026, has submitted a Final Report concerning remediation of site soil contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Island Green Country Club (former Transit America, Inc.)**, Lower Moreland Township, **Montgomery and Philadelphia Counties**. Scott R. Campbell, P. G., EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947, has submitted a revised Cleanup Plan concerning remediation of site groundwater contaminated with solvents.

**Chelsea Housing**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of James L. McMahan, Chelsea Historic Properties, LP, 4041 Ridge Ave., Philadelphia, PA 19129, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with chlorinated solvents, Fuel Oil No. 2, Fuel Oil No. 6, inorganics, lead, other organics, PAH, PCB and pesticides; and groundwater contaminated with chlorinated solvents, Fuel Oil No. 2, Fuel Oil No. 6, other organics and PAH.

**CSX Intermodal—Snyder Ave. Yard Facility**, City of Philadelphia, **Philadelphia County**. Gary A. Rozmus, P. E., Gannett Fleming, Inc., 480 Forest Ave., P. O. Box 707, Locust Valley, NY 11560-0707, on behalf of CSX Transportation, Attn: Marshall L. Williams, 301 W. Bay St., Suite 800, Jacksonville, FL 32202, has submitted a Final Report concerning remediation of site soil contaminated with PCB, lead, heavy metals, BTEX, PAH and solvents; and groundwater contaminated with lead, heavy metals, PAH and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Castrol Heavy Duty Lubricants, Inc.—Montgomery Facility**, Clinton Township, **Lycoming County**. Z & A Environmental Services, LLC, on behalf of Castrol Heavy Duty Lubricants, Inc., 9300 Pulaski Highway, Baltimore, MD 21220, has submitted a Final Report concerning soil and groundwater contaminated with BTEX and PAHs. This Final Report is intended to demonstrate attainment of the Statewide Health Standard. See additional entry in Applications section of this *Pennsylvania Bulletin*.

**Costy's Used Truck & Auto Parts, Inc.**, Richmond Township, **Tioga County**. Mountain Research, Inc., on behalf of David and Daniel Kurejewski, 2395 S. Main Street, Mansfield, PA 16933, has submitted a Risk Assessment Report and a Cleanup Plan concerning groundwater contaminated with BTEX, Naphthalene and MTBE. The applicant is proposing to remediate the site to meet a combination of the Statewide Health Standard and/or Site Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires 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 Office under 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Diabase Farms**, Upper Makefield Township, **Bucks County**. Richard D. Trimpi, P. G., Trimpi Associates, Inc., 889 Seminary St., Pennsburg, PA 18073, on behalf of Scott Wendle, Natural Lands Trust, 1031 Palmers Mill Rd., Media, PA 19063, has submitted a Final Report concerning the remediation of site soil contaminated with Fuel Oil No. 2. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 3, 2003.

**Conrail Morrisville Rail Yard**, Falls Township, **Bucks County**. Robert M. Byer, Jr., P. G., Shaw Environmental & Infrastructure, Inc., 1160 McDermott Dr., Suite 102, West Chester, PA 19380-4022, on behalf of Consolidated Rail Corp., Neil Ferrone, 1000 Howard Blvd., Suite 400, Mount Laurel, NJ 08045 and PA Lines LLC, Karin Stamy (Norfolk Southern), Three Commercial Place, Norfolk, VA 23510, has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel, lead, lubricating oil, PAH, PCB and used motor oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 3, 2003.

**Former Conduit and Foundation Facility, Flower Mill Development**, Middletown Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 436 Brandywine Parkway, West Chester, PA 19380, on behalf of Realen Homes, Michael Stadulis, 1040 Stoney Hill Rd., Suite 100, Yardley, PA 19067, has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 26, 2002.

**Realen Homes, L.P.**, Middletown Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 436 Brandywine Parkway, West Chester, PA 19380, on behalf of Realen Homes, 1040 Stoney Hill

Rd., Suite 100, Yardley, PA 19067, has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PHC. The report demonstrated attainment of Statewide Health and Site Specific Standards and was approved by the Department on January 14, 2003.

**James Spring & Wire Company**, East Whiteland Township, **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of James Spring & Wire Company, 6 Bacton Hill Rd., Frazer, PA 19355, has submitted a Final Report concerning remediation of site groundwater contaminated with heavy metals, solvents and cadmium. The report demonstrated attainment of Site Specific Standards and was approved by the Department on December 9, 2002.

**Delchester Oil Property**, West Goshen Township, **Chester County**. Michael Cody, Cody Ehlers Group, 140 Sherman St., Fairfield, CT 06430, on behalf of William Weber, Heating Oil Partner, LLP, 613 Ways Lane, Kennett Square, PA 19348, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel, Fuel Oil No. 2, MTBE and unleaded gasoline. The report demonstrated attainment of Statewide Health and Site Specific Standards and was approved by the Department on December 9, 2002.

**Sunoco Inc., Icedale Terminal (DUNS 90000-0080)**, West Brandywine Township, **Chester County**. Lisa Holderbach, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Exton, PA 19341, on behalf of Sunoco, Inc., Bradford Fish, P. G., P. O. Box 1135, Post Rd. and Blueball Ave., Marcus Hook, PA 19061, has submitted a Final Report concerning remediation of site soil contaminated with Fuel Oil No. 2. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 16, 2002.

**PECO Parkesburg MGP**, Parkesburg Borough, **Chester County**. Kimm Perlin, P. E., Jacques Whitford Co., Inc., 450 S. Graver Rd., Suite 105, Plymouth Meeting, PA 19462, on behalf of PECO Energy, 2301 Market St., Philadelphia, PA 19101, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with heavy metals, BTEX and PAH. The report demonstrated attainment of Site Specific Standards and was approved by the Department on December 23, 2002.

**Pemberton Site**, Malvern Borough, **Chester County**. Michael J. Edelman, P. G., URS Corp., 2325 Maryland Rd., 2nd Floor, Willow Grove, PA 19090, on behalf of Shirley Pemberton, C104 Westridge Ct., Phoenixville, PA 19460, has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with PCB. The report and cleanup plan were approved by the Department on January 2, 2003.

**Pasquale Property**, Schuylkill Township, **Chester County**. Donald A. Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Donald Pasquale, 355 Valley Park Rd., Phoenixville, PA 19460, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 2, 2003.

**Miluski Property**, Nether Providence Township, **Delaware County**. Henry G. Bienkowski, P. G., Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343, on behalf of Mr. and Mrs.

Miluski, 18 Brookside Dr., Wallingford, PA 19086, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and PAH. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 20, 2002.

**Rose Tree Elementary School**, Upper Providence Township, **Delaware County**. Daniel B. Lewis, P. G., Spotts, Stevens & McCoy, Inc., 345 N. Wyomissing Blvd., P. O. Box 6307, Reading, PA 19610-0307, on behalf of Rose Tree Elementary School District, 308 N. Olive St., Media, PA 19063-2403, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and PHC. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 24, 2002.

**Nappen & Associates**, Towamencin Township, **Montgomery County**. Jason Charles, Environmental Maintenance Co., Inc., 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf of Nappen & Associates, 119 Keystone Dr., Montgomeryville, PA 18936, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with Heating Oil No. 2, 4 and 6. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 13, 2002.

**Lola Landes Property**, Lower Salford Township, **Montgomery County**. George W. Buchanan, P. Cowan Associates, Inc., 120 Penn-Am Dr., Quakertown, PA 18951, on behalf of Greg Landes, 532 Meetinghouse Rd., Harleysville, PA 19438, has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 18, 2002.

**Philadelphia Regional Port Authority Pier 80, South Annex**, City of Philadelphia, **Philadelphia County**. James Gallagher, P. E., Pennoni Associates, Inc., 950 Clifton Ave., Clifton, NJ 07013, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PAH. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 6, 2002.

**Tioga Marine Terminal (Maintenance Bldg. and Carpenter Shop)**, City of Philadelphia, **Philadelphia County**. James G. Gallagher, Pennoni Associates, Inc., 950 Clifton Ave., Clifton, NJ 07013, on behalf of Philadelphia Regional Port Authority, 3601 N. Delaware Ave., Philadelphia, PA 19106, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX and PAH. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 6, 2002.

**Exxon Station No. 2-2051 (Chew Ave.)**, City of Philadelphia, **Philadelphia County**. Jennifer O'Reilly, P. G., Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, on behalf of Chelten Assoc., 1923 Welsh Rd., Philadelphia, PA 19115, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan and Final Report concerning remediation of site soil and groundwater contaminated with BTEX. The report demonstrated attainment of Statewide Health and Site Specific Standards and was approved by the Department on December 10, 2002.

**Exxon Station No. 2-2002 (Oxford Circle)**, City of Philadelphia, **Philadelphia County**. Jennifer O'Reilly,

P.G., Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, on behalf of Checkers Restaurant, Great Lakes Restaurants, Inc., 6060 Rockside Woods Blvd., Independence, OH 44131, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan and Final Report concerning remediation of site soil and groundwater contaminated with BTEX. The report demonstrated attainment of Statewide Health and Site Specific Standards and was approved by the Department on December 10, 2002.

**Estate of Sam DeRose/Venice Auto Parts**, City of Philadelphia, **Philadelphia County**. Steven F. Coe, Brown Environmental Services, Corp., 42 Sequoia Dr., Newtown, PA 18940, on behalf of the Estate of Sam DeRose, 6219 W. Passyunk Ave., Philadelphia, PA 19153, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX, PHC and PAH. The report demonstrated attainment of Site Specific Standards and was approved by the Department on December 12, 2002.

**3742 Main Street**, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of 3780 Main Associates, LP, Tina Roberts, 1 Reed St., Philadelphia, PA 19147, has submitted a Remedial Investigation Report and Cleanup Plan, concerning remediation of site soil contaminated with inorganics, PAH and PCB. The report and plan were approved by the Department on December 20, 2002.

**Alto Sign, South 71st St. Property**, City of Philadelphia, **Philadelphia County**. Angelo Waters, Urban Engineers, Inc., 530 Walnut St., 14th Floor, Philadelphia, PA 19106-3685, has submitted a Risk Assessment Report concerning remediation of site groundwater contaminated with PCB, lead, heavy metals, BTEX and PHC. The report was approved by the Department on December 24, 2002.

**Dodge Steel Castings Facility**, City of Philadelphia, **Philadelphia County**. Keith D'Ambrosio, Whitestone Associates, Inc., 530 Walnut St., 14th Floor, Philadelphia, PA 19106, on behalf of East-West Trade Partners, 19 W. 3rd St., Media, PA 19003, has submitted a Baseline Environmental Report concerning remediation of site soil and groundwater contaminated with PCB, lead, heavy metals, BTEX, PHC and PAH. The report demonstrated attainment of special industrial area requirements and was approved by the Department on December 26, 2002.

**Philadelphia Eagles Stadium and Parking Areas (Proposed)**, City of Philadelphia, **Philadelphia County**. Keith Kowalski, P. G., URS Corp., 1400 Union Meeting Rd., Blue Bell, PA 19422, on behalf of the City of Philadelphia, Philadelphia County Authority for Industrial Development and its agent, Philadelphia Industrial Development Corp. c/o Patrick O'Neill, City of Philadelphia Law Dept., 1515 Arch St., 16th Floor, Philadelphia, PA 19102, has submitted a Remedial Investigation Report-Groundwater, concerning remediation of site groundwater contaminated with lead, heavy metals, PAH and solvents. The report was approved by the Department on December 30, 2002.

**Gordon, Gonzales, Marchesani, Welsh Property, Proposed CVS Pharmacy**, City of Philadelphia, **Philadelphia County**. Robert R. Botterman, TolTest, Inc., 339 Haymaker Rd., Suite 1101, Monroeville, PA 15146, on behalf of Howard Gordon, 1521 E. Wingohocking St., Philadelphia, PA 19124; Geraldine and Ferdinand Gonzales, 1515 E. Wingohocking St., Philadelphia, PA



19124; Nino Marchesani, 4411 Castor Ave., Philadelphia, PA 19124; and Richard Welsh, 1509 Wingohocking St., Philadelphia, PA 19124, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with solvents, PAH and PHC. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 31, 2002.

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

**Dominion Transmission, Inc.—Northeast Hub Project—Former Perry Smith Property**, Lawrence Township, **Tioga County**. Dominion Energy, Inc., 625 Liberty Avenue, Pittsburgh, PA 15222, has submitted a Final Report concerning soil contaminated with diesel fuel. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 7, 2003.

#### **HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

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

**PA5213820892. Tobyhanna Army Depot**, 11 Hap Arnold Blvd., Tobyhanna, PA 18466-5086. A permit renewing the term of the Tobyhanna Army Depot's permit for the receipt and temporary storage of approved hazardous and residual wastes at this hazardous waste storage facility located in Coolbaugh Township, **Monroe County**. The permit replaces the facility's original January 21, 1993, hazardous waste management permit. The permit was issued in the Regional Office on January 16, 2003, with an effective date of January 21, 2003; and it will expire on January 21, 2013.

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

**Permit renewed 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 No. 400561. York County Solid Waste & Refuse Authority**, 2700 Blackbridge Road, York, PA 17402-7901, Manchester Township, **York County**. The permit renewal is for the York County Resource Recovery Center. The permit was approved by the Southcentral Regional Office on January 10, 2003.

**Permit No. 100758. Harrisburg Authority**, Suite 104, One Keystone Plaza, Harrisburg, PA 17101, Harrisburg City, **Dauphin County**. The permit renewal is for the Harrisburg Materials, Energy, Recycling and Recovery Facility. The permit was approved by the Southcentral Regional Office on November 27, 2002.

Persons interested in reviewing a general permit may contact John Krueger, Program Manager, Waste Manage-

ment Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permit issued under the Solid Waste Management Act (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. 100403. Seneca Landfill, Inc.**, P. O. Box 1080, Mars, PA 16046, Adams, Jackson and Lancaster Townships, **Butler County**. Major permit modification for Radiation Protection Plan, Meteorological Monitoring Plan, revisions to Waste Analysis and Classification Plan, modification to Coal Seam Isolation Distance, Solidification of Liquid Waste and use of Glass Waste as Alternate Daily Cover. The permit was issued by the Northwest Regional Office on January 8, 2003.

Persons interested in reviewing the general permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### **MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION**

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Polymer Dynamics Inc.**, P. O. Box 4400, 2200 S. 12th St., Allentown, PA 18105-4400. Authorization No. WH1461. Effective January 16, 2003.

**S M A Raza Inc.**, 1470 US Highway 46, Ledgewood, NJ 07852-9606. Authorization No. WH1500. Effective January 16, 2003.

**Lewis Environmental Inc.**, 455 Railroad Plaza, P. O. Box 639, Royersford, PA 19468. Authorization No. WH1536. Effective January 16, 2003.

**Joyland Roofing**, 215 Snake Hill Road, Bird In Hand, PA 17505-9754. Authorization No. WH1679. Effective January 16, 2003.

**City of Lancaster**, 120 N. Duke St., Lancaster, PA 17608-1599. Authorization No. WH1680. Effective January 16, 2003.

**Kemps Disposal & Sanitation Service**, 5915 Lorane Road, Reading, PA 19606-3730. Authorization No. WH1681. Effective January 16, 2003.

**Edward A. Reider Inc.**, P. O. Box 6285, 521 Van Reed Rd., Wyomissing, PA 19610-0285. Authorization No. WH1682. Effective January 16, 2003.

**Dan's Excavating**, R. R. 2 Box 401, Shamokin, PA 17872. Authorization No. WH1683. Effective January 16, 2003.

**Alick Smith III**, 49 Newport Ave., Nazareth, PA 18064. Authorization No. WH1685. Effective January 16, 2003.

**Stroudsburg Door & Trim Inc.**, 128 N. First St., Stroudsburg, PA 18360. Authorization No. WH1686. Effective January 16, 2003.

**Quakertown Borough, Bucks County**, 15-35 N. Second St., P. O. Box 727, Quakertown, PA 18951-0727. Authorization No. WH1687. Effective January 16, 2003.

**Dibussolo Container Service**, 1801 Powell St., Norristown, PA 19401-3025. Authorization No. WH1688. Effective January 16, 2003.

**Longenecker's Hatchery Inc.**, 1110 S. Market St., P. O. Box 307, Elizabethtown, PA 17022. Authorization No. WH1689. Effective January 16, 2003.

**Lord's Carting**, Terrace Dr., R. R. 7 Box 7443, Stroudsburg, PA 18360. Authorization No. WH1691. Effective January 16, 2003.

**Schafer's Roll Off Service Inc.**, 8337 Pulaski Highway, Baltimore, MD 21237-2948. Authorization No. WH1692. Effective January 16, 2003.

**Importicos Inc.**, 120 Bakeland Ave., Middlesex, NJ 08846. Authorization No. WH1693. Effective January 16, 2003.

**J & S Etling Trucking**, 425 Johnson Lane, 139 Mccoy Hollow Road, Connellsville, PA 15425. Authorization No. WH1694. Effective January 16, 2003.

**William Schuck Trucking**, 4354 Mountain Road, Slatington, PA 18080-3674. Authorization No. WH1695. Effective January 16, 2003.

**Paul Giroux Inc.**, 457 Albert Road, Wind Gap, PA 18091-9615. Authorization No. WH1728. Effective January 16, 2003.

**America Transportation Service**, 1149 Fairmont Avenue, Elizabeth, NJ 07201. Authorization No. WH1729. Effective January 16, 2003.

**Hazmat Environmental Group Inc.**, 60 Commerce Dr., Buffalo, NY 14218-1040. Authorization No. WH1730. Effective January 16, 2003.

**Jorge Camacho**, 1951 Carter Road, Folcroft, PA 19032. Authorization No. WH1732. Effective January 16, 2003.

**Imperial Trucking**, 1458 Sweet Briar Drive, Jamison, PA 18929. Authorization No. WH1733. Effective January 16, 2003.

**KMA Hauling**, 2842 Ogden Ave., Bensalem, PA 19020. Authorization No. WH1734. Effective January 16, 2003.

**Michael V. Lascala**, 2350 S. Woodstock St., Philadelphia, PA 19145. Authorization No. WH1736. Effective January 16, 2003.

**Slavco Construction Inc.**, 164 Getty Avenue, Clifton, NJ 07011. Authorization No. WH1737. Effective January 16, 2003.

**Call Peter Inc.**, 80 Garfield Ave., Stratford, CT 06615-7157. Authorization No. WH1738. Effective January 16, 2003.

**Stratford Baling Corp.**, 80 Garfield Ave., Stratford, CT 06615. Authorization No. WH1648. Effective January 16, 2003.

**Edgardo A. Colon**, 6619 Guyer Ave., Philadelphia, PA 19142-2602. Authorization No. WH1740. Effective January 16, 2003.

**Erick R. Mora**, 2849 Bittern Place, Philadelphia, PA 19142. Authorization No. WH1741. Effective January 16, 2003.

**Environmental Consulting Inc.**, 20 Cathy Ct., Norwood, NJ 07648. Authorization No. WH1742. Effective January 16, 2003.

**Triple Crown Disposal LLC**, 109-113 Jacobus Ave., Kearny, NJ 07032. Authorization No. WH1744. Effective January 16, 2003.

**STF LLC**, 26 Carl Ave., Franklin Square, NY 11010. Authorization No. WH1745. Effective January 16, 2003.

**Gregory P. Schoch**, P. O. Box 450, Chicora, PA 16025. Authorization No. WH1747. Effective January 16, 2003.

**Wellcraft Construction Co. Inc.**, 180 New Road, Upper Southampton, PA 18966. Authorization No. WH1749. Effective January 16, 2003.

**Lower Salford Township Auth.**, 57 Main St., P. O. Box 243, Mainland, PA 19451. Authorization No. WH1750. Effective January 16, 2003.

**Clifford J. Serene**, R. R. 7 Box 98, Kittanning, PA 16201-7510. Authorization No. WH1752. Effective January 16, 2003.

**Ray Dancho Sanitation**, 434 Forrest Ave., Bethlehem, PA 18017-3835. Authorization No. WH1751. Effective January 16, 2003.

**TNT Cleanouts & Lite Hauling Inc.**, 734 B. Ashland Ave., Folcroft, PA 19032-1902. Authorization No. WH1754. Effective January 16, 2003.

**Herb Fry**, 7015 Beaver Dam Road, Levittown, PA 19057. Authorization No. WH1755. Effective January 16, 2003.

**Innovative Supply Inc.**, R. R. 9 Box 320, Latrobe, PA 15650-9028. Authorization No. WH1757. Effective January 16, 2003.

**Security Environmental Tech Inc.**, R. R. 9 Box 315, Latrobe, PA 15650-0315. Authorization No. WH1758. Effective January 16, 2003.

**Dominion Transmission Inc.**, 445 W. Main St., Clarksburg, WV 26301-2843. Authorization No. WH1420. Effective January 14, 2003.

**Mili Trucking Corp.**, 77 Wallis Ave., Jersey City, NJ 17306. Authorization No. WH2493. Effective January 14, 2003.

**Louis A. Piroli**, 908 Chess Street, Monongahela, PA 15063. Authorization No. WH1249. Effective January 9, 2003.

**Kenly Trucking Inc.**, Plumcreek Road, P. O. Box 5, Shelocta, PA 15774. Authorization No. WH1597. Effective January 9, 2003.

**Cresson Steel Company**, P. O. Box 187, 134 Pfeister Avenue, Cresson, PA 16630. Authorization No. WH1598. Effective January 9, 2003.

**Gittens Disposal**, P. O. Box 133, Mountaintop, PA 18707. Authorization No. WH1599. Effective January 9, 2003.

**East Resources Inc.**, R. D. 1, Box 39, Derrick City, PA 16727. Authorization No. WH1600. Effective January 9, 2003.

**Gerard K. Kemp**, 150 Dautrich Road, Reading, PA 19606-9129. Authorization No. WH1601. Effective January 9, 2003.

**Kish Valley Roofing**, 254 Rockville Road, Belleville, PA 17004. Authorization No. WH1602. Effective January 9, 2003.

**Sequoia Transport**, 360 Garver Road, Belleville, PA 17004. Authorization No. WH1603. Effective January 9, 2003.

**Father & Son Demolition**, 4707 Roland Road, Allison Park, PA 15101-2213. Authorization No. WH1604. Effective January 9, 2003.

**Towamensing Township**, 120 Stable Road, R. R. 3, Box 3446, Lehigh, PA 18235-9803. Authorization No. WH1605. Effective January 9, 2003.

**D. K. Hodges Contracting**, 1 Sunset Lane, Levittown, PA 19055. Authorization No. WH1606. Effective January 9, 2003.

**Jose R. Beraldo**, 7946 Doreas Street, Philadelphia, PA 19111. Authorization No. WH0407. Effective January 10, 2003.

**Downing Sanitation & Dumpster Service**, P. O. Box 375, East Brady, PA 16028-0375. Authorization No. WH0594. Effective January 10, 2003.

**Sutton Trucking LLC**, 100 Woodbridge Avenue, Sewaren, NJ 07077-1302. Authorization No. WH1059. Effective January 10, 2003.

**Lancaster City**, P. O. Box 1599, 120 N. Duke Street, Lancaster, PA 17608-1599. Authorization No. WH1060. Effective January 10, 2003.

**Julius J. Loranth**, 1332 Ride Trail, Easton, PA 18040. Authorization No. WH1061. Effective January 10, 2003.

**Carlvera, Inc.**, 865 Astoria Drive, Toms River, NJ 08753. Authorization No. WH1062. Effective January 10, 2003.

**S. Always Transfer System, Inc.**, Apt. 2, 329 Oliver Street, Newark, NJ 07105. Authorization No. WH1089. Effective January 10, 2003.

**Gilberto Eleto Services**, 46 Winding Wood Drive, Apt. 8A, Sayreville, NJ 08872. Authorization No. WH1248. Effective January 10, 2003.

**F & L Inc.**, 232 Midland Avenue, Keany, NJ 07032. Authorization No. WH1336. Effective January 10, 2003.

**Wrightsville Borough Municipal Authority**, P. O. Box 187, 129 South 2nd Street, Wrightsville, PA 17368-1506. Authorization No. WH1333. Effective January 16, 2003.

**Eduardo A. Checo**, 3200 Rochambeau Avenue, Apt. 4H, Bronx, NY 10467. Authorization No. WH1771. Effective January 16, 2003.

**Sakoutis Brothers Disposal, Inc.**, P. O. Box 84, Colts Neck, NJ 07722. Authorization No. WH1772. Effective January 16, 2003.

**Richard E. Haldeman**, 101 Ridgewood Manor MHP, Manheim, PA 17545. Authorization No. WH1773. Effective January 16, 2003.

**John J. Gavoria**, P. O. Box 855, 210 Ferndale Road, Melville, NY 11747-0855. Authorization No. WH1774. Effective January 16, 2003.

**Willians Goncalves**, 84 Somme Street, 1st Floor, Newark, NJ 07105. Authorization No. WH1775. Effective January 16, 2003.

**Samuel Probst Excavation, LLC**, 124 Probst Lane, Lock Haven, PA 17745. Authorization No. WH1776. Effective January 16, 2003.

**Todd A. Kramlich Sr.**, 4121 St. Lawrence Avenue, Reading, PA 19606. Authorization No. WH1777. Effective January 16, 2003.

**Swonger Construction Co., Inc.**, 52 North Race Street, Myerstown, PA 17067-1031. Authorization No. WH1779. Effective January 16, 2003.

**Barry L. Kemp**, 5920 Lorane Road, Reading, PA 19606-3731. Authorization No. WH1780. Effective January 16, 2003.

**Lawley's Disposal, Inc.**, P. O. Box 778, Leesport, PA 19533. Authorization No. WH1781. Effective January 16, 2003.

**K & T Excavating, Inc.**, 1041 Strawbridge Road, Northumberland, PA 17857. Authorization No. WH1782. Effective January 16, 2003.

**A. J. Stassi Coal & Oil Co., Inc.**, 860 West Oak Street, Old Forge, PA 18518-1102. Authorization No. WH1784. Effective January 16, 2003.

**Teem Environmental Services, Inc.**, 860 West Oak Street, Old Forge, PA 18518. Authorization No. WH1785. Effective January 16, 2003.

**Patrick A. Stassi Trucking, Co.**, 860 West Oak St., Old Forge, PA 18518. Authorization No. WH1786. Effective January 16, 2003.

**Geiner U. Escalante and Luis M. Roman**, 2510 S. 66th Street, Philadelphia, PA 19142. Authorization No. WH1787. Effective January 16, 2003.

**M. S. Reilly, Inc.**, P. O. Box 254, Easton, PA 18044-0254. Authorization No. WH1788. Effective January 16, 2003.

**Filipe M. Coelho**, 84 Somme Street, Apt. 1, Newark, NJ 07105. Authorization No. WH1789. Effective January 16, 2003.

**Douglas W. Bartley**, 124 Meadow Lane, Julian, PA 16844. Authorization No. WH1790. Effective January 16, 2003.

**Propst Refuse Service, Inc.**, P. O. Box 146, 1410 White Hall Road, White Hall, MD 21161-0146. Authorization No. WH1791. Effective January 16, 2003.

**Washington City Mission**, 84 W. Wheeling Street, Washington, PA 15301. Authorization No. WH1817. Effective January 14, 2003.

**Blooming Glen Quarry, Division of Haines & Kibblehouse, Inc.**, P. O. Box 196, Skippack, PA 19474. Authorization No. WH1815. Effective January 14, 2003.

**H & K Materials, Division of Haines & Kibblehouse, Inc.**, 300 Skunk Hollow Road, P. O. Box 1, Chalfont, PA 18914-0001. Authorization No. WH1814. Effective January 14, 2003.

**Locust Ridge Quarry, Division of Haines & Kibblehouse, Inc.**, P. O. Box 196, Skippack, PA 19474-0196. Authorization No. WH1813. Effective January 14, 2003.

**Handwerk Contractors**, P. O. Box 55, Skippack, PA 19474. Authorization No. WH1812. Effective January 14, 2003.

**Robert Lawrie Leasing, Inc.**, 365 Old Main Street, Asbury, NJ 08802. Authorization No. WH1799. Effective January 14, 2003.

**Gilberto Rivera**, 4109 Magee Avenue, Philadelphia, PA 19135. Authorization No. WH1798. Effective January 14, 2003.

**Ream Roofing Associates, Inc.**, P. O. Box 9, 472 East Locust Street, Dallastown, PA 17313-0009. Authorization No. WH1795. Effective January 14, 2003.

**Gerald R. Kreider Construction**, 9 West Pine Street, Cleona, PA 17042-2346. Authorization No. WH1794. Effective January 14, 2003.

**G & S Containers, Inc.**, 1508 East Lackawanna Avenue, Olyphant, PA 18447-2611. Authorization No. WH1792. Effective January 14, 2003.

**Delaware Valley Contractors, Inc.**, 1420 Clarion Street, Reading, PA 19601. Authorization No. WH1419. Effective January 14, 2003.

**Wallace Transportation**, Road 1, Box 179, Woodland, PA 16681. Authorization No. WH3135. Effective January 14, 2003.

**Spector Manufacturing, Inc.**, P. O. Box 158, Saint Clair, PA 17970. Authorization No. WH1669. Effective January 14, 2003.

**Environmental Awareness Corp., Inc.**, 244 E. Broad Street, Tamaqua, PA 18252. Authorization No. WH1667. Effective January 14, 2003.

**Fred C. Bousum, Jr.**, Bethel Road, P. O. Box 290, Petersburg, PA 16669-0290. Authorization No. WH1663. Effective January 14, 2003.

**L.Z.S. Ceremonial Trails, Inc.**, 238 East 8th Street, Brooklyn, NY 11218-3302. Authorization No. WH1609. Effective January 14, 2003.

**William E. Droll, Jr.**, P. O. Box 77, Main Street, Bigler, PA 16825-0077. Authorization No. WH1148. Effective January 14, 2003.

**Berks Transfer, Inc.**, 1420 Clarion Street, Reading, PA 19601. Authorization No. WH1418. Effective January 14, 2003.

**Del-Con Construction**, 100 Deluca Drive, Saltsburg, PA 15681-8910. Authorization No. WH1657. Effective January 13, 2003.

**Carlos Alberto Tozzi Company**, 46 Lang Street, Newark, NJ 07105. Authorization No. WH1655. Effective January 13, 2003.

**Joao C. Jeronimo**, 173 Davis Avenue, Kearny, NJ 07032. Authorization No. WH1651. Effective January 13, 2003.

**Blue Ridge Homes Inc.**, P. O. Box 341, Effort, PA 18330-0341. Authorization No. WH1703. Effective January 13, 2003.

**Keystone Container Service Inc.**, 158 Tigue Street, P. O. Box 2, Dunmore, PA 18512-0002. Authorization No. WH1702. Effective January 13, 2003.

**Borough of Upland, Delaware County**, 224 Castle Avenue, Upland, PA 19015. Authorization No. WH1698. Effective January 13, 2003.

**D & S Environmental Container Service**, 2783 Kirkbride Street, P. O. Box 20286, Philadelphia, PA 19137. Authorization No. WH1696. Effective January 13, 2003.

**K & D Industrial Services, Inc.**, 30105 Beverly Road, Romulus, MI 48174. Authorization No. WH1705. Effective January 13, 2003.

**H. H. Omps, Inc.**, 1800 Martinsburg Pike, Winchester, VA 22603. Authorization No. WH1704. Effective January 13, 2003.

**Hazleton Oil Salvage Ltd.**, P. O. Box 2339, Hazleton, PA 18201. Authorization No. WH1701. Effective January 13, 2003.

**Hazleton Scrap Recycling, Inc.**, Hazleton McAdoo Highway, P. O. Box 2480, Hazleton, PA 18201. Authorization No. WH1699. Effective January 13, 2003.

**Eagle Disposal**, P. O. Box 288, 1245 Martin Road, East Earl, PA 17519. Authorization No. WH1503. Effective January 13, 2003.

**Adolfo Nolasco**, 401 53rd Street, Apt. 25, West New York, NJ 07093-2033. Authorization No. WH1505. Effective January 13, 2003.

**BRAT Towing & Recovery, Inc.**, 804 Horner Street, Johnstown, PA 15902-2226. Authorization No. WH1504. Effective January 13, 2003.

**May & Company, Inc.**, 197 Pioneer Drive, Saint Thomas, PA 17252-9702. Authorization No. WH1506. Effective January 13, 2003.

**Sennetti Sanitation**, P. O. Box 675, Bethlehem, PA 18016-0675. Authorization No. WH1507. Effective January 13, 2003.

**Advanced Concrete Systems Inc.**, R. D. 2, Box 147A, Middleburg, PA 17842-9526. Authorization No. WH1508. Effective January 13, 2003.

**Harry's Refuse Disposal, Inc.**, 115 Nesbit Street, P. O. Box 30, Franklin, PA 16323. Authorization No. WH1509. Effective January 13, 2003.

**Ensminger Builder Inc.**, 1223 East Chocolate Avenue, Hershey, PA 17033. Authorization No. WH1510. Effective January 13, 2003.

**Edgar Holland Trash Removal**, 1914 Frush Valley Road, Temple, PA 19560-9563. Authorization No. WH1513. Effective January 13, 2003.

**FCB Leasing & Hauling Corporation**, Bethel Road, P. O. Box 290, Petersburg, PA 16669-0290. Authorization No. WH1662. Effective January 13, 2003.

**Fred C. Bousum, Jr. and Patricia A. Bousum**, Bethel Road, P. O. Box 290, Petersburg, PA 16669-0290. Authorization No. WH1661. Effective January 13, 2003.

**Frederick C. Bousum, Jr.**, P. O. Box 290, Bethel Road, Petersburg, PA 16669. Authorization No. WH1660. Effective January 13, 2003.

**James R. Polka**, Geidel Road, R. D. 1, Box 198, Ford City, PA 16226-9623. Authorization No. WH1658. Effective January 13, 2003.

**Bousum's Trucking Inc.**, Bethel Road, P. O. Box 290, Petersburg, PA 16669-0290. Authorization No. WH1659. Effective January 13, 2003.

**CBF, Inc.**, P. O. Box 266, 1184 McClellandtown Road, McClellandtown, PA 15458-0266. Authorization No. WH1502. Effective January 13, 2003.

**Bellefonte Borough**, 236 West Lamb Street, Bellefonte, PA 16823-1532. Authorization No. WH1491. Effective January 10, 2003.

**McCoy Brothers, Inc.**, 1514 Commerce Avenue, Carlisle, PA 17013. Authorization No. WH1492. Effective January 10, 2003.

**Carnevale Disposal Company, Inc.**, P. O. Box 369, Princeton Junction, NJ 08550. Authorization No. WH1493. Effective January 10, 2003.

**Ed Miller Trucking**, 575 South Duke Street, Red Lion, PA 17356. Authorization No. WH1494. Effective January 10, 2003.

**Dale W. Snyder**, 10761 Hill Street, Red Lion, PA 17356. Authorization No. WH1495. Effective January 10, 2003.

**William E. Grant**, 302 Chestnut Street, York, PA 17403. Authorization No. WH1496. Effective January 10, 2003.

**Lertch Wrecking Company**, P. O. Box 1362, 5115 Belmar Boulevard, Wall, NJ 07719. Authorization No. WH1497. Effective January 10, 2003.

**Knight Hauling, Inc.**, 1037 Price Street, Trainer, PA 19061. Authorization No. WH1498. January 10, 2003.

**Robert L. Larson**, 6567 Miola Road, Clarion, PA 16214-7507. Authorization No. WH1499. Effective January 10, 2003.

**William Lindner & Son, Inc.**, R. R. 9, Box 9475, Moscow, PA 18444. Authorization No. WH1501. Effective January 10, 2003.

**Gary M. Musciotto**, 118 Hawthorne Avenue, Clifton, NJ 07011. Authorization No. WH0931. Effective January 14, 2002.

**Pelin Trucking**, 633 Prospect Avenue, Fairview, NJ 07022. Authorization No. WH1115. Effective January 14, 2002.

**David R. Kirk**, R. R. 2, Box 287, New Bethlehem, PA 16242-9426. Authorization No. WH1311. Effective January 14, 2002.

**U. S. Sewer & Drain, Inc.**, P. O. Box 1072, Langhorne, PA 19047. Authorization No. WH1313. Effective January 14, 2002.

**Jack C. Frey**, 563 Georgetown Road, Nazareth, PA 18064. Authorization No. WH1319. Effective January 14, 2002.

**S.H.D. Trucking Corporation**, 971 Orion Court, North Merrick, NY 11566. Authorization No. WH1392. Effective January 14, 2002.

**York Nationalease, Inc.**, 2200 Monroe Street, York, PA 17404-5521. Authorization No. WH1484. Effective January 14, 2002.

**Gerber's Inc.**, P. O. Box 942, Cockeysville, MD 21030. Authorization No. WH1632. Effective January 14, 2002.

**Rio Trucking, Inc.**, 216 Brighton Avenue, Kearny, NJ 07032. Authorization No. WH1633. Effective January 14, 2002.

**Jorge E. Herrera**, 539 Roosevelt Avenue, Carteret, NJ 07008. Authorization No. WH1634. Effective January 14, 2002.

**Allways Trucking, Inc.**, 49 Prospect Avenue, North Arlington, NJ 07031. Authorization No. WH1635. Effective January 14, 2002.

**Manuel F. Marques**, 97 Polk Street, Newark, NJ 07105. Authorization No. WH1636. Effective January 14, 2002.

**Antonio Matias**, 636 Milton Avenue, Lyndhurst NJ 07071-1612. Authorization No. WH1637. Effective January 14, 2002.

**Milestone Trucking, Inc.**, 636 Milton Avenue, Lyndhurst, NJ 07071-1612. Authorization No. WH1638. Effective January 14, 2002.

**Claudio R. Saramiento**, Apt. 1, 6040 Hudson Avenue, West New York, NJ 07093. Authorization No. WH1639. Effective January 14, 2002.

**Antonio C. Barradas**, 1020 Monroe Avenue, Elizabeth, NJ 07201. Authorization No. WH1640. Effective January 14, 2002.

**Wellington T. Soalheiro**, 354 Williamson Street, Elizabeth, NJ 07002. Authorization No. WH1641. Effective January 14, 2002.

**Antonio M. Santos**, 430 Adams Street, Newark, NJ 07114. Authorization No. WH1642. Effective January 14, 2002.

**Paulo M. Ferreira**, Apt. 3, 826 Kearny Avenue, Kearny, NJ 07032. Authorization No. WH1643. Effective January 14, 2002.

**TRMA Waste Hauling, Inc.**, 94 Kossuth Street, Newark, NJ 07105. Authorization No. WH1644. Effective January 14, 2002.

**Manuel C. Allaico**, 412 North 6th Street, Newark, NJ 07107. Authorization No. WH1645. Effective January 14, 2002.

**Maria I. Nascimento**, 246 Cortlandt Street, Belleville, NJ 07109. Authorization No. WH1646. Effective January 14, 2002.

**Allport Transports, Inc.**, 636 Milton Avenue, 1st Floor, Kearny, NJ 07071. Authorization No. WH1647. Effective January 14, 2002.

**Roadrunner Transportation, LLC**, 406 Page Avenue, Kearny, NJ 07032. Authorization No. WH1650. Effective January 14, 2002.

**Caldwell, Heckles & Egan, Inc.**, 1270 Grofftown Road, Lancaster, PA 17602. Authorization No. WH1708. Effective January 15, 2003.

**L. G. Almony & Sons, Inc.**, 2108 Jerry's Road, Street, MD 21154-1017. Authorization No. WH1709. Effective January 15, 2003.

**Swope's Salvage & Recycling**, 92 Hofman Road, East Berlin, PA 17316-9801. Authorization No. WH1710. Effective January 15, 2003.

**Lessard Transportation, LLC**, 96 West Wooster Street, Danbury, CT 06810. Authorization No. WH1722. Effective January 15, 2003.

**Danny A. Hildenbrand**, R. D. 1, Box 497, Ruffsedale, PA 15679. Authorization No. WH1723. Effective January 15, 2003.

**Galaxy Carting Corporation**, P. O. Box 530, Nesconset, NY 11767. Authorization No. WH1725. Effective January 15, 2003.

**Robert Deforest Demolition Company, Inc.**, 2406 Herbertville Road, Point Pleasant, NJ 08742. Authorization No. WH1727. Effective January 15, 2003.

**Reliable Roll-Off**, P. O. Box 393, Delta, PA 17314-0393. Authorization No. WH1759. Effective January 15, 2003.

**Reliable Sanitation Company**, P. O. Box 246, Delta, PA 17314-0246. Authorization No. WH1760. Effective January 15, 2003.

**Yost Construction**, 425 Yocumtown Road, Etters, PA 17319. Authorization No. WH1761. Effective January 15, 2003.

**Philip R. Saar**, 354 Rich Hill Road, Cheswick, PA 15024. Authorization No. WH1762. Effective January 15, 2003.

**N & L Transportation, Inc.**, P. O. Box 319, Dunmore, PA 18512. Authorization No. WH1764. Effective January 15, 2003.

**Indian Valley Bulk Carriers, Inc.**, Ridge Road, P. O. Box 200, Tylersport, PA 18971-0200. Authorization No. WH1765. Effective January 15, 2003.

**Wilberto Perez**, 2930 Lehigh Street, Allentown, PA 18103. Authorization No. WH1766. Effective January 15, 2003.

**P. E. Greenway & Son Disposal Service**, 428 Rose Street, Williamsport, PA 17701-4568. Authorization No. WH1767. Effective January 15, 2003.

**S & S Recycling, Inc.**, 130 Old Route 26, Everett, PA 15537-3332. Authorization No. WH1768. Effective January 15, 2003.

**Mike's Hauling Service, Inc.**, 404 Oakland Avenue, Bellmawr, NJ 08031. Authorization No. WH1769. Effective January 15, 2003.

**Jose Zorrilla**, 288 Paterson Park Road, East Rutherford, NJ 07073. Authorization No. WH1770. Effective January 15, 2003.

**H & H General Excavating Company**, P. O. Box 141, Spring Grove, PA 17362-9803. Authorization No. WH1330. Effective January 13, 2003.

**Douglas A. Millheim**, 3242 Pine Run Road, Hughesville, PA 17737-8848. Authorization No. WH1329. Effective January 13, 2003.

**R. H. Marcon Inc.**, 2500 Clyde Avenue, P. O. Box 1248, State College, PA 16801. Authorization No. WH1328. Effective January 13, 2003.

**Louis Mascaro, Sons Inc.**, 701 Sterigere Street, Norristown, PA 19401-3701. Authorization No. WH1326. Effective January 13, 2003.

**Lenny's Sanitation Service**, P. O. Box 30, Limekiln, PA 19535. Authorization No. WH1325. Effective January 13, 2003.

**K C S Energy Inc.**, P. O. Box 187, Grunder Run Road, Warren, PA 16365. Authorization No. WH1324. Effective January 13, 2003.

**Edward M. Wolfe**, 5286 Pollock Road, Marion Center, PA 15759-5318. Authorization No. WH1323. Effective January 13, 2003.

**East End Lumber Company**, 544 East Third Street, Williamsport, PA 17701. Authorization No. WH1320. Effective January 13, 2003.

**Didier G. Alvarado**, 2212 South Felton Street, P. O. Box 6413, Philadelphia, PA 19145. Authorization No. WH1086. Effective January 13, 2003.

**M R C Management Inc.**, 9325 Keystone Street, Philadelphia, PA 19114-4013. Authorization No. WH1280. Effective January 13, 2003.

**Cippco Contracting Inc.**, 9325 Keystone Street, Philadelphia, PA 19114-4013. Authorization No. WH1279. Effective January 13, 2003.

**P M S Waste Haulers Inc.**, 15 W. Linwood Avenue, Maple Shade, NJ 08052. Authorization No. WH1277. Effective January 13, 2003.

**Lycoming County Resource Management Services**, 447 Alexander Drive, P. O. Box 187, Montgomery, PA 17728-0187. Authorization No. WH1276. Effective January 13, 2003.

**Mario Infante**, 6418 Garman Street, Philadelphia, PA 19142. Authorization No. WH1275. Effective January 13, 2002.

**Amarjit Singh**, P. O. Box 271, Fishertown, PA 15539-0271. Authorization No. WH0992. Effective January 13, 2003.

## AIR QUALITY

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

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

**20-288: Agway Energy Products** (16717 State Highway 198, Saegertown, PA 16433) on December 31, 2002, for installation of a VOC storage tank in Hayfield Township, **Crawford County**.

**43-331: Atlas Resources Inc.—Lake Wilhelm Station** (Grange Road, Hadley, PA 16130) on January 10, 2003, for installation of a compressor engine in Deer Creek Township, **Mercer County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**23-0074: GS Roofing Prod Co., Inc.** (800 West Front Street, Chester, PA 19013) on January 13, 2003, for operation of a thermal oxidizer in the City of Chester, **Delaware County**.

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

**22-05033A: Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001-0278) on January 13, 2003, for installation of a knockout box and a fabric collector to replace a multicyclone and a venturi scrubber at an existing batch asphalt plant at its Steelton Quarry in Steelton Borough, **Dauphin County**.

**36-05073A: Bollman Hat Co.** (110 East Main Street, Adamstown, PA 19501) on January 9, 2003, for modification to the Main Street Plant in Adamstown Borough, **Lancaster County**.

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

**03-00976A: DLR Mining, Inc.** (3065 Airport Road, Indiana, PA 15701) for installation of a screen at the Ridge Deep Mine in South Bend Township, **Armstrong County**.

**04-00235C: FirstEnergy Corp.** (P. O. Box 128, Shippingport, PA 15077-0128) for installation of a voluntary selective catalytic reduction system on the exhaust from Unit No. 3 at the Bruce Mansfield Generation Station in Shippingport, **Beaver County**. The plan approval will include all appropriate monitoring, recordkeeping, testing and reporting requirements to ensure that the source is operating in compliance with all applicable air quality requirements. At a later date this plan approval will be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

**04-00235D: FirstEnergy Corp.** (P. O. Box 128, Shippingport, PA 15077-0128) for installation of a sodium sulfite/bisulfate solution injection system on the exhausts from Units No. 1, No. 2 and No. 3 at the Bruce Mansfield Generation Station in Shippingport, **Beaver County**. The plan approval will include all appropriate emission limitations, monitoring, recordkeeping, testing and reporting requirements to ensure that the source is operating in compliance with all applicable air quality requirements. At a later date this plan approval will be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

**04-00013B: J and L Specialty Steel, Inc.** (Westpointe Corporate Center One, 1550 Coraopolis Heights Road, Suite 500, Coraopolis, PA 15108) on January 13, 2003, for construction at a Title V facility of a second boiler to provide process heat for the DRAP Line and the installation of new H<sub>2</sub>SO<sub>4</sub> and HF-HNO<sub>3</sub> prepickling tanks at the J and L Specialty Steel facility in Midland, **Beaver County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0003A: Stroehmann Bakeries, LC** (1810 East Ridge Pike, Norristown, PA 19404) on January 13, 2003, for operation of a catalytic oxidizer in Plymouth Township, **Montgomery County**.

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

**36-05101A: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA 19422-0465) on January 1, 2003, for construction of a batch asphalt plant controlled by a knockout box and a fabric collector and two 30,000-gallon asphalt cement storage tanks at its Lititz Plant in Warwick Township, **Lancaster County**. This plan approval was extended.

**38-03032A: Sun Pipe Line Co.** (Ten Penn Center 20th Floor, Philadelphia, PA 19013) on December 27, 2002, for construction of a soil vapor extraction system controlled by a biofilter at its Cornwall Pumping Station in West Cornwall Township, **Lebanon County**. This plan approval was extended.

**67-03058A: Coates Electrographics, Inc.** (1160-A Fahs Street, York, PA 17404) on January 9, 2003, for installation of a new toner manufacturing system controlled by

four fabric filter dust collectors at its facility in West Manchester Township, **York County**. This plan approval was extended.

**67-05068A: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA 19422-0465) on January 1, 2003, for construction of a batch asphalt plant controlled by a knockout box and a fabric collector and two 30,000-gallon asphalt cement storage tanks at its Wrightsville Plant in Hellam Township, **York County**. This plan approval was extended.

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

**19-302-031: Dillon Floral Corp.** (P. O. Box 180, Bloomsburg, PA 17815-0180) on January 10, 2003, to extend the plan approval as well as the authorization to operate two natural gas, no. 4 fuel oil, no. 6 fuel oil and reprocessed oil-fired boilers on a temporary basis until May 10, 2003, in the Town of Bloomsburg, **Columbia County**.

**41-0006B: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) on January 10, 2003, to extend the plan approval as well as the authorization to operate a copper stripping operation on a temporary basis until May 10, 2003, in the City of Williamsport, **Lycoming County**.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

**11-00356: Dominion Peoples** (625 Liberty Avenue, Pittsburgh, PA 15222) for renewal of the Title V Operating Permit at Rager Mountain/Laurel Ridge Station in Jackson Township, **Cambria County**. The facility is a compressor station primarily used for the storage and distribution of natural gas. The facility is a major stationary source due to its potential to emit NOx.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**67-03081: Finishing Systems, Inc.** (70 Willow Springs Circle, York, PA 17402) on January 14, 2003, for operation of a metal parts cleaning facility in Manchester Township, **York County**.

**67-05067: Persing Enterprises, Inc.** (214 North Franklin Street, Red Lion, PA 17356) on January 9, 2003, for operation of a furniture manufacturing facility in Red Lion Borough, **York County**.

**67-05096: Blockhouse Co., Inc.** (3285 Farmtrail Road, York, PA 17402) on January 9, 2003, for operation of its wood furniture manufacturing facility in Manchester Township, **York County**.

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

**62-00012: Reliant Energy Mid-Atlantic Power Holding, LLC** (Route 6, Warren, PA 16365) for operation of their facility in Conewango Township, **Warren County**. The initial Acid Rain permit issued on December 30, 1997 and revised on December 16, 1998 and August 9, 1999, was reissued on January 10, 2003. The reissued permit expires on December 31, 2007. Reliant Energy Mid-Atlantic Power Holding, LLC—Warren Generating Station air emission sources are four coal-fired boilers. The facility, because the boilers are listed in Table 2 (Phase II Allowance Allocations) of 40 CFR 73.10, is a Title IV facility and is therefore subject to the Acid Rain requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

**33-00137: Village Farms LP, Ringgold Plant** (Highway L.R. 33001, P. O. Box 192, Ringgold, PA 15770) for operation of their facility in Ringgold Township, **Jefferson County**. The facility's major sources of emissions are three auxiliary boilers used to produce heat for a greenhouse.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**22-05023: ExxonMobil Oil Corp.** (5140 Paxton Street, Harrisburg, PA 17111) for operation of its Harrisburg Terminal in Swatara Township, **Dauphin County**. On January 13, 2003, the Title V Operating Permit was administratively amended to incorporate plan approvals 22-05023A and GP2-22-05023B into the operating permit. This is Revision No. 1 of the operating permit.

**67-05030: CP Converters, Inc.** (15 Grumbacher Road, York, PA 17402) for operation of its facility in Manchester Township, **York County**. On January 9, 2003, the Title V Operating Permit was administratively amended to incorporate plan approvals 67-05030A and 67-05030B into the operating permit. This is Revision No. 1 of the operating permit.

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

**30-072: Consol Pennsylvania Coal Co.** (Consol Pennsylvania Coal Co., 172 Route 519, P. O. Box 355, Eighty Four, PA 15330), for operation of their Bailey Preparation Plant in Richhill Township, **Greene County**. Consol has requested that the Department modify their Title V Operating Permit to include changes to their coarse refuse material handling system.

This action entails: the addition of conveyors to the overland refuse conveyor system; the addition of transfer points; the addition of a second discharge point for refuse bin; and education in refuse hauling by truck.

The Department has approved this minor operating permit modification in accordance with 25 Pa. Code § 127.462.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

**04-000-033: NOVA Chemicals, Inc.** (NOVA Chemicals, Inc., 400 Frankfort Road, Monaca, PA 15061-2298) for operation of their thermoplastic resin manufacturing facility in Beaver Valley Plant in Monaca, **Beaver County**. NOVA Chemicals, Inc. has requested to increase site emissions of NOx by 0.70 ton, of CO by 0.06 ton, of PM-10 by 0.01 ton and of VOC emissions by 0.18 ton. The Department has approved these emissions as De minimis emission increases in accordance with 25 Pa. Code § 127.449.

## 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); 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).** 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 Permits Actions

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

**17990118 and NPDES Permit No. PA0242730. Swisher Contracting, Inc.**, P. O. Box 1223, Clearfield, PA 16830. Revision to an existing bituminous surface mine-auger permit for a Change in Permit Acres from 120.0 to 121.4 acres. Receiving streams: three unnamed tributaries to Moose Creek, Moose Creek and Orr's Run. Application received October 3, 2002. Permit issued January 6, 2003.

**17940115 and NPDES Permit No. PA 0219894. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Revision to an existing bituminous surface mine permit for Change in Permit Acres from 164.4 to 169.2 acres. Receiving streams: Muddy Run, unnamed tributaries to Muddy Run, classified as CWF. Application received June 14, 2002. Permit issued January 8, 2003.

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

**16010103 and NPDES Permit No. PA0242021. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15701) Revision to an existing bituminous strip and tippel refuse disposal operation to add 3.5 acres in Perry Township, **Clarion County** affecting 136.5 acres. This revision also includes a landuse change to change from cropland and pastureland to forestland on the Frederick J. Dunlap, et. al. property. Receiving streams: unnamed tributaries to the Allegheny River and unnamed tributaries to the Clarion River. Application received September 5, 2002. Permit Issued January 13, 2003.

### Noncoal Permits Actions

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



**58020848. Matt VanDeMark** (4 Joan Drive, Tunkhannock, PA 18657), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County**, affecting 5.0 acres, receiving stream: Ripley Creek. Application received October 15, 2002. Permit issued January 13, 2003.

**64020809. Joseph Torch** (45 Clark Avenue, Carbondale, PA 18407), commencement, operation and restoration of a quarry operation in Scott Township, **Wayne County**, affecting 5.0 acres, receiving stream: Balls Creek. Application received November 22, 2002. Permit issued January 13, 2003.

**66020806. Bennie's Nurseries** (614 SR 92 South, Tunkhannock, PA 18657), commencement, operation and restoration of a quarry operation in Tunkhannock Township, **Wyoming County**, affecting 5.0 acres, receiving stream: Susquehanna River. Application received June 7, 2002. Permit issued January 15, 2003.

**7973SM2C8 and NPDES Permit PA0043901. Better Materials Corporation** (P. O. Box 196, Penns Park, PA 18943), renewal of NPDES Permit for discharge to treated mine drainage in Wrightstown Township, **Bucks County**, receiving stream: unnamed tributary to Neshaminy Creek. Application received November 7, 2002. Renewal issued January 15, 2003.

**7175SM2C3 and NPDES Permit PA0043901. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), correction to an existing quarry operation and renewal of NPDES Permit for discharge of treated mine drainage in Washington and Jackson Townships, **Dauphin County** affecting 109.3 acres, receiving stream: Wiconisco and Armstrong Creeks. Application received April 17, 2001. Correction/Renewal issued January 17, 2003.

**22010302. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), commencement, operation and restoration of a quarry operation in Washington and Jackson Townships, **Dauphin County** affecting 45.7 acres, receiving stream: none. Application received April 16, 2001. Permit issued January 17, 2003.

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

**04020301. Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137). Permit for commencement, operation and reclamation of a noncoal surface mine located Darlington Township, **Beaver County**, affecting 71 acres. Receiving stream: none. Application received April 24, 2002. Permit issued January 14, 2003.

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

*Government Financed Construction Contract*

**17-02-01. Myers & Supko Contracting**, Box 51, Osceola Mills, PA 16666. The Department's Hawk Run District Mining Office awarded a Government Financed Construction Contract to Myers and Supko Contracting on January 8, 2003, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 5 acres. The site is located in Decatur Township, **Clearfield County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program devel-

oped by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received March 18, 2002. Permit issued January 8, 2003.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 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.**

*Blasting Permits Actions*

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

**35034001. Holbert Explosives** (237 Masthope Plank Road, Lackawaxen, PA 18435), construction blasting in Glenburn Township, **Lackawanna County** with an expiration date of April 5, 2003. Permit issued January 9, 2003.

**66034001. Natures Creations** (R. D. 2 Box 69, Mehoopany, PA 18629), construction blasting in Tunkhannock Township, **Wyoming County** with an expiration date of March 31, 2003. Permit issued January 9, 2003.

**45034001. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Jackson Township, **Monroe County** with an expiration date of December 24, 2003. Permit issued January 9, 2003.

**48034001. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19433), construction blasting in Allen Township, **Northampton County** with an expiration date of February 12, 2004. Permit issued January 9, 2003.

**36034001. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in East Earl Township, **Lancaster County** with an expiration date of March 8, 2003. Permit issued January 13, 2003.

**36034002. Brubacher Excavating, Inc.** (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Paradise Township, **Lancaster County** with an expiration date of February 8, 2004. Permit issued January 13, 2003.

**36034003. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in East Earl Township, **Lancaster County** with an expiration date of May 8, 2003. Permit issued January 13, 2003.

**40034001. Kaminski Brothers, Inc.** (303 New Boston Road, Pittston, PA 18640-9611) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting in Pittston Township, **Luzerne County** with an expiration date of April 30, 2003. Permit issued January 15, 2003.

**36034005. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lancaster Township, **Lancaster County** with an expiration date of February 13, 2004. Permit issued January 15, 2003.

**40034003. Pulverman Company** (365 Courtdale Avenue, Courtdale, PA 18704), construction blasting in Courtdale Borough, **Luzerne County** with an expiration date of June 30, 2003. Permit issued January 15, 2003.

**21034002. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in South Middleton Township, **Cumberland County** with an expiration date of February 13, 2006. Permit issued January 15, 2003.

**67034001. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Windsor Township, **York County** with an expiration date of June 13, 2003. Permit issued January 15, 2003.

**36034004. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Hempfield Township, **Lancaster County** with an expiration date of November 13, 2003. Permit issued January 15, 2003.

**21034001. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and **Bernard J. Hasara** (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in West Pennsboro Township, **Cumberland County** with an expiration date of February 13, 2004. Permit issued January 15, 2003.

**23034001. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in Colwyn Borough, **Delaware County** with an expiration date of May 13, 2003. Permit issued January 15, 2003.

**40034002. Charlie Weaver Excavating** (R. R. 1 Box 248W, White Haven, PA 19661), construction blasting in Rice Township, **Luzerne County** with an expiration date of May 31, 2003. Permit issued January 15, 2003.

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

**10024002. Charles J. Merlo, Inc.** (234 Merlo Road, Mineral Point, PA 15942). Blasting activity permit to blast at Route 422, 68 and 38 interchange in Summit Township, **Butler County** for 150 days. Application received December 11, 2002. Application issued January 13, 2003.

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

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

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

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-922. County of Montgomery**, Court House, P. O. Box 311, Norristown, PA 19404-0311, Towamencin Township, **Montgomery County**, ACOE Philadelphia District.

To remove the existing deteriorated Metz Road Bridge (County Bridge No. 221), spanning 68.5 feet and having a

minimum underclearance of 8.5 feet, over Towamencin Creek (TSF) and to construct and maintain a single span box beam bridge, having a total roadway width of 33 feet, a span of 80 feet and a minimum underclearance of 6.5 feet. The proposed bridge will have approximately the same horizontal alignment and the same location, just south of the intersection of Metz and Kriebel Roads (Lansdale, PA Quadrangle N: 18.8 inches; W: 16.0 inches).

**E46-919. Township of Cheltenham**, 8230 Old York Road, Elkins Park, PA 19027-1589, Cheltenham Township, **Montgomery County**, ACOE Philadelphia District.

To stabilize and maintain an approximately 7,850 linear-foot section of stream bank along the Tookany Creek (Taony Creek) utilizing bioengineering methods. The project will be completed in two phases (Phase I and Phase II). The site is located in Tookany Creek Park between Central Avenue and New Second Street (Frankford, PA USGS Quadrangle starting point N: 11.8 inches; W: 14.61 inches, ending point N: 12.1 inches; W: 15.3 inches).

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

**E40-562. Kirk Janowitz**, 27 Independence Road, Mountain Top, PA 18707. City of Nanticoke, **Luzerne County**, Army Corps of Engineers Baltimore District.

To authorize previously placed fill in approximately 0.45 acre of wetlands for the purpose of constructing a 10,000 S.F. health center and a 1,200 S.F. restaurant along with associated parking areas. The permittee is required to provide for 0.45 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located northwest of the intersection of Middle Road and Kosciuszko Street (Wilkes-Barre West, PA Quadrangle N: 12.2 inches; W: 15.0 inches).

**E39-412. William Jones**, 750 Center Street, Emerald, PA 18080. Washington Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To authorize the existing fill in two man-made ponds, having a combined area of 0.14 acre within the Trout Creek watershed. The purpose of the project was to eliminate the ponds. The project is located adjacent to Center Street approximately 1,900 feet southeast of its intersection with SR 4018 (Main Street) (Slatedale, PA Quadrangle N: 20.9 inches; W: 1.0 inches).

**E35-339. Alliance Sanitary Landfill, Inc.**, 398 South Keyser Avenue, Taylor, PA 18517. Borough of Taylor, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To remove an existing railroad culvert; to construct and maintain approximately 900 feet of riprap-lined channel along its existing alignment; and to construct and maintain a temporary road crossing consisting of a 48-inch diameter reinforced concrete pipe for the purpose of reconstructing a tributary to St. Johns Creek (a.k.a. Sawmill Creek). The project is located approximately 1,000 feet upstream of the SR 3011 (Keyser Avenue) crossing of the tributary to St. Johns Creek (Scranton, PA Quadrangle N: 2.9 inches; W: 15.4 inches).

**E45-421. Blue Mountain Lake Associates, Inc.**, One Blue Mountain Lake, East Stroudsburg, PA 18301. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To maintain a road crossing consisting of a 36-inch diameter culvert in a tributary to Brodhead Creek and to

construct and maintain a stormwater outfall channel in the floodway of the same tributary to Brodhead Creek. The projects are located in Blue Mountain Lake—Phase 9, approximately 0.5 mile northeast of SR 0447 (East Stroudsburg, PA Quadrangle N: 7.6 inches; W: 10.4 inches and N: 7.1 inches; W: 11.0 inches).

**E45-436. Maria Giacalone**, R. R. 1, Box 405M, Canadensis, PA 18325. Barrett Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain: (1) a pedestrian bridge having a single span of approximately 37 feet and underclearance of approximately 4.6 feet across Goose Pond Run for the purpose of providing access to a proposed gymnasium; and (2) two stormwater outfall structures in the floodway of Goose Pond Run. The project is located on the eastern side of SR 0390, approximately 0.5 mile northeast of SR 0447 (Skytop, PA Quadrangle N: 13.3 inches; W: 16.8 inches).

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

**E06-575. City of Reading**, 815 Washington Street, Reading, PA 19601 in West Reading Borough, **Berks County**, ACOE Philadelphia District.

For an after-the-fact permit to maintain the placement of fill within the floodway/floodplain of the Wyomissing Creek (CWF) at a point beginning below the Museum Road Bridge and extending south along the east side of the Creek (Reading, PA Quadrangle N: 14.0 inches; W: 10.5 inches) in West Reading Borough, Berks County.

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

**E02-817-A1. Snyder Brothers**, 4695 Campbells Run Road, Pittsburgh, PA 15205. Collier Township, **Allegheny County**, ACOE Pittsburgh District.

To amend permit E02-817 which authorized the construction and maintenance of a 16-foot by 7-foot 11-inch CMP arch culvert as part of an existing stream enclosure in the channel of Campbells Run (WWF) located on the north side of the Parkway West (Routes 22 and 30) at the Campbells Run Road exit ramp to facilitate the construction of an auto service building at the site in Collier Township, Allegheny County. This amendment will authorize the construction of 16-foot by 7-foot 11-inch CMP arch culvert by 98-foot long extension to the existing stream enclosure to provide additional parking for the existing service station, food mart and auto repair shop (Oakdale, PA Quadrangle N: 10.0 inches; W: 1.2 inches).

**E02-1381. Hampton Township**, 3101 McCully Road, Allison Park, PA 15101. Hampton Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a Conspan Bridge having a span of 24 feet and an underclearance of 8.5 feet and to construct and maintain an outfall structure to Crouse Run (TSF). The project is located on South Pioneer Road approximately 30 feet south of its intersection with West Bardoner Road (Glenshaw, PA Quadrangle N: 18.9 inches; W: 10.3 inches).

**E02-1382. Hampton Township**, 3101 McCully Road, Allison Park, PA 15101. Hampton Township, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing structures, to construct and maintain a Conspan Bridge having a span of 20 feet and an underclearance of 5.2 feet and to construct and maintain an outfall structure to Crouse Run (TSF). The project is located on South Pioneer Road approximately

500 feet north of its intersection with West Bardoner Road (Glenshaw, PA Quadrangle N: 19.1 inches; W: 10.3 inches).

**E02-1396. Township of Indiana**, 941 Route 910, P. O. Box 788, Indianola, PA 15051-0788. Indiana Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a pedestrian walking bridge having a span of 56.0 feet with a minimum underclearance of 7.5 feet across the channel of Deer Creek (CWF) for the purpose of providing pedestrian access at Emmerling Park. The project is located at Emmerling Park, approximately 2,400 feet north from the intersection of Bull Run Road and SR 910 (New Kensington West, PA Quadrangle N: 14.3 inches; W: 16.1 inches).

**E02-1398. Department of Transportation, Engineering District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017-2853. Jefferson Borough, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain a prestressed concrete box beam bridge having a single span of 87.5 feet and an underclearance of 11.0 feet over Peters Creek (TSF); to operate and maintain a 375.0 foot long soldier beam wall in Lewis Run (TSF); to operate and maintain a dual cell 15.0 feet by 7.3 feet box culvert (depressed 10.0 inches) in Lewis Run; to operate and maintain a reinforced concrete 28.0 feet by 8.5 feet box culvert (depressed 12.0 inches) in Lewis Run; to operate and maintain a concrete T-beam bridge having a single span of 24.0 feet and an underclearance of 7.7 feet over Lewis Run; to operate and maintain a reinforced concrete 20.0 feet by 10.5 feet arch culvert 135.0 feet long in Lewis Run; to operate and maintain a reinforced concrete 23.0 feet by 7.5 feet box culvert (depressed 12.0 inches) and having a length of 97.0 feet in Lewis Run; to operate and maintain a 48 inch reinforced concrete culvert having a length of 80.0 feet in a tributary to Lewis Run; to operate and maintain a prestressed box beam bridge having a single span of 26.0 feet and an underclearance of 8.0 feet and 100 feet long in Lewis run; to operate and maintain a reinforced concrete 18.0 feet by 8.4 feet arch culvert 95.0 feet long in a tributary to Lewis Run; to operate and maintain 845.0 linear feet of relocated Lewis Run; to operate and maintain 2932.0 linear feet of rock bank stabilization in Lewis Run and 50.0 linear feet of rock stabilization in a tributary to Lewis Run, to operate and maintain 3 outfalls to Peters Creek and 26 outfalls to Lewis Run; to maintain fill in 0.01 acre of palustrine emergent wetlands. This work was done as part of the widening and improving 2.28 miles of SR 0051 in conjunction with the construction of the Mon/Fayette Expressway project (SR 0043) Construction Section 52M authorized under Permit E02-1219. The project is located along SR 0051 from the Village of Large extending northward 2.28 miles to a point approximately 1,000 feet north of Coal Valley Road. The wetlands have been replaced along Peters Creek under the authorization of Permit E02-1132. (Project starts at Glassport, PA Quadrangle N: 7.5 inches; W: 5.5 inches and Project ends at Glassport, PA Quadrangle N: 12.0 inches; W: 9.0 inches).

**E04-287. Greene Township Board of Supervisors**, 1128 State Route 168, P. O. Box 181, Hookstown, PA 15050-0181. Greene Township, **Beaver County**, ACOE Pittsburgh District.

To restore and maintain approximately 600 linear feet of Mill Creek (TSF) as part of a "Growing Greener" project. Also to temporarily impact 0.65 acre of palustrine

emergent wetland during the stream channel restoration. The project is located just west of the intersection of U.S. 30 and SR 168 (Hookstown, PA Quadrangle N: 14.6 inches; W: 14.9 inches).

**E26-183-A2. Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056. German Township, **Fayette County**, ACOE Pittsburgh District.

To amend Water Obstruction and Encroachment Permit E26-183 to construct and maintain 30 pairs of 10-inch diameter pipe pilings, spaced at 20 feet intervals within wetlands that are adjacent to Dunlap Creek (WWF). The paired pilings will be connected by a clamp assembly that will be used to support an existing 24-inch natural gas pipeline, to prevent damage to the pipeline from soil subsidence, reportedly resulting from previous underground mining activities. The project will reportedly affect 0.85 acre of wetlands and is located off of New Salem Road, approximately 1,400 feet southeast of its intersection with T-480, near Dunlap Creek (WWF) (New Salem, PA Quadrangle N: 8.1 inches; W: 10.5 inches).

**E26-301. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. Jefferson Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 30.0 feet and an underclearance of 7.4 feet across Little Redstone Creek (WWF). Also to relocate and maintain 115.0 linear feet of the Little Redstone Creek (WWF) and 75.0 lineal feet of an unnamed tributary to Little Redstone Creek (WWF) and to construct and maintain a temporary crossing consisting of five 18-inch diameter pipes in Little Redstone Creek (WWF). The project is located on SR 4027, Section A10, approximately 4,000 feet south of its intersection with SR 4003 (Fayette City, PA Quadrangle N: 12.0 inches; W: 11.9 inches).

**E56-317. Wal-Mart Stores, Inc.**, 2001 SE 10th Street, Bentonville, AR 72716-0550. Somerset Township, **Somerset County**, ACOE Pittsburgh District.

To place and maintain fill in 0.01 acre of wetlands and to enclose and maintain approximately 180 feet of an unnamed tributary to East Branch Coxes Creek (WWF) via three 8-inch pipes for the purpose of constructing a parking lot associated with a proposed Wal-Mart Supercenter Store. The project is located on the east side of SR 0601, approximately 2.5 miles north of its intersection with I-76 (Somerset, PA Quadrangle N: 9.4 inches; W: 10.0 inches).

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

**E61-258. Great Lakes Energy Partners, LLC**, 1369 Cochran Road, Carlton, PA 16311. Wallaceville Pipeline, in Oakland and Plum Townships, **Venango County**, ACOE Pittsburgh District.

To construct, operate and maintain a 6-inch diameter natural gas pipeline beginning at Creek Hill Road approximately 1.7 miles west of SR 417 and extending north approximately 3 miles to SR 4022 approximately 0.5 mile west of Wallaceville in Oakland and Plum Townships, Venango County crossing the following:

1. East Branch Sugar Creek and adjoining EV wetland areas north of the stream by directional drill and two EV wetland areas south of the stream by open cut located

approximately 3,500 feet upstream of Creek Hill Road (Dempseytown, PA Quadrangle N: 5.5 inches; W: 8.5 inches).

2. A tributary to East Branch Sugar Creek approximately 1,200 feet north of Creek Hill Road (Dempseytown, PA Quadrangle N: 4.35 inches; W: 8.2 inches).

3. A tributary to Little Sugar Creek approximately 2,000 feet upstream of where the stream crosses Dallas Road (Dempseytown, PA Quadrangle N: 7.6 inches; W: 8.1 inches).

#### DAM SAFETY

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

**D53-066. Lyman Run Dam, Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct, operate and maintain Lyman Run Dam across Lyman Run (HQ-CWF), directly and indirectly impacting approximately 200 feet of stream for the purpose of recreation (Cherry Springs, PA Quadrangle N: 17.7 inches; W: 1.6 inches) West Branch Township, **Potter County**.

[Pa.B. Doc. No. 03-170. Filed for public inspection January 31, 2003, 9:00 a.m.]

#### Environmental Justice Advisory Board; Meeting Cancellation

The meeting for the Environmental Justice Advisory Board (Board) scheduled for February 4, 2003, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA has been cancelled.

The next Board meeting is scheduled for April 1, 2003, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Questions concerning this meeting should be directed to Lorraine Wagner, (717) 783-1566, lowagner@state.pa.us.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-171. Filed for public inspection January 31, 2003, 9:00 a.m.]

#### Mining and Reclamation Advisory Board's Orphan Mine AMD Discharge Task Force Meeting

A meeting of the Mining and Reclamation Advisory Board's new task force to examine orphan mine AMD discharges is scheduled for February 19, 2003, at 8 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to examine the scope of problems associated with abandoned and/or orphaned mine discharges throughout this Commonwealth and to discuss the organization of task force subcommittees.

Persons having questions should contact Joe Schueck, (717) 783-5633, jschueck@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joe Schueck at the telephone number or e-mail address listed previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD users) or

(800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-172. Filed for public inspection January 31, 2003, 9:00 a.m.]

#### Storage Tank Advisory Committee; Change of Meeting Date

The February 4, 2003, meeting of the Storage Tank Advisory Committee has been rescheduled. The meeting is now scheduled for April 1, 2003, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to James Adair, (717) 772-5551, jadair@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact James Adair at the previously listed number 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,  
*Acting Secretary*

[Pa.B. Doc. No. 03-173. Filed for public inspection January 31, 2003, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

#### Contractors; Removal of Waste Oil and Antifreeze

The Department of General Services is seeking contractors to remove waste oil and antifreeze from State agencies throughout this Commonwealth. Contracts begin on February 28, 2003. For more information, contact (717) 787-4085 or mthrush@state.pa.us before the bid opening on February 14, 2003.

DON CUNNINGHAM,  
*Acting Secretary*

[Pa.B. Doc. No. 03-174. Filed for public inspection January 31, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

#### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from September 1, 2002, through December 31, 2002. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities

shall be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, P. O. Box 90, Harrisburg, PA 17108. Inquiries regarding long-term care facilities shall be addressed to the Division of Nursing Care Facilities, Susan Getgen, Director, P. O. Box 90, Harrisburg, PA 17108.

Persons with a disability who desire additional information or who require an alternative format of this document (for example, large print, audiotape, Braille) should contact the relevant division of the Department as listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

#### Exception Requests—Hospitals

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
28 Pa. Code § 51.3(g)(4)	Mercy Hosp. Pittsburgh	notification of events	11/16/02	granted
28 Pa. Code § 51.3(g)(4)	Greene Co. Mem. Hosp.	notification of events	11/16/02	granted
28 Pa. Code § 51.3(g)(4)	Jefferson Reg. Med. Ctr.	notification of events	11/16/02	granted
28 Pa. Code § 51.3(g)(4)	Mercy Providence Hosp.	notification of events	11/16/02	granted
28 Pa. Code § 51.3(g)(4)	UPMC Braddock	notification of events	12/14/02	granted
28 Pa. Code § 51.3(g)(4)	Alle-Kiski MC	notification of events	12/14/02	granted
28 Pa. Code § 51.3(g)(4)	Ohio Valley General Hosp.	notification	10/19/02	granted
28 Pa. Code § 51.3(g)(4)	Canonsburg General Hospital	notification	10/19/02	granted
28 Pa. Code § 51.3(g)(4)	Forbes Regional Hospital	notification	10/19/02	granted
28 Pa. Code § 51.23	Mercy Hospital of Pittsburgh	PET scanning services	9/28/02	granted
28 Pa. Code § 51.23	Bon Secours—Holy Family Hospital	PET scanning services	9/28/02	granted
28 Pa. Code § 51.23	Gnaden Huetten Memorial Hospital	PET scanning services	10/19/02	granted
28 Pa. Code § 51.33(c)	Bon Secours—Holy Family Hospital	exceptions	9/28/02	granted
28 Pa. Code § 103.1	UPMC Passavant Cranberry	governing body	10/19/02	granted
28 Pa. Code § 103.3	UPMC Passavant Cranberry	governing body by-laws	10/19/02	granted
28 Pa. Code § 103.31	UPMC Passavant Cranberry	chief executive officer	10/19/02	granted
28 Pa. Code § 107.1	UPMC Passavant Cranberry	medical staff	10/19/02	granted
28 Pa. Code § 107.2	Good Shepherd Rehab Hospital—Allentown	medical staff membership	10/19/02	granted
28 Pa. Code § 107.2	Good Shepherd Rehab Hospital—Bethlehem	medical staff membership	10/19/02	granted
28 Pa. Code § 107.2	Good Shepherd Specialty Hospital—Allentown	medical staff membership	10/19/02	granted
28 Pa. Code § 107.2	Latrobe Area Hospital	medical staff membership	10/19/02	granted
28 Pa. Code § 107.2	St. Joseph Med. Center	medical staff membership	11/16/02	denied
28 Pa. Code § 107.25(8)	Bariatric Care Centers	medical staff executive committee meetings	12/14/02	granted
28 Pa. Code § 107.32	Bariatric Care Centers	medical staff meetings and attendance	12/14/02	granted
28 Pa. Code §§ 107.61 and 107.62(b)	Shamokin Area Comm. Hospital	oral and written orders	12/28/02	denied
28 Pa. Code § 107.61	Holy Spirit Hospital	written orders	10/26/02	denied
28 Pa. Code § 107.64	Elk Regional Professional Group	administration of drugs	11/16/02	not necessary
28 Pa. Code § 107.64	Allegheny Gen. Hosp.	administration of drugs	12/14/02	denied
28 Pa. Code § 109.2	Brownsville Gen. Hosp.	director of nursing services	12/14/02	denied

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
28 Pa. Code § 153.1	Central Montgomery Med. Center	minimum standards—10.15.A2—inpatient room size	11/16/02	rescinded
28 Pa. Code § 153.1	Saint Vincent Health Center	7.10.E2 (relating to MRI control room) 7.10.G12 (relating to MRI consultation area)	11/9/02	granted
28 Pa. Code § 153.1	The Children's Hospital of Philadelphia	7.3.E10—ceiling for construction in NICU; Table 7.5—outlets for oxygen, vacuum and compressed air in NICU	11/9/02	granted limited time
28 Pa. Code § 153.1	Shamokin Area Comm. Hospital	minimum standards—7.2.A3 and 7.28.A10—windows in patient rooms	10/19/02	granted
28 Pa. Code § 153.1	Aliquippa Community Hospital	minimum construction standards—7.10.H6—staff change area in cardiac cath. lab	9/28/02	granted
28 Pa. Code § 153.1	SemperCare Hospital Lancaster	minimum construction standards—7.2.B19 showers and bathtubs in medical/surgical nursing unit	9/14/02	granted
28 Pa. Code § 153.1	Central Montgomery MC	minimum standards—10.6.A—dining, recreation & day spaces	12/14/02	granted
28 Pa. Code § 153.1	Geisinger Medical Center	minimum standards—7.7.C6—soiled workroom; 7.7.C7—clean workroom	10/19/02	not necessary
28 Pa. Code § 153.1	Kane Community Hospital	minimum standards—Table 7.5—outlets for oxygen, vacuum, medical air	10/19/02	granted
28 Pa. Code § 153.1	Nason Hospital	minimum construction standards (7.4.A6)	1/19/02	granted

**Exception Requests—Ambulatory Surgical Facilities**

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
28 Pa. Code § 553.2	Gettysburg Hospital	ownership	10/19/02	granted
28 Pa. Code § 553.3	Gettysburg Hospital	governing body responsibilities	10/19/02	granted
28 Pa. Code § 553.31	Gettysburg Hospital	administrative responsibilities	10/19/02	granted
28 Pa. Code § 553.4	Gettysburg Hospital	governing body—other functions	10/19/02	granted
28 Pa. Code § 555.1	Gettysburg Hospital	medical staff	10/19/02	granted
28 Pa. Code § 559.2	Gettysburg Hospital	director of nursing	10/19/02	granted
28 Pa. Code §§ 563.2 and 563.12(2)	Gettysburg Hospital	medical records	10/19/02	granted
28 Pa. Code § 563.12(2)	Pa. Eye Surgery Center	form and content of record	10/19/02	granted
28 Pa. Code § 571.1	Reproductive Science Institute	minimum standards—9.5.F5.c—scrub stations; 9.5.F5.h—equipment storage room; 9.5.F5.i—staff clothing change area; 9.5.F5.j—outpatient surgery change area; 9.5.F5.k—stretcher storage	10/26/02	granted

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
28 Pa. Code § 571.1	Reproductive Science Institute	minimum standards— 9.5.D1—covered entrance; 9.5.D2—lobby area; 9.5.D8—general storage facilities; 9.5.F2.c—Class B OR size; 9.5.F4—step-down recovery area; 9.5.F5.b—drug station	10/26/02	granted
28 Pa. Code § 571.1	About Feet Podiatry Center	9.5.F2.c—Class B OR size; 9.5.F3—post anesthesia recovery rooms; 9.5.F4—step-down recovery area; 9.5.F5.a—control station; 9.5.F5.c—scrub facilities; 9.5.F5.d—soiled workroom	11/16/02	granted
28 Pa. Code § 571.1	Reproductive Science Institute	minimum standards— 9.5.F5.m—housekeeping room; 9.5.F5.n—wheelchair storage; 9.5.H1.a—minimum public corridor width; 9.5.H1.c—toilet doors; 9.5.H1.e—door width	10/26/02	granted
28 Pa. Code § 571.1	Reproductive Science Institute	minimum standards— 9.5.H2.a(3)—ceiling finishes in restricted areas; 9.5.H2.b(3)—wall finishes in restricted areas	10/26/02	granted
28 Pa. Code § 571.1	About Feet Podiatry Center	minimum standards— 9.5.F5.I—staff clothing change area; 9.5.F5.j—outpt. surgery change area; 9.5.F5.m—housekeeping room	11/16/02	granted
28 Pa. Code § 571.1	Phila. Institute of Cosmetic Surgery	9.30.B—elevator	11/16/02	denied
28 Pa. Code § 571.1	The Pain and Rehab Institute	minimum standards— 9.5.F2.c—Class B OR size	10/19/02	granted

**Exception Requests—Nursing Care Facilities**

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to Req.</i>	<i>Published</i>	<i>Decision</i>
28 Pa. Code § 201.17	Pinnacle Health Extended Care Facility	location	11/2/02	granted
28 Pa. Code § 205.6(a)	Highlands Care Center	function of building	8/31/02	granted
28 Pa. Code § 205.6(a)	Lock Haven Hosp. Extended Care	function of building	9/14/02	denied
28 Pa. Code § 205.6(a)	Julia Pound Care Center	function of building	9/14/02	granted
28 Pa. Code § 205.6(a)	The Springs at the Fountain	function of building	10/5/02	granted
28 Pa. Code § 205.6(a)	Grove Manor	function of building	9/28/02	granted
28 Pa. Code § 205.6(a)	Eastwood Nursing & Rehab.	function of building	11/9/02	not req.
28 Pa. Code § 205.10(b)	The Bethlen Home of the Reformed Fed. of America	doors	9/7/02	not req.
28 Pa. Code § 205.25(a)	St. Paul Homes	kitchen	10/12/02	granted
28 Pa. Code § 205.25(a)	Peter Becker Community	kitchen	10/19/02	granted
28 Pa. Code § 205.25(b)	Valley View Haven, Inc.	kitchen	10/5/02	granted
28 Pa. Code § 205.28(a)	The Bethlen Home of the Reformed Fed. of America	nurses station	9/7/02	granted
28 Pa. Code § 205.31	St. Paul Homes	storage	10/12/02	not req.



<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to Req.</i>	<i>Published</i>	<i>Decision</i>
28 Pa. Code § 205.39(b)	The Bethlen Home of the Reformed Federation of America	toilet room equipment	9/7/02	not req.
28 Pa. Code § 211.12(f)(1)	Nipple Convalescent Home	nursing services	10/12/02	denied

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-175. Filed for public inspection January 31, 2003, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Home Health Agency Services

The purpose of this notice is to correct typographical errors in the notice that appeared at 32 Pa.B. 6218 (December 14, 2002).

Procedure code W9065 was incorrectly listed as W0965 and should be replaced with the following:

<i>Procedure Code</i>	<i>Description</i>	<i>Current Fee</i>	<i>Increased Fee Effective 1/1/03</i>
W9065	Speech therapy (29th day and beyond) by a Speech Therapist	\$67.00	\$77.00

In addition, procedure codes W0526 and W0527 have been deleted from the Medical Assistance Program Fee Schedule due to zero occurrences as announced at 32 Pa.B. 5809 (November 23, 2002) and, therefore, should not have been included in the notice at 32 Pa.B. 6218. The following procedure codes should be deleted:

<i>Procedure Code</i>	<i>Description</i>
W0526	Audiological Therapy (days 1-28) by an Audiologist
W0527	Audiological Therapy (29th day and beyond) by an Audiologist

The Department of Public Welfare will issue a Medical Assistance bulletin to home health agency service providers to advise them of these changes.

#### *Fiscal Note*

The fiscal note was prepared under the authority of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

#### *Contact Person*

Interested persons are invited to submit written comments to this notice within 30 days of this publication to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,  
*Secretary*

#### **Fiscal Note:** 14-NOT-349. (1) General Fund;

	<b>Outpatient</b>	<b>Capitation</b>
(2) Implementing Year 2002-03 is	\$2,000	\$12,000
(3) 1st Succeeding Year 2003-04 is	\$3,000	\$28,000
2nd Succeeding Year 2004-05 is	\$3,000	\$30,000
3rd Succeeding Year 2005-06 is	\$3,000	\$33,000
4th Succeeding Year 2006-07 is	\$3,000	\$36,000
5th Succeeding Year 2007-08 is	\$3,000	\$40,000
(4) 2001-02 Program—	\$649,055,000	\$2,037,376,000
2000-01 Program—	\$668,586,000	\$1,487,944,000
1999-00 Program—	\$622,669,000	\$1,384,763,000

(7) MA—Outpatient and MA—Capitation; (8) recommends adoption. The additional costs relate only to the corrections printed in this notice and have been included in the current budget.

[Pa.B. Doc. No. 03-176. Filed for public inspection January 31, 2003, 9:00 a.m.]

#### **Medical Assistance Program; Prior Authorization List**

The purpose of this notice is to announce that the Department of Public Welfare (Department) will add an item to the Medical Assistance (MA) Program's list of items and services requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization for prescriptions of cyclooxygenase-2 (COX-2) selective nonsteroidal anti-inflammatory drugs (NSAID) dispensed on and after February 18, 2003, that meet any of the following conditions:

1. The recipient is taking another NSAID.
2. The prescribed dosage is higher than the dosage recommended by the United States Food and Drug Administration.
3. The recipient is under 70 years of age and is not taking an anticoagulant.

Prescriptions that do not meet any of the listed conditions will not require prior authorization.

*Fiscal Impact*

The fiscal note was prepared under the authority of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

*Contact Person*

Interested persons are invited to submit written comments to this notice within 30 days of this publication to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office. Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be considered in subsequent changes to these prior authorization requirements. Persons with a disability may use the AT&T Relay Services, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-348. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 03-177. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Payments to Nursing Facilities; January 1, 2003 Proposed Rates

This notice announces the proposed changes in nursing facility per diem payment rates reflecting case-mix index (CMI) adjustments only for nursing facility services provided on or after January 1, 2003, and to identify the methodology and justification for these proposed rates. Under 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33), a state must use a public process when it proposes to make changes in payment rates or payment methodologies for nursing facility services under its approved Title XIX State Plan.

The Department of Public Welfare (Department) is not proposing to amend its State Plan or to change its regulations, 55 Pa. Code Chapter 1187 (relating to nursing facility services), regarding the rate-setting methodology used to set nursing facility payment rates. Rather, the Department is proposing to make changes in its nursing facility payment rates because those rate changes are required by the rate-setting methodology contained in its approved State Plan and regulations.

*Rates*

The proposed January 1, 2003, rates are available through the local county assistance offices throughout this Commonwealth, on the Office of Medical Assistance Programs' website at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) or by contacting Tom Jayson, Policy Unit, Bureau of Long Term Care Programs, (717) 705-3705.

*Methodology*

The methodology the Department used to set the proposed rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's Title XIX approved State Plan.

*Justification*

The justification for the proposed rates is that they were set under the rate-setting methodology required by the Commonwealth's regulations and approved State Plan.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 2002-2003 is \$6.239 million (\$2.827 million in State funds).

Interested persons are invited to submit written comments only concerning CMI adjustments to the proposed rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to Department of Public Welfare, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-347. (1) General Fund; (2) Implementing Year 2002-03 is \$2,827,000; (3) 1st Succeeding Year 2003-04 is \$8,470,000; 2nd Succeeding Year 2004-05 is \$8,470,000; 3rd Succeeding Year 2005-06 is \$8,470,000; 4th Succeeding Year 2006-07 is \$8,470,000; 5th Succeeding Year 2007-08 is \$8,470,000; (4) 2001-02 Program—\$761,877,000; 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funding for these changes is included in the 2002-03 budget.

[Pa.B. Doc. No. 03-178. Filed for public inspection January 31, 2003, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Lucky Leprechaun Loot 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 Lucky Leprechaun Loot.

2. *Price:* The price of a Pennsylvania Lucky Leprechaun Loot instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Lucky Leprechaun Loot 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 Lucky Leprechaun Loot instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for "Game 2" are: Leprechaun Symbol (LEPCH) 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: Chest Symbol (CHEST), Coins Symbol (COINS), Wallet Symbol (WALLET), Money Bag Symbol (MNYBAG), Money Symbol (MONEY), Castle Symbol (CASTLE), Diamond Symbol (DMND), Gold Bar Symbol (GOLD), Pipe Symbol (PIPE), Cabbage Symbol (CABBAGE), Mushroom Symbol (SHROM) and Piggy Bank Symbol (PIGBNK).

#### 4. Prize Play Symbols:

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and \$50,000 (FTY THO).

(b) The prize play symbols and their captions located in the "Your Symbols" area for "Game 3" are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and \$50,000 (FTY THO).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and NO BONUS (TRY AGAIN).

5. Prizes: The prizes that can be won in "Game 1," "Game 2" and "Game 3" are \$5, \$6, \$7, \$10, \$17, \$20, \$27, \$51, \$170 and \$50,000. The prizes that can be won in "Fast Cash Bonus" area are: \$5, \$6, \$7, \$10, \$17, \$20, \$27, \$51 and \$170. A player can win up to four times on a ticket.

6. Approximate Number of Tickets Printed for the Game: approximately 1,680,000 tickets will be printed for the Pennsylvania Lucky Leprechaun Loot 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 \$170 (ONEHUNSTY) in the play area, on a single ticket, shall be entitled to a prize of \$170.

(3) Holders of tickets with three matching play symbols of \$51\$ (FTY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$51.

(4) Holders of tickets with three matching play symbols of \$27\$ (TWY SVN) in the play area, on a single ticket, shall be entitled to a prize of \$27.

(5) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching play symbols of \$17\$ (SVNTN) in the play area, on a single ticket, shall be entitled to a prize of \$17.

(7) Holders of tickets with three matching play symbols of \$10.<sup>00</sup> (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.<sup>00</sup> (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 \$6.<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(10) Holders of tickets with three matching play symbols of \$5.<sup>00</sup> (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 Leprechaun Symbol (LEPCH) 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 Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$170 (ONEHUNSTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$170.

(3) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$51\$ (FTY ONE) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$51.

(4) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$27\$ (TWY SVN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$27.

(5) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$20\$ (TWENTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$17\$ (SVNTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$17.

(7) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$10.<sup>00</sup> (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 Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$7.<sup>00</sup> (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 Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$6.

(10) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$5.<sup>00</sup> (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 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 \$170 (ONEHUNSTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$170.

(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 \$51\$ (FTY ONE) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$51.

(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 \$27\$ (TWY SVN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$27.

(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 \$20\$ (TWENTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(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 \$17\$ (SVNTN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$17.

(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 \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(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 \$7<sup>00</sup> (SVN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(10) 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<sup>00</sup> (FIV DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "Fast Cash Bonus" area are:

(1) Holders of tickets with a prize play symbol of \$170 (ONEHUNSTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$170.

(2) Holders of tickets with a prize play symbol of \$51\$ (FTY ONE) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$51.

(3) Holders of tickets with a prize play symbol of \$27\$ (TWY SVN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$27.

(4) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with a prize play symbol of \$17\$ (SVNTN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$17.

(6) Holders of tickets with a prize play symbol of \$10<sup>00</sup> (TEN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with a prize play symbol of \$7<sup>00</sup> (SVN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets with a prize play symbol of \$6<sup>00</sup> (SIX DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$6.

(9) Holders of tickets with a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Fast Cash Bonus" area, 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>Fast \$ 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 1,680,000 Tickets</i>
\$5	\$5	\$5	\$5	\$5	1:30	56,000
				\$5	1:30	56,000
	\$6	\$6	\$6	\$5	1:30	56,000
				\$5	1:37.50	44,800
\$6	\$6	\$6	\$6	\$6	1:300	5,600
				\$6	1:600	2,800
	\$7	\$7	\$7	\$6	1:600	2,800
				\$6	1:600	2,800
\$7	\$7	\$7	\$7	\$7	1:150	11,200
				\$7	1:300	5,600
	\$10	\$10	\$10	\$7	1:300	5,600
				\$5 × 2	1:300	5,600
\$10	\$10	\$10	\$10	1:300	5,600	
			\$10	1:300	5,600	
			\$10	1:300	5,600	

<i>Fast \$ 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 1,680,000 Tickets</i>
			\$10	\$10	1:300	5,600
\$10		\$7		\$17	1:60	28,000
\$17	\$17			\$17	1:60	28,000
		\$17		\$17	1:30	56,000
			\$17	\$17	1:60	28,000
			\$17	\$17	1:30	56,000
\$20	\$5	\$5	\$5 × 2	\$20	1:600	2,800
	\$20			\$20	1:600	2,800
		\$20		\$20	1:600	2,800
			\$20	\$20	1:600	2,800
\$17	\$10			\$27	1:8,571	196
\$17		\$10		\$27	1:8,000	210
\$17			\$10	\$27	1:8,000	210
\$17	\$5	\$5		\$27	1:8,000	210
\$17		\$5	\$5	\$27	1:8,000	210
\$17	\$5		\$5	\$27	1:8,000	210
\$17			\$5 × 2	\$27	1:8,000	210
\$27				\$27	1:8,000	210
	\$27			\$27	1:12,000	140
		\$27		\$27	1:12,000	140
			\$27	\$27	1:12,000	140
\$51				\$51	1:40,000	42
\$17			\$17 × 2	\$51	1:40,000	42
\$17	\$17	\$17		\$51	1:40,000	42
\$17		\$17	\$17	\$51	1:40,000	42
	\$51			\$51	1:120,000	14
		\$51		\$51	1:120,000	14
			\$51	\$51	1:120,000	14
\$170				\$170	1:280,000	6
\$17	\$51	\$51	\$51	\$170	1:280,000	6
\$17		\$51	\$51 × 2	\$170	1:280,000	6
\$17			\$51 × 3	\$170	1:280,000	6
	\$170			\$170	1:280,000	6
		\$170		\$170	1:280,000	6
			\$170	\$170	1:280,000	6
	\$50,000			\$50,000	1:1,680,000	1
		\$50,000		\$50,000	1:1,680,000	1
			\$50,000	\$50,000	1:1,680,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Leprechaun Loot 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 Lucky Leprechaun Loot, prize money from winning Pennsylvania Lucky Leprechaun Loot 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 Lucky Leprechaun Loot 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 Lucky Leprechaun Loot or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 03-179. Filed for public inspection January 31, 2003, 9:00 a.m.]

**Pennsylvania Mystery Spot Bingo 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 Mystery Spot Bingo.

2. *Price:* The price of a Pennsylvania Mystery Spot Bingo instant lottery game ticket is \$2.

3. *Play Symbols:*

(a) Each Pennsylvania Mystery Spot Bingo instant lottery game ticket will contain four play areas designated as "Card 1," "Card 2," "Card 3" and "Card 4." The 76 play symbols located in the six play areas are: The numbers 1 through 75 and FREE.

(b) Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 3 x 10 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

(c) Each Mystery Spot Bingo instant lottery game ticket will also contain a "Mystery Pattern" area. Within the "Mystery Pattern" area is a "Spot" area. The play symbols and their captions located in the "Spot" area are: A "PLUS" pattern, matching one square in the midpoint in the second and fourth rows and in the midpoint in the second and fourth columns and extending through the "FREE" space; the letter "H" pattern, matching the second through fifth squares in the second and fourth column and extending through the "FREE" space; the letter "T" pattern, matching the second through fifth squares in the second row and the second through the fifth squares in the third column and extending through the "FREE" space; and a "MINI" pattern, matching the second through the fifth squares in the second through the fifth rows and extending through the "FREE" space.

4. *Prize Play Symbols:* The "Mystery Pattern" area will also contain a "Prize" area. The prize play symbols and their captions located in the "Prize" area are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$20\$ (TWENTY), \$40\$ (FORTY) and \$100 (ONE HUN).

5. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$5, \$6, \$10, \$20, \$40, \$100, \$250, \$500 and \$20,000. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* approximately 14,400,000 tickets will be printed for the Pennsylvania Mystery Spot Bingo instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 4," shall be entitled to a prize of \$20,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 3," shall be entitled to a prize of \$500.

(c) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4," shall be entitled to a prize of \$250.

(d) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 2," shall be entitled to a prize of \$250.

(e) Holders of tickets matching the "Caller's Card" play symbols in a Mystery Pattern in the "Spot" area, and a prize play symbol of \$100 (ONE HUN) appearing in the "Prize" area, shall be entitled to a prize of \$100.

(f) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$100.

(g) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$100.

(h) Holders of tickets matching the "Caller's Card" play symbols in a Mystery Pattern in the "Spot" area, and a prize play symbol of \$40\$ (FORTY) appearing in the "Prize" area, shall be entitled to a prize of \$40.

(i) Holders of tickets matching the "Caller's Card" play symbols in a Mystery Pattern in the "Spot" area, and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area, shall be entitled to a prize of \$20.

(j) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$20.

(k) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$20.

(l) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$10.

(m) Holders of tickets matching the "Caller's Card" play symbols in a Mystery Pattern in the "Spot" area, and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appearing in the "Prize" area, shall be entitled to a prize of \$6.

(n) Holders of tickets matching the "Caller's Card" play symbols in a Mystery Pattern in the "Spot" area, and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appearing in the "Prize" area, shall be entitled to a prize of \$5.

(o) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 3," shall be entitled to a prize of \$5.

(p) Holders of tickets matching the "Caller's Card" play symbols in a Mystery Pattern in the "Spot" area, and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appearing in the "Prize" area, shall be entitled to a prize of \$4.

(q) Holders of tickets matching the "Caller's Card" play symbols in a Mystery Pattern in the "Spot" area, and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appearing in the "Prize" area, shall be entitled to a prize of \$2.

(r) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 1," "Card 2" or "Card 4," shall be entitled to a prize of \$2.

(s) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

8. *Number and Description of Prizes and Approximate Odds:*

The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get Bingo With</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
Line Card 1	\$2	1:37.50	384,000
Line Card 2	\$2	1:37.50	384,000
Line Card 4	\$2	1:37.50	384,000
Mystery Pattern	\$2	1:25.42	566,400
Line Card 1 + Line Card 2	\$4	1:75	192,000
Mystery Pattern	\$4	1:37.50	384,000
Line Card 2 + Line Card 4	\$4	1:37.50	384,000
Line Card 3	\$5	1:150	96,000
Mystery Pattern	\$5	1:75	192,000
Line Card 1 + Line Card 2 + Line Card 4	\$6	1:150	96,000
Mystery Pattern	\$6	1:51.72	278,400
Corner Card 1	\$10	1:375	38,400
Line Card 1 + Line Card 2 + Line Card 3 + Line Card 4	\$11	1:187.50	76,800
Corner Card 2	\$20	1:750	19,200
Corner Card 3	\$20	1:750	19,200
Corner Card 4	\$20	1:750	19,200
Diamond Card 1	\$20	1:750	19,200
Mystery Pattern	\$20	1:750	19,200
Corner Card 1 + Corner Card 4	\$30	1:300	48,000
Corner Card 1 + Corner Card 3	\$30	1:300	48,000
Corner Card 3 + Corner Card 4	\$40	1:4,000	3,600
Diamond Card 1 + Corner Card 4	\$40	1:12,000	1,200
Mystery Pattern	\$40	1:8,000	1,800
Diamond Card 2	\$100	1:24,000	600
Diamond Card 3	\$100	1:24,000	600
X Card 1	\$100	1:24,000	600
Mystery Pattern	\$100	1:24,000	600
X Card 2	\$250	1:60,000	240
Diamond Card 4	\$250	1:60,000	240
X Card 2 + Diamond Card 4	\$500	1:120,000	120
X Card 3	\$500	1:120,000	120
X Card 4	\$20,000	1:2,400,000	6

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mystery Spot Bingo 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 Mystery Spot Bingo, prize money from winning Pennsylvania Mystery Spot Bingo 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 Mystery Spot Bingo 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 regula-

tions 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 Mystery Spot Bingo or through normal communications methods.

LARRY P. WILLIAMS,  
Secretary

[Pa.B. Doc. No. 03-180. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Pennsylvania Treasure Island 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 Island.

2. *Price:* The price of a Pennsylvania Treasure Island instant lottery game ticket is \$3.00.

3. *Play Symbols:* Each Pennsylvania Treasure Island instant lottery game ticket will contain one play area featuring an "Items Needed" area and a "Your Items" area. The play symbols and their captions located in the "Items Needed" area and the "Your Items" area are: Crab Symbol (CRAB), Gem Symbol (GEM), Umbrella Symbol (UMBRL), Fish With a Hook Symbol (FISH), Tent Symbol (CAMP), Corn Symbol (CORN), Safe Symbol (SAFE), Peach Symbol (PEACH), Anchor Symbol (ANCHR), Table Symbol (TABLE), Vest Symbol (VEST), Fishing Rod Symbol (ROD), Seagull Symbol (SEAGL), Dolphin Symbol (DOLPH), Plane Symbol (PLANE), Ladybug Symbol (LDYBG), Barbecue Symbol (BBQ), Bucket Symbol (BUKET), Chair Symbol (CHAIR), Moon Symbol (MOON), Fire Symbol (FIRE) and Rainbow Symbol (RBOW).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Items" area are: \$3<sup>00</sup> (THR DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$12\$ (TWELV), \$18\$ (EGHTN), \$30\$ (THIRTY), \$60\$ (SIXTY), \$300 (THR HUN) and \$15,000 (FTN THO).

5. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$12, \$18, \$30, \$60, \$300 and \$15,000. A player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* approximately 3,960,000 tickets will be printed for the Pennsylvania Treasure Island instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$15,000 (FTN THO) appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$15,000.

(b) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$300 (THR HUN)

appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$60\$ (SIXTY) appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(d) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$30\$ (THIRTY) appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(e) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$18\$ (EGHTN) appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(f) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(g) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$9<sup>00</sup> (NIN DOL) appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$9.

(h) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(i) Holders of tickets upon which any one of the "Your Items" play symbols matches any of the "Items Needed" play symbols and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears under the matching "Your Items" play symbol, on a single ticket, shall be entitled to a prize of \$3.

8. *Number and Description of Prizes and Approximate Odds:*

The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,960,000 Tickets</i>
\$3	\$3	1:6.25	633,600
\$6	\$6	1:33.33	118,800
\$3 × 2	\$6	1:33.33	118,800
\$9	\$9	1:166.67	23,760
\$3 + \$6	\$9	1:500	7,920
\$3 × 3	\$9	1:500	7,920
\$12	\$12	1:100	39,600
\$3 + \$9	\$12	1:250	15,840
\$3 × 4	\$12	1:333.33	11,880
\$6 × 2	\$12	1:333.33	11,880
\$18	\$18	1:100	39,600
\$3 × 6	\$18	1:250	15,840
\$6 × 3	\$18	1:333.33	11,880
\$9 × 2	\$18	1:333.33	11,880
\$30	\$30	1:200	19,800
\$6 × 5	\$30	1:588.24	6,732
\$3 × 4 +	\$30	1:600	6,600



<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,960,000 Tickets</i>
\$6 × 3			
\$12 + \$18	\$30	1:600	6,600
\$60	\$60	1:3,000	1,320
\$12 × 5	\$60	1:6,000	660
\$30 × 2	\$60	1:6,000	660
\$300	\$300	1:60,000	66
\$60 × 5	\$300	1:120,000	33
\$15,000	\$15,000	1:1,320,000	3

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Treasure Island 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 Island, prize money from winning Pennsylvania Treasure Island 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 Island 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 Island or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 03-181. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Pennsylvania Win For Life '03 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 Win For Life '03.

2. *Price:* The price of a Pennsylvania Win For Life '03 instant lottery game ticket is \$2.

3. *Play Symbols:*

(a) Each Pennsylvania Win For Life '03 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 Win For Life '03 instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$8<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$200 (TWO HUN) and LIFE (\$1,000/WEEK).

(c) The play symbols and their captions located in the play area for "Game 2" are: Keystone Symbol (KYSTN) and an X Symbol (XXX).

(d) The play area for "Game 3" will contain a "Your Numbers" area and a "Lucky Number" area. The play symbols and their captions located in the "Your Numbers" area and the "Lucky Number" area in the play area for "Game 3" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

#### 4. *Prize Play Symbols:*

(a) The play area for "Game 2" will contain a "Prize" area. The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$8<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$200 (TWO HUN) and LIFE (\$1,000/WEEK).

(b) The prize play symbols and their captions located in the six "Prize" areas for "Game 3" are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$200 (TWO HUN) and LIFE (\$1,000/WEEK).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$4<sup>00</sup> (FOR DOL), \$8<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$40\$ (FORTY) and TRY AGAIN.

5. *Prizes:* The prizes that can be won in "Game 1" and "Game 2" are \$2, \$4, \$8, \$20, \$40, \$200 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in "Game 3" are \$1, \$2, \$4, \$20, \$40, \$200 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in the "Fast Cash Bonus" area are \$4, \$8, \$20 and \$40. The player can win up to nine times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,960,000 tickets will be printed for the Pennsylvania Win For Life '03 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 LIFE (\$1,000/WEEK) in the play area, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an

initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life '03 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with three matching play symbols of \$8<sup>00</sup> (EGT DOL) in the play area, on a single ticket, shall be entitled to a prize of \$8.

(6) Holders of tickets with three matching play symbols of \$4<sup>00</sup> (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(7) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of LIFE (\$1,000/WEEK) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life '03 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$200 (TWO HUN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$40\$ (FORTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$20\$ (TWENTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$8<sup>00</sup> (EGT DOL)

in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$8.

(6) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(7) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$2<sup>00</sup> (TWO DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of LIFE (\$1,000/WEEK) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life '03 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(6) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(7) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area under the matching "Your

Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(d) Determination of prize winners for the “Fast Cash Bonus” are:

(1) Holders of tickets with a prize play symbol of \$40\$ (FORTY) in the “Fast Cash Bonus” area, on a single ticket, shall be entitled to a prize of \$40.

(2) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the “Fast Cash Bonus” area, on a single ticket, shall be entitled to a prize of \$20.

(3) Holders of tickets with a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the “Fast Cash Bonus” area, on a single ticket, shall be entitled to a prize of \$8.

(4) Holders of tickets with a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the “Fast Cash Bonus” area, on a single ticket, shall be entitled to a prize of \$4.

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 Cash 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 12,960,000 Tickets</i>
		\$2		\$2	1:19.74	656,640
			\$2	\$2	1:21.43	604,800
\$4	\$2			\$2	1:21.43	604,800
		\$4		\$4	1:750	17,280
	\$4			\$4	1:750	17,280
			\$4	\$4	1:1,500	8,640
		\$2	\$1 × 2	\$4	1:150	86,400
	\$2		\$1 × 2	\$4	1:150	86,400
			\$1 × 4	\$4	1:62.50	207,360
\$8	\$2	\$2		\$4	1:150	86,400
		\$8		\$8	1:750	17,280
	\$8			\$8	1:750	17,280
\$4		\$4		\$8	1:750	17,280
\$4			\$1 × 4	\$8	1:375	34,560
\$4	\$2	\$2		\$8	1:500	25,920
\$4		\$2	\$2	\$8	1:375	34,560
	\$2		\$1 × 6	\$8	1:375	34,560
\$20				\$20	1:1,500	8,640
		\$20		\$20	1:1,500	8,640
	\$20			\$20	1:750	17,280
			\$20	\$20	1:750	17,280
\$4	\$2	\$2	\$2 × 6	\$20	1:750	17,280
\$4	\$4	\$4	\$4 × 2	\$20	1:750	17,280
\$8	\$4	\$8		\$20	1:750	17,280
\$8	\$8		\$4	\$20	1:750	17,280
\$8	\$2	\$2	\$4 × 2	\$20	1:750	17,280
\$8	\$2	\$4	\$1 × 6	\$20	1:750	17,280
\$8	\$4	\$4	\$4	\$20	1:750	17,280
\$40				\$40	1:1,500	8,640
		\$40		\$40	1:1,500	8,640
	\$40			\$40	1:1,500	8,640
\$20	\$4	\$4	\$2 × 6	\$40	1:1,500	8,640
\$20	\$20			\$40	1:1,500	8,640
	\$20	\$20		\$40	1:1,200	10,800
		\$20	\$20	\$40	1:1,200	10,800
\$20	\$8		\$2 × 6	\$40	1:1,200	10,800
\$20		\$8	\$2 × 6	\$40	1:1,200	10,800
	\$20	\$20	\$40 × 4	\$200	1:120,000	108
\$40	\$20	\$20	\$20 × 6	\$200	1:120,000	108
	\$40	\$40	\$40 × 3	\$200	1:120,000	108
		\$200		\$200	1:120,000	108
	\$200			\$200	1:120,000	108
			\$200	\$200	1:120,000	108
	LIFE			\$1,000/WK /LIFE	1:12,960,000	1
		LIFE		\$1,000/WK /LIFE	1:12,960,000	1
			LIFE	\$1,000/WK /LIFE	1:12,960,000	1

9. *Claiming of Prizes.* For purposes of claiming the \$1,000 a week for life prize under the Pennsylvania Win For Life '03 game, "lifetime" for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$1,000 a week for life prize.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Win For Life '03 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

11. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Win For Life '03, prize money from winning Pennsylvania Win For Life '03 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 Win For Life '03 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.

12. *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.

13. *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 Win For Life '03 or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 03-182. Filed for public inspection January 31, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of First Affiliated Insurance Group under Act 143; Erie Insurance Group; Doc. No. AT02-12-025

A prereview telephone conference initiated by this office is scheduled for February 28, 2003, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference by January 24, 2003.

A date for a review shall be determined, if necessary, at the prereview telephone conference.

At the prereview conference, the parties shall be prepared to discuss the aspects of the appeal but in particular must be prepared to address the legal issues concerning the Department's jurisdiction and the applicability of Act 143.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by February 14, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol

Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Answer to petitions to intervene, if any, shall be filed on or before February 21, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-183. Filed for public inspection January 31, 2003, 9:00 a.m.]

### AmeriHealth HMO, Inc. (AHPA); Community Rate Filing; Filing ID A66598001

On January 15, 2003, AmeriHealth HMO, Inc. (AHPA) submitted a filing to increase rates for the medical products and prescription drug riders.

	<i>Medical</i>	<i>Prescription Drugs</i>
Requested Rate Increase	14.8%	18.5%
Contracts Affected	7,225	5,530
Additional Annual Income	\$4.2 million	\$900,000

An effective date of April 1, 2003, has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 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. 03-184. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Application for Approval to Acquire Control

Sealord LLC has filed an application to acquire control of The Mountbatten Surety Company, Inc., a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth in the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days of the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345

Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-185. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Applications and Requests for Plan Approval of a Mutual-to-Stock Conversion Including the Subsequent Acquisition of Control

Mercer Mutual Insurance Company (Mercer Mutual), a Pennsylvania domiciled mutual casualty insurance company, submitted a Plan of Conversion which provides for conversion from a mutual casualty insurance company to a stock casualty insurance company. The filing, received on January 13, 2003, was made under the Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A).

In furtherance to the transaction, Mercer Insurance Group, Inc., a Pennsylvania domiciled corporation, submitted a request for approval to acquire control of all of the authorized capital stock of Mercer Mutual upon consummation of the previously referenced conversion. The filing, received on January 13, 2003, was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Insurance Department (Department). Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

Comments received will be part of the public record regarding the filings. The public comment period will remain open for an indefinite period of time to afford persons ample opportunity to provide written comments on the filings to the Department. A subsequent announcement will appear in the *Pennsylvania Bulletin* to provide notice of closing of the public comment period.

Individuals may obtain a copy of the Plan of Conversion by submitting a request addressed to Andrew R. Speaker, President, Mercer Mutual Insurance Company, 10 North Highway 31, P. O. Box 278, Pennington, NJ 08534, fax: (609) 737-8719, mercerconversion@mercerins.com. A copy will also be available on Mercer Mutual's website at mercerins.com.

Additionally, copies of the applications are available for review at the Department by contacting Ken Bradley, (717) 787-0877, fax (717) 787-8555, kbradley@state.pa.us.

The Department plans to conduct a public informational hearing. The exact date and location will be announced in this publication when determined.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-186. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Laurie W. Burkholder; Prehearing and Hearing

**Appeal of Laurie W. Burkholder under 40 P. S. §§ 991.2101—991.2193; Doc. No. HC03-01-013**

A telephone prehearing conference initiated by this office shall be conducted on February 26, 2003, at 1:30 p.m. The hearing shall occur on March 18, 2003, at 10:30 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or person with full settlement authority shall be available by telephone during the conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by March 6, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 13, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-187. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Deductible Amount for Medigap High Deductible Options for Calendar Year 2003

The Federal Centers for Medicare and Medicaid Services has announced that effective January 1, 2003, the annual deductible amount for the Medicare supplemental health insurance (Medigap) high deductible option is \$1,650.

High deductible policy options are those with benefit packages classified as "F" or "J" that have a high

deductible feature. The deductible amount represents the annual out-of-pocket expenses (excluding premiums) that a beneficiary who chooses one of these options must pay before the policy begins paying benefits.

For additional information regarding Medicare supplemental health insurance, including complete benefit packages for all Medicare supplemental health insurance policies, visit the Insurance Department website at [www.insurance.pa.us](http://www.insurance.pa.us) or the Centers for Medicare and Medicaid Services website at [www.cms.hhs.gov/Medigap](http://www.cms.hhs.gov/Medigap).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-188. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Dr. Dennis Fowler; Prehearing

#### **Appeal of Dr. Dennis Fowler under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-021**

*And Now*, this 17th day of January, 2003, after considering the request for hearing and appeal from the determination of the Medical Care Availability and Reduction of Error Fund (Mcare), *It Is Hereby Ordered* by January 30, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with Mcare's November 12, 2002, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 21, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator by January 24, 2003. A hearing date shall be determined, if necessary, at the prehearing/settlement conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by February 7, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed by February 14, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-189. Filed for public inspection January 31, 2003, 9:00 a.m.]

#### **Highmark, Inc. d/b/a Pennsylvania Blue Shield; Rate Increase for the Small Group Medicare Complementary (Signature 65 Part B) Program; Filing No. 200301**

Highmark, Inc. d/b/a Pennsylvania Blue Shield requested approval to increase premium rates for its Small Group Medicare Complementary (Signature 65 Part B) Program in the Central Pennsylvania Plan area. The filing requests an average increase of 17.9% of current premium or an average of \$8.75 per contract per month. This will affect approximately 2,600 contract holders and produce additional annual premium income of approximately \$276,000. The requested effective date of the change is April 1, 2003.

Rates were last adjusted for this program on April 1, 2000, when the rates were increased 1.6% in the Central Pennsylvania service area.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 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. 03-190. Filed for public inspection January 31, 2003, 9:00 a.m.]

#### **Pennsylvania Medical Society Liability Insurance Co. (Dr. Beth Cohen, M.D.); Prehearing**

#### **Appeal of Pennsylvania Medical Society Liability Insurance Co. (Dr. Beth Cohen, M.D.) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-020**

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 21, 2003, at 1:30 p.m.

Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator by January 24, 2003. A hearing date shall be determined, if necessary, at the prehearing/settlement conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by February 7, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed by February 14, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-191. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Rhonda E. Miller; file no. 02-181-10151; State Farm Mutual Insurance Company; Doc. No. P03-01-014; February 18, 2003, 10:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of the replacement insurance coverage

obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-192. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Adnan K. Sammour, M.D.; Prehearing

#### Appeal of Adnan K. Sammour, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-022

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 20, 2003, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 24, 2003. A hearing date shall be determined, if necessary, at the prehearing/settlement conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by February 7, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed by February 14, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-193. Filed for public inspection January 31, 2003, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (act) (40 P.S. § 1303.303), will hold a meeting of the Authority's 11 member board at 9:30 a.m. on Monday, February 10, 2003, in the Wildwood Conference Center, Harrisburg Area Community College, Harrisburg, PA.

The Authority Board (Board) invites comments from the public concerning practical and technical aspects of a mandated reporting system of serious events and incidents, currently under design, to meet requirements of the act. The Board is particularly interested in hearing comments related to best practices and to the processes and mechanisms used in similar reporting systems associated with patient safety and medical errors. Presentations will be limited to 10 minutes each. Electronic and multimedia presentations are discouraged. Persons may submit written testimony in lieu of an oral presentation. Interested speakers should contact the office of the Authority to schedule a specific time for their presentation.

Persons interested in contacting the Authority may do so as follows: (717) 346-0469; patientsafetyauthority@state.pa.us; or P. O. Box 8410, Harrisburg, PA 17105-8410. Time permitting, unscheduled speakers may be given the opportunity to present oral comments. Presentations should include 15 printed copies of the remarks.

ALAN B.K. RABINOWITZ,  
*Administrator*

[Pa.B. Doc. No. 03-194. Filed for public inspection January 31, 2003, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Abandonment and Discontinuance of Service

**A-140001F2001. Sunoco Pipeline L.P.** Application of Sunoco Pipeline L.P. for approval of the abandonment and discontinuance of a portion of its petroleum products pipeline transportation service along the Montello to Kingston line from Montello to Hunlock Junction.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant,

on or before February 18, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Sunoco Pipeline L.P.

*Through and By Counsel:* Charles E. Thomas, Jr., Esquire, Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-195. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Petition for Rural Incumbent Local Exchange Carriers for a 36-Month Suspension of Interconnection Requirements

Public Meeting held  
January 15, 2003

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr., Dissenting Statement follows; Terrance J. Fitzpatrick; Kim Pizzigrilli

*Petition of Rural Incumbent Local Exchange Carriers for a 36-month Suspension of Interconnection Requirements Limited to Only Those Requirements Set Forth in § 251(b)(1) and (c) of the Telecommunications Act of 1996; Petition to Join and for Relief Under § 251(f)(2) of the Telecommunications Act of 1996; Doc. No. P-00971177*

### Order

*By the Commission:*

The current matter before this Commission consists of petitions for relief brought by two groups of rural incumbent local exchange carriers (Rural ILECs or Petitioners), pursuant to § 251(f)(2) of the Telecommunications Act of 1996 (TA-96), 47 U.S.C. §§ 101, et seq. All the Petitioners seek a 36-month suspension of interconnection obligations under § 251(b)(1) and (c) of TA-96.

Because we conclude that the relevant factors outlined in TA-96, under § 251(f)(2), warranting grant of an absolute suspension from interconnection obligations for a 36-month period have not been met by Petitioners, we deny the requested suspension from interconnection obligations. In denying the relief requested we stress that the standing exemption, under § 251(f)(1), for rural ILECs is undisturbed by our order.<sup>1</sup>

By our action today, we merely allow the possibility for non-facilities based competition in rural areas. Rural ILECs, such as Petitioners, still maintain TA-96's protec-

<sup>1</sup> A question was raised regarding the continued exemption of Citizens Telephone Company of Kecksburg, given this Commission's decision in *Applications of Armstrong Communications, Inc.; Petitions of Citizens Telephone Company of Kecksburg for Suspension and Streamlined form of Regulation*, Docket Nos. A-310583F0002, A-310583F0004, P-00971229, Order entered April 28, 1999 (*Armstrong/Citizens*). (Comments of Armstrong, p. 3). Armstrong comments that Citizens' request for joinder should be denied because Citizen's standing rural exemption was terminated by our order in *Armstrong/Citizens*. However, we conclude, as asserted by Citizens, that TA-96 intends that the exemption stand unless a bona fide request for interconnection is received and a contemporaneous offer of proof supports the termination of the exemption. In fact, TA-96 grants this Commission authority to modify or suspend the interconnection obligations of the rural ILECs at any time. In exercise of this authority, we conclude, Citizens, like the other petitioners, shall continue to be entitled to the exemption, unless and until challenged by bona fide request for interconnection. If a bona fide request for interconnection is made to Citizens, then our decision in *Armstrong/Citizens* will be relevant to termination of the exemption. However, Citizens will be afforded the opportunity to show a change in circumstances.



tion via the rural exemption, which stands unless modified by this Commission's order. Any exemption will remain in effect unless challenged by a bona fide request for interconnection, and until a Commission determination on the evidence presented in support of continued exemption.

### Petitioning Rural ILECs

Pursuant to TA-96 "rural" ILECs are entitled to consideration for special relief from TA-96's pro-competitive measures. 47 U.S.C. § 251(f). To be eligible for consideration for relief, an ILEC must satisfy the definition of "rural carrier" set forth in § 3 of TA-96, 47 U.S.C. § 153. That section states that a rural ILEC is one possessing fewer than 2% of the nation's subscriber lines. All the Petitioners in this proceeding qualify as rural carriers, and therefore, are entitled to consideration of the requested relief.

The petitioning Rural ILECs are: Armstrong Telephone Company-North; Armstrong Telephone Company-Pennsylvania; Bentlyville Communications Corp. d/b/a/ The Bentlyville Telephone Company; Buffalo Valley Telephone Company; Conestoga Telephone & Telegraph Company; Denver and Ephrata telephone & telegraph Company d/b/a D&E Telephone Company; Hickory Telephone Company; Ironton Telephone Company; Lackawaxen Telephone Company; Laurel Highlands Telephone Company; Marianna & Scenery Hill Telephone Company; The North-Eastern Pennsylvania Telephone Company; North Penn Telephone Company; North Pittsburgh Telephone Company; Palmerton Telephone Company; Pennsylvania Telephone Company; Pymatuning Independent Telephone Company; South Canaan Telephone Company; Venus Telephone Company; Yukon-Waltz Telephone Company; Citizens Telephone Company of Kecksburg; Frontier Communications of Breezewood, Inc.; Frontier Communications of Canton, Inc.; Frontier Communications of Pennsylvania, Inc.; Frontier Communications of Lakewood, Inc.; Frontier Communications of Oswayo River, Inc.; TDS TELECOM/Mahanoy and Mahantango Telephone Company; and TDS TELECOM/Sugar Valley.

Listed petitioners Armstrong Telephone Company-North through Yukon-Waltz filed the original petition in this matter on June 7, 2002 (Original Petition). Notice of the Original Petition and request for comments was published at 32 Pa.B. 3052 (June 2002).

Comments in response to the Original Petition were filed by the Office of Consumer Advocate, the Office of Trail Staff, Full Service Network, and A.R. Building Company. Reply comments were filed on behalf of the original petitioners. On July 26, 2002, listed petitioners Citizens Telephone Company of Kecksburg through TDS TELECOM/Sugar Valley, filed a Petition to Join (Joinder Petition) requesting identical relief sought in the Original Petition.<sup>2</sup>

Notice and request for comments to the joinder petition and relief was published August 17, 2002, at 32 Pa.B. 4104.

Comments were filed in response to the Joinder Petition by the Office of Consumer Advocate, the Office of Trial Staff, the Office of Small Business Advocate, and Armstrong Telecommunications, Inc. (as to Citizens Kecksburg only). Reply comments were filed on behalf of the petitioners seeking joinder.

<sup>2</sup> Subsequently, Commonwealth Telephone Company, which had also sought joinder, withdrew its request, per letter dated September 11, 2002. Therefore, Commonwealth Telephone is not considered in this matter.

With respect the issue of joinder, no comments were submitted in opposition to joinder, with the exception Armstrong's opposition to joinder of Citizens of Kecksburg, which we have resolved in favor of allowing joinder. Therefore, for administrative reasons, joinder of all remaining petitioners is granted. Petitioners' request for relief, the comments in response and replies thereto, shall be considered jointly at this time.

### Current Request for Relief

Since Petitioners have already been granted an effective 5-year suspension from TA-96 interconnection obligations, we now consider whether existing circumstances warrant additional extension of relief in the form of suspension.

Petitioners' assertions in support of a continued suspension are set forth in detail and provide an accurate picture of the incremental, and often arduous, process of both the FCC's and this Commission's introduction of a competitive telecommunications market pursuant to TA-96. See, (Original Petition, pp. 12-44); (Joinder Petition, pp. 10-15).

In support of the 36-month extension, Petitioners assert essentially three grounds, as summarized by Petitioners:

First, despite the suspension rights conferred on the Rural ILECs by the Commission in the *July 10, 1997 Suspension Order*, issues relating to access charge reform, interconnection rules and universal service reform remain incomplete, particularly as they affect the Rural ILECs, on both the state and federal level.

Second, during the prior suspension period, the Rural ILECs undertook the development and filing of their Chapter 30 Alternative and Streamlined Regulation Plans and Network Modernization Plans. After extensive litigation that exceeded a two-year period, Petitioners finally obtained Commission approval of those plans. With final Commission orders approving their Plans entered as late as July 2001, however, the Rural ILECs have had at most only the last 12-18 months in which to implement the rate reformation, authorized under their streamline or alternative regulation plans and to commence their Commission-approved Network Modernization Plans.

Finally, permanent universal service funding to permit the Rural ILECs to establish the rates that are necessary for a competitive marketplace to effectively function without jeopardizing affordable service to all rural customers has not been completed.

(See, Reply Comments of Original Petitioners, p. 2-3; Petition; Petition to Join and for Relief, p. 2) (citations omitted).

Petitioners assert that these bases satisfy the elements of § 251(f)(2) for continued suspension of interconnection obligations. Petitioner's maintain that it is absolutely essential that the possibility of non-facilities based local competition in rural telephone company service territory be precluded for at least another 36-month period. (Original Petition at par. 95). Therefore, Petitioners conclude, continued suspension of their interconnection obligations is consistent with the public interest, convenience, and necessity.

Several comments in opposition to the original and joinder petitions were received. The comments are briefly summarized as follows:

### Comments of the Office of Consumer Advocate (OCA)

OCA urges that the Petitioners have failed to carry the burden of proof to warrant an extension and that the Commission should: 1) deny Petitioners' request for a 36-month extension; 2) if extension is granted, limit relief to December 2003, to coincide with the sunset date of Chapter 30 and the Commission's Global Order; or 3) further examine the Petitioners on an individual basis to determine whether the relative size and strength of the companies warrant a continued suspension. OCA's comments stressed the importance of extending the benefits of competition, now enjoyed in more urban areas, to Commonwealth citizens in rural areas. (Comments of OCA filed July 8, 2002, and August 26, 2002.)

### Comments of the Office of Trial Staff (OTS)

OTS urges that Petitioners have failed to carry the burden of proof to warrant an extension and that the Commission should: 1) deny Petitioners' request for a 36-month extension; 2) if extension is granted, limit relief to a 1-year extension to July 10, 2002, with the opportunity to request two additional 1-year extensions provided Petitioners continue to meet Chapter 30 commitments; or 3) deny the individual petitions of some Petitioners based upon the relative size and financial strength of those companies, and further examine the remaining Petitioners on an individual basis to determine whether their relative size and strength warrant a continued suspension. (Comments of OTS filed July 8, 2002, and August 21, 2002).<sup>3</sup>

### Comments of Full Service Network (FSN)

FSN, a self-described competitor which "stands ready to bring local telephone competition to the residential and commercial customers located in North Pittsburgh's service territory," offers opposition specifically to continued suspension for North Pittsburgh. FSN urges that North Pittsburgh has been granted ample time to prepare for impending competition and fulfill its Chapter 30 obligations. Further, FSN notes that while North Pittsburgh, via its affiliates, is able to compete in markets shared by FSN, FSN does not enjoy the same opportunity in North Pittsburgh's service territory, due solely to North Pittsburgh's suspension from interconnection obligations. (Comments of FSN filed July 8, 2002.)

### Comments of A.R. Building Company (AR Building)

AR Building, a builder-owner of townhouse and apartment rental units, also offers opposition specifically to the continued suspension for North Pittsburgh. AR Building, like FSN, urges that North Pittsburgh has been granted ample time to prepare for impending competition and fulfill its Chapter 30 obligations. Further, AR Building stresses that competitive pricing available to residents of its building developments in other service territory remains unavailable to residents of its buildings in North Pittsburgh's service territory due solely to North Pittsburgh's continued suspension from interconnection obligations. (Comments of AR building filed July 8, 2002.)

### Comments of Armstrong Telecommunications, Inc. (Armstrong)

Armstrong offers opposition specifically to the petition of Citizens. Armstrong asserts that Citizens' petition should be treated separately since Citizens occupies a unique factual and regulatory position from all other Petitioners.

<sup>3</sup> We note that the Office of Small Business Advocate (OSBA) filed comments in response to the Joinder Petition which adopted the same Position as OTS in the matter. (Comments of OSBA filed August 23, 2002.)

Armstrong asks that the Commission distinguish Citizens on the basis of the outcome of prior litigation in which Armstrong sought to defeat Citizens' exemption from interconnection obligations. In that proceeding, this Commission determined that Citizens' exemption would continue until the expiration of any suspension granted to the Petitioners at this docket.<sup>4</sup> Armstrong contends that it is prepared to offer non-facilities-based competition in Citizens' territory and that, without the continued suspension of Citizen's interconnection obligations, Armstrong should be permitted to do so without further presentation of evidence. (Comments of Armstrong filed August 26, 2002.)

### Discussion

TA-96 imposes upon ILECs duties and obligations designed to develop competitive markets in the telecommunications industry. 47 U.S.C. § 251(a)-(c). Pursuant to § 251(f)(2) relief granted by this Commission, the Petitioners' TA-96 interconnection obligations have been effectively suspended from the time of TA-96's inception.<sup>5</sup> Under the suspension, the Rural ILECs enjoy blanket immunity from interconnection.

We note that, even without a § 251(f)(2) suspension, rural ILECs are afforded special insulation from TA-96's interconnection obligations in the form of a standing exemption from interconnection obligations, under § 251(f)(1). Section 251(f)(1) provides that the rural carriers shall be entitled to the exemption "until (i) such company has received a bona fide request for interconnection services, or network elements, and (ii) the State commission determines . . . that such request is not unduly burdensome, is technically feasible, and is, consistent with subsection 254 . . ."

Unless a § 251(f)(2) suspension from interconnection obligations is granted by a state commission, the standing § 251(f)(1) rural exemption is subject to challenge by a party requesting interconnection. In the state proceeding challenging the exemption, the exemption may be terminated unless the rural ILEC provides evidence that continued exemption is warranted.

As we previously determined in our *July 10, 1997 Suspension Order*, this Commission considers the factors outlined by 47 U.S.C. § 251(f)(2) in determining whether a petitioner is entitled to relief in the form of a suspension of § 251(b) and (c) interconnection requirements. Pursuant thereto, we are to consider whether a petitioner has less than 2% of the nation's subscriber lines installed in the aggregate nationwide, whether a petitioner has video programming operations, the petitioner's relative size, the service territory population and whether there have been any interconnection requests. As a further basis for granting relief, we are to consider whether our action could promote deployment of the advanced telecommunications network and services envisioned by TA-96 and Chapter 30.

Additionally, § 251(f)(2) provides:

The State commission shall grant such petition [for suspension from interconnection obligations] to the

<sup>4</sup> As we have noted, *supra*, at fn. 1, while ultimately we agree that Citizens is not entitled to the requested suspension relief, we conclude, as is within our discretion, that Citizens does have the continued right to exemption. However, our prior determination in *Armstrong/Citizens* on the issue of technical feasibility of interconnection with Citizens will be relevant if Armstrong submits a bona fide request and Citizens refuses to interconnect claiming the exemption.

<sup>5</sup> All petitioners have been granted an original 2-year suspension and the three subsequent 1-year extensions, for a total of 5-years' suspension from interconnection obligations. By Secretarial Letter dated July 9th, 2002, Petitioners' suspensions, which were set to expire on July 10, 2002, were extended until disposition of this matter. Further, the continued suspension extends to the Rural ILECs, which sought and have been granted joinder in this matter.

extent that, and for such duration as, the State commission determines that such suspension or modification—

(A) is necessary

(i) to avoid a significant adverse economic impact on users of telecommunications service generally;

(ii) to avoid imposing a requirement that is unduly economically burdensome; or

(iii) to avoid imposing a requirement that is technically infeasible; and

(iv) is consistent with the public interest, convenience, and necessity.

With specific regard to subsequent requests for extension, our *July 10, 1997 Suspension Order* provided:

As an additional caution, we note that any subsequent relief sought by a Petitioner pursuant to this Opinion and Order must present competent evidence that such relief is necessary under Section 251(f)(2). A Petitioner requesting additional relief must demonstrate why it needs any additional time to secure the resources to meet the goals of TA-96 and Chapter 30. A Petitioner must also demonstrate what action it has taken to comply with Chapter 30's mandate regarding alternative regulation and network deployment. A Petitioner must further demonstrate what progress a Petitioner has made in deploying an advanced telecommunications network to the public schools, libraries, and other public facilities serving rural Pennsylvania.

*July 10, 1997 Suspension Order* at pp. 28-29.

At the time of the *July 10, 1997 Suspension Order*, further relief beyond the 5-year period (original 2-year suspension plus three additional 1-year extensions) was not considered. However, TA-96 grants the state commission authority to determine at any time that a suspension is warranted, provided that the commission is satisfied that circumstances meet the given standards for granting a suspension. Thus, our analysis again turns to whether factors exist that weigh in favor of granting further relief to Petitioners beyond the effective 5-year suspensions that either expired on July 10, 2002, or are set to expire in the near future.

No impediments exist to our consideration of Petitioners' request. Petitioners in this matter are all rural local exchange carriers operating in Pennsylvania. The uncontroverted evidence of record states that each of the individual Petitioners have fewer than 2% of the subscriber lines installed in the aggregate nationwide. Finally, there are no outstanding requests for interconnection with the Petitioners to be considered.

Turning now to Petitioners' asserted basis for requesting a 36-month extension of the suspension, we find that the Petitioners have failed to sustain the burden of proof warranting continued suspension of interconnection obligations.

Petitioners generally assert the continued uncertainty existing for the "trilogy" of interrelated telecommunications issues. It is true that issues relating to access charge reform, interconnection rules and universal service reform continue to evolve. However, in the Commission's judgment, significant progress has been made in the development of these issues in the 5 years since the suspensions were first granted such that a further extension of the suspensions is no longer in the public interest.

Arguments to support further deferring full competition become less persuasive with the passage of time since this Commission has specifically granted the carriers time in which to prepare for full competition. For example, as of April 1, 2000, the rural telcos have enjoyed the competitive advantages of reductions in their intraLATA toll rates and access charges while at the same time, not losing any revenues for these reductions because they were able to raise local rates up to a \$16.00 cap and then dip into the Pennsylvania Universal Service Fund for reimbursement as a result of the Global Order of Sept. 30, 1999.

The Pennsylvania Universal Service Fund was designed, however, to be interim in nature. It was designed to ready the companies for competition while at the same time ensure that universal basic telephone service was not jeopardized in Pennsylvania. See 52 Pa. Code § 63.161 (relating to statement of purpose and policy) of the PaUSF. Section 63.161(2) provides: "Given an increasingly competitive marketplace, it is necessary to assure and maintain universal service and promote the development of competition in telecommunications markets throughout this Commonwealth." § 63.161(3) provides: "The purpose of the Fund is to maintain the affordability of local service rates for end-user customers while allowing rural telephone companies to reduce access charges and intraLATA toll rates, on a revenue-neutral basis, thereby encouraging greater competition." The Rural ILECs have had since April 2000 to use their revenues to modernize their networks, expand into new markets, and prepare for interconnection obligations. Thus, it is appropriate that the possibility of full competition in rural areas come one-step closer to a reality by lifting the rural carriers' suspension from interconnection obligations.

Petitioners also assert that the institution of the Chapter 30 plans, alternative and streamlined regulation and network modernization plans requires more time, unhindered by possible interconnection requests, to be effective. Again, Petitioners' asserted basis for suspension is speculative and offers no quantifiable proof or firm evidence, other than supposition, that harm would result if the suspensions are lifted.

The same may be said for Petitioners' third basis, that permanent universal service funding is necessary prior to lifting the suspension; the Rural ILECs argue that this is essential if they are to effectively function in a competitive marketplace without jeopardizing affordable service to all rural customers. This asserted basis for a continued suspension is speculative, since no evidence has been produced to establish a substantial adverse economic impact to the individual Petitioners. In this regard, we are in accord with the comments of OTS and OCA, that if future requests for relief are predicated upon claim of undue economic burden, then an individual review of the economic impact can be undertaken. We also hasten to add that the loss of some customers and associated revenues to competitors is an expected result of allowing interconnection; it is not a sufficient basis to extend the suspension.

For example, settlement of universal service issues is of particular concern for rural carriers generally, but lack of settlement of that issue does not itself justify a continued blanket suspension from interconnection. It is not unduly burdensome for rural carriers to bear the unsettled nature of the industry to the limited extent of removing the suspension protection. If the speculative nature of regulatory issue may be shown to have some real impact, it must be shown by evidence of record and an offer of

proof on the issue at the time the bona fide request for interconnection is submitted.

### Conclusion

In view of Petitioners' asserted basis for relief, the comments and reply comments thereto, we conclude that the Rural ILECs have not provided sufficient evidence to support a finding that the continued suspension is necessary pursuant to the relevant factors of § 251(f)(2) of TA-96. We conclude so in the knowledge that Petitioners still maintain the standing rural exemption under § 251(f)(1). As such, our order today establishes only the possibility of facilities-based competition in Petitioners' rural territory.

After the 5-year period of suspension, it is now time to move forward, albeit at a necessarily gradual pace, to the day when rural ILECs are fully open to competition. This should indeed come as no surprise to Petitioners, who have had a total of 5-years' reprieve to prepare for the next step towards allowing non-facilities based competition in their service territories.

Moving forward, if a bona fide request for interconnection is disputed, the individual Petitioners will have the opportunity to offer evidence that the exemption is still necessary pursuant to the factors outlined in TA-96. Further, we note that the existing Chapter 30 Plans do reflect that the Petitioners have already made strides in network modernization, and Petitioners continue to pursue deploying an advanced telecommunications network to the public schools, libraries, and other public facilities serving rural Pennsylvania as set forth in their Chapter 30 plans. Petitioners' demonstrated efforts to implement those plans are relevant to any future request to preserve the TA-96 rural exemption.

Accordingly, we conclude that an additional 36-month extension of the Petitioners' interconnection suspension is not consistent with the public interest, convenience, and necessity, and the Petitioners' request should be denied; *Therefore,*

#### *It Is Ordered That:*

1. The Petition for Joinder of Citizens Telephone Company of Kecksburg; Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Pennsylvania, Inc., Frontier Communications of Lakewood, Inc., Frontier Communications of Oswayo River, Inc., TDS TELECOM/Mahanoy and Mahantango Telephone Company, and TDS TELECOM/Sugar Valley is granted.

2. The request of joint Petitioners: Armstrong Telephone Company-North; Armstrong Telephone Company-Pennsylvania; Bentlyville Communications Corp. d/b/a/The Bentlyville Telephone Company; Buffalo Valley Telephone Company; Conestoga Telephone & Telegraph Company; Denver and Ephrata Telephone & Telegraph Company d/b/a D&E Telephone Company; Hickory Telephone Company; Ironton Telephone Company; Lackawaxen Telephone Company; Laurel Highlands Telephone Company; Marianna & Scenery Hill Telephone Company; The North-Eastern Pennsylvania Telephone Company; North Penn Telephone Company; North Pittsburgh Telephone Company; Palmerton Telephone Company; Pennsylvania Telephone Company; Pymatuning Independent Telephone Company; South Canaan Telephone Company; Venus Telephone Company; Yukon-Waltz Telephone Company; Citizens Telephone Company of Kecksburg; Frontier Communications of Breezewood, Inc.; Frontier Communications of Canton, Inc.; Frontier Communications of Pennsylvania, Inc.; Frontier Communications of Lakewood,

Inc.; Frontier Communications of Oswayo River, Inc.; TDS TELECOM/Mahanoy and Mahantango Telephone Company; and, TDS TELECOM/Sugar Valley for a 36-month suspension of interconnection obligations set forth in Section 251(b)(1) and (c) of the Telecommunications Act of 1996 is denied.

3. The Secretary serve a copy of this Order upon all parties.

4. The Secretary publish notice of this order in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

### Dissent of Commissioner Aaron Wilson, Jr.

Petition of Twenty Rural Incumbent Local Exchange Carriers for a 36-month Suspension of Interconnection Requirements Limited to Only Those Set Forth in Section 251(b)(1) and (c) of the Telecommunications Act of 1996; and Petition of Eight Rural ILECs to Join and for Relief under Section 251(f)(2) of the Telecommunications Act of 1996

Public Meeting  
January 15, 2003  
JAN-2003-L-0097  
Docket No. P-00971177

Today's majority denies continuation of the Petitioners' Section 251(f)(2) suspension or modification granted in our previous orders in this docket. The majority's decision overlooks the reason we provided Section 251(f)(2) relief in the first place i.e., the unsettled state of affairs at the federal level on non-rural telecommunications issues in favor of a recommendation that rests on a cursory belief that "significant progress" has been made on federal interconnection, access reform, and universal service sufficient to deny Section 251(f)(2) suspension or modification. The majority's decision also relies on a dubious discussion of the law and the rural carriers' claims under Section 251(f)(2).

I dissent.

As a matter of state and federal law, I believe that the detailed discussion and analysis amply demonstrate why today's decision is not supported by substantial evidence, is based on errors of law, and violates the Petitioners' constitutional rights.<sup>6</sup> The decision is, in my opinion, arbitrary and capricious under state and federal law.

I base this conclusion on the reasoning set forth below.

First, by granting Section 251(f)(2) suspension or modification,<sup>7</sup> the Commission and rural carriers avoid ex-

<sup>6</sup> *Kundrat v. Commonwealth of Pennsylvania, State Dental Council and Examining Board*, 67 Pa. Commonwealth Ct. 341, 447 A.2d 355 (1982); *Iowa Utilities Board v. FCC*, 219 F.3d 744, 749 (8th Circuit 2000) ("federal courts defer to an agency's interpretation only if the interpretation is consistent with the plain meaning of the statute and will overturn an interpretation only if that interpretation is unreasonable construction or is arbitrary and capricious. In review, the test is not whether the agency made the best interpretation but whether the agency made a reasonable selection among the alternatives.");

<sup>7</sup> The TA-96 plainly intended to relieve rural carriers of the burdens imposed on other carriers, promote competition, and to protect rural telephone companies as evidenced by the congressional debates. *Iowa Utilities Board*, 219 F.3d at 759 and 761, emphasis added. There are only two ways a state commission can remove the protection afforded rural telephone companies. These are an exemption under Section 251(f)(1) or a modification or suspension of Section 251(b) or (c) obligations under Section 251(f)(2). In both cases, there are discrete components that must be established as a matter of evidence.

A state commission can remove an exemption from the Section 251(c) requirements of the TA-96 only if there has been a bona fide request for interconnection and we have determined that removing the exemption is not unduly economically burdensome, is technically feasible, and is consistent with Section 254. The FCC's attempt to constrict these considerations and to impose the burden of proof on the rural carriers under the FCC's rules was struck down and vacated by the federal courts. *Iowa Utilities*, 219 F.3d at 759-765. Staff's recommendation contains no evidence on any of the Section 251(f)(2) exemption factors other than undocumented conclusions, dismissals of the evidence submitted by the rural carriers, and express reliance on the putative interest

pending time and resources focusing on issues that have not yet been resolved for non-rural carriers, the major focus of the Telecommunications Act of 1996, and which do not have to be answered yet for the rural carriers in this petition.

Moreover, the federal courts have ruled that the TA-96 intends to promote competition and protect rural companies because rural companies have less of a capacity than larger and more urban ILECs to meet the burdens imposed on carriers under the TA-96.<sup>8</sup>

The majority decision, however, focuses exclusively on duties and obligations designed to promote competitive markets.<sup>9</sup> The majority decision fails to recognize the real differences between rural carrier and non-rural carriers, a difference recognized by the FCC<sup>10</sup> and the federal courts, and fails to discuss the fact that the scarce resources spent by rural carriers on avoidable Section 251(b) or (c) obligations are resources not available to meet the unavoidable network modernization deployment goals of the TA-96.<sup>11</sup>

The majority decision also concludes that evolution and significant progress on federal issues relating to non-rural carriers, the availability of IntraLATA toll revenues and the existence of a state universal service fund are more important considerations than the Section 251(f)(2)(A)(i)-(iii) factors given the paucity of their discussion in the majority's decision.<sup>12</sup>

I think the Commission's time and resources are better spent focusing on the major issues facing major carriers and their competitors.

The interconnection, universal service and access reform issues for major carriers, not small rural carriers that serve a few people over a large territorial area, are the major focus of the TA-96. The unavoidable issues of major carriers, not the avoidable issues of rural carriers in rural areas, were the focus of the TA-96. That should be the Commission's focus.

Second, there is no final federal policy for the major carriers on interconnection, access reform, and universal service let alone for rural carriers such as these Petitioners. If we have been unable to resolve those issues for

of one building contractor and one possible competitor (who never did submit any bona fide request for interconnection) about a possible interest in serving in the service territory of ONE of the 26 Petitioners. The majority's opinion, to the extent it might rest on an exemption under Section 251(f)(1), relies on a staff recommendation that contains no evidence on the Section 251(f)(1) criteria, no discussion of the Section 254 considerations, and is contrary to the plain meaning of Section 251(f)(1).

In the alternative, a state commission can grant a modification or suspension of Section 251(b) or (c) requirements under Section 251(f)(2). The majority reads the rural carriers' request to be an exclusive Section 251(f)(2) issue. If that is the case, the law clearly states that a state commission shall grant the relief if it is necessary to avoid a significant adverse harm on users, to avoid imposing a requirement that is unduly economically burdensome; or to avoid imposing a requirement that is technically infeasible AND is consistent with the public interest convenience and necessity. On this section, the federal courts have ruled that it is a burden to provide what Congress directed must be provided under Section 251(b) or (c) and that Congress specifically intended to exempt rural carriers from those obligations unless all three prerequisites were established. *Iowa Utilities Board*, 219 F.3d at 761. It is the full economic burden on the ILEC of meeting the request that must be assessed by the Commission. There is no evidence in today's majority decision that any economic burden, let alone the full economic burden, was considered at all. Compare Majority Decision at 7-11 with *Iowa Utilities*, 219 at 759-765 and Part E(2) in particular. The burden of proof is not placed on the rural carrier. Compare Majority Decision at 10 with *Iowa Utilities*, 219 F.3d at 762.

<sup>8</sup> *Iowa Utilities Board*, 219 F.3d at 759, 761.

<sup>9</sup> Compare Majority Decision at 7 with *Iowa Utilities*, 219 F.3d at 761.

<sup>10</sup> See note 12 below.

<sup>11</sup> Compare Majority Decision at 7-11 with *Iowa Utilities*, 219 F.3d at 761 citing 142 Cong. Rec. S687-01 (Feb. 1, 1996) (statements by Sen. Hollings and Sen. Burns); 142 Cong. Rec. H1145-06 (Feb. 1, 1996) (Statement by Rep. Orton) and Conference Report, Telecommunications Act of 1996, Statement of Mr. Pressler from the Committee of Conference, p. 1.

<sup>12</sup> Compare Majority Decision at 7-12 and p. 12 in particular ("no evidence has been produced to establish a substantial adverse economic impact") with Section 251(f)(2)(A)(i) (avoid a significant adverse economic impact) and *Iowa Utilities Board*, 219 F.3d at 760-762 ("It is the full economic burden on the ILEC of meeting the request that must be assessed by the state commission.").

major carriers after six years of major litigation, I am mystified by the majority's belief that the Commission has the expertise, sophistication, and wisdom to take on the additional, diverse, expensive, and complex concerns of rural telecommunications.<sup>13</sup>

The majority's decision to subject rural carriers to Section 251(b) and (c) competitive obligations, notwithstanding the federal presumption against it as set forth in Section 251(f)(2) and the *Iowa Utilities Board* decision, is contrary to the law, evidence, and public interest.

Third, there is no final settled policy on interconnection. In fact, the Federal Communications Commission (FCC) is re-examining and will re-issue yet another list of federal unbundling requirements (UNEs) for non-rural carriers after more than six years of debate, costly litigation in state and federal courts, and one Supreme Court decision.<sup>14</sup>

There is no settled policy on universal service support, costing, or contributions. The FCC just recently established an interim universal service contribution methodology, after more than six years of controversial debate, while it issued a Notice of Proposed Rulemaking (NPR) that hopes to develop final regulations and policy.<sup>15</sup> This Interim USF Order noted the increased bundling of interstate and intrastate services, observed expansion of Voice Over the Internet (VOIP) as a substitute for long-distance calling and the access revenues such calls generate, and recognized the increased use of wireless communications as factors that have contributed to a decline in interstate revenue support for local services.<sup>16</sup>

There is no settled policy on access reform for non-rural carriers. In that regard, the FCC has adopted two industry proposals to reform carriers' reliance on access revenues. Those two decisions recognize the unique characteristics and challenges facing rural local exchange carriers compared to non-rural carriers.<sup>17</sup> In fact, the FCC admits that the access reform regime now in effect

<sup>13</sup> This concern is underscored by several facts. For example, during my tenure as a Commissioner, I am unaware of any specific site visit by any delegation of Commission staff to view, and experience, the problems and challenges facing rural Pennsylvania. Moreover, the Commission has not gone on record in one single proceeding at any time on rural concerns. This includes the FCC's Rural Task Force or any number of FCC rural proceedings—including federal support for rural health care services.

<sup>14</sup> See *Verizon Communications, Inc. v. Federal Communications Commission*, 122 S.Ct. 1646 (2002); "Federal Communications Commission Initiatives Review of Local Phone Network Unbundling Policies," Docket No. CC 01-339 (December 12, 2000). The Comment and Reply Period closed July 17, 2002. The FCC has yet to issue a final order that, given the controversial nature of the matter, will probably engender further appeals. See, for example, Ex Parte letter filed with the FCC Nov. 19, by Qwest Communications International, Inc., SBC Communications, Inc., BellSouth Corp., and Verizon Communications, Inc. The parties urged the FCC to reject requests by some state regulators and competitive local exchange carriers that states should be able to place a network element back on the unbundling list, even if the element is removed by the FCC, or that the FCC should delegate much of its responsibility over unbundling to the states. "Bells Urge Limited State Role in UNE Decisions," TR Daily, November 17, 2002; Mississippi Public Service Commission, Letter to Chairman Michael Powell on Unbundled Network Elements, November 18, 2002, pp. 1-2 (UNE-P is a critical element in local competition and states are best positioned to determine what UNEs should be available); CLEC Letter to NARUC rebutting Verizon's claim that UNE-P was the functional equivalent of Total Service Resale (TSR) (November 18, 2002); "States Unified Against FCC Eliminating UNE-P, Backing State Role Over UNE List," TR Daily, November 17, 2002.

<sup>15</sup> See "Federal Communications Commission Adopts Interim Measures to Maintain Universal Service Fund," Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, and 98-170.

<sup>16</sup> See "Federal Communications Commission Adopts Interim Measures to Maintain Universal Service Fund," Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, and 98-170.

<sup>17</sup> For example, the FCC's 2001 decision adopting a five-year plan on access reform and universal service acknowledged use of a *modified embedded cost mechanism* for rural carriers and a *forward-looking high-cost support mechanism* for non-rural carriers. *Federal-State Joint Board on Universal Service, Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, Order on Reconsideration (June 13, 2002), pp. 2-3 (*June 2002 Reconsideration Order*). The FCC's endorsement of the MAG Plan for rural carriers is, at best, a five-year transition plan that contemplates a Subscriber Line Charge (SLC) of \$6.50 for residential users and \$9.50 for others—and rates have been increased to reflect implementation of the RTF Order.

for rural carriers is a five-year transition plan that the FCC hopes will maintain existing facilities until a final plan can be established.<sup>18</sup> Finally, federal policy on what, if any, technological platforms should be subject to the access charges that support universal service is unsettled at the present time.<sup>19</sup>

This extremely uncertain and ambiguous state of affairs concerning the "federal trilogy" on federal law at the federal level for major carriers should caution against a precipitous rush to overturn the Section 251(f)(2) suspension or modification already provided to these carriers. This uncertain state of affairs, however, is of no moment to the majority. They reject uncertainty and caution in favor of a hasty decision on Section 251(f)(2) suspension or modification relief that facilitates a transient claim to promote competition in rural areas even though neither the federal courts nor the TA-96 envisioned that competition as the statutory norm.

Another additional reason for rejecting the recommendation is the current state of affairs at the federal level on a dispute between wireless and rural carriers over the compensation wireless carriers should pay rural carriers for terminating the wireless calls of major carriers. Recent pleadings here and at the federal level could require the rural carriers to expend more scarce resources addressing attempts by wireless carriers to change the compensation that wireless carriers currently pay for terminating those calls. The wireless carriers have petitioned the FCC for a federal declaration that calls between a wireless carrier and an incumbent carrier, and rural carriers in particular, are subject to bill and keep as opposed to reciprocal compensation.<sup>20</sup>

Also, if we remove the Section 251(f)(2) suspension or modification now provided to our rural carriers, we will effectively require those carriers to expend time and money addressing interconnection, compensation, and technology protocol issues when those scarce resources are better devoted to providing the advanced telecommunications network envisioned by the TA-96 and independent state law.<sup>21</sup> That was a critical part of our reasoning in 1997. Little, if anything, has changed at the federal level since then to justify a different result.<sup>22</sup>

In addition, rural carriers, and there is no record evidence that Pennsylvania's rural carriers are any different, have significantly higher investments and operating expenses per subscriber compared to non-rural carriers. Rural carriers, and Pennsylvania carriers are no excep-

tion, recover a far greater portion of their revenue from inter and intrastate access revenues.<sup>23</sup> A jump to competition when the federal law is so uncertain and when we have not addressed the different challenges facing rural carriers is not advisable, is not supported by the record in this case, will have a significant adverse impact on rural users, will impose requirements that are unduly economically burdensome, and is inconsistent with the public interest, convenience, and necessity.

This will occur because new carriers will focus on the one or few multiple line/high-volume customers in a rural carrier's service territory and from whom the rural carriers derive a significant portion of their access revenues. This reliance and the disappearance of those revenues is not an issue that either the FCC or this Commission has resolved at this time.<sup>24</sup> Although we have supported increases in customer rates as a partial solution when we implicitly supported the subscriber line charges required by the federal MAG Plan, the fact remains that the loss of one or a few of a rural carriers scarce multi-line/high-volume customers through a hasty and precipitous introduction of alternative carriers will have a devastating impact on local rates, subscribership, and universal service.<sup>25</sup>

Moreover, federal and state law envisions deployment of an advanced telecommunications network. The TA-96 recognized differences between rural and non-rural carriers by providing rural carriers Section 251(f)(2) suspension or modification as a means of encouraging deployment of that network. We encouraged our rural carriers to deploy this advanced telecommunications network and, in support of that federal goal, approved carrier plans to update their networks at considerable capital expense. Those plans are now in the midst of implementation. If we do not continue the Section 251(f)(2) suspension or modification provided to our carriers under federal law, we jeopardize those commitments.<sup>26</sup> We also run the risk of creating stranded investment in those rural areas of Pennsylvania that already have more in common with our inner urban areas than might otherwise appear to be the case at first blush.<sup>27</sup>

Finally, the comments from potential competitors who oppose granting the requested Section 251(f)(2) suspension or modification are focused solely on one petitioner. I do not think that the concerns of two potential competitors, none of whom have made the bona-fide request for interconnection required by TA-96 and only one of whom is actually a competitive local exchange carrier (CLEC), justify such a broad denial of any Section 251(f)(2) suspension or modification based on the erroneous conclusion that the rural carrier failed to meet the "burden of proof" imposed on them under TA-96. Those comments and the underlying recommendation lack any in-depth factual statements or analysis, such as that set forth in this dissent, and they rely on vague and undocumented

<sup>18</sup> *Second Reconsideration Order* at 10, n. 59 citing *RTF Order*, 16 FCC Rcd at 11258, para. 28, emphasis added.

<sup>19</sup> See *Cable Modem Service NPRM*, CS Docket 00-185 and CS Docket 02-52 (March 14, 2002). The FCC, after flatly declaring that cable modem is an "interstate service" and not a "telecommunications service" subject to common carrier regulation, opened a rulemaking to determine whether there were policies or legal reasons to treat cable modem service broadband differently from wireline broadband i.e., should cable be subject to unbundling or should cable companies have to permit ISPs other than their own to provide service to their customers? Moreover, the FCC has yet to act on AT&T's Petition to treat Voice-Over-The-Internet (VOIP) as exempt from access charges. *Wireline Competition Petition*, WC Docket No. 02-361 (November 18, 2002). Reply Comments are Due January 24, 2003.

<sup>20</sup> See, "Comment Sought on Sprint Petition for Declaratory Ruling Regarding the Routing and Rating of Traffic by ILECs, DA 02-1740 (released July 18, 2002), AT&T Wireless Services, Inc. Reply Comments in Support of the Sprint Petition, pp. 15-16 (Wireless Petition Comment). "It is critical to the development of CMRS competition that the Commission establish uniform policies on CMRS interconnection. This is particularly crucial in rural territories, where the frequency of disputes regarding the appropriate interpretation of the Act and the Commission's rules is increasing in volume and intensity. Wireless Petition Comment at 16.

<sup>21</sup> See Telecommunications Act of 1996, Conference Report, Statement Accompanying S.652 (later the TA-96), p. 1; 66 Pa.C.S. § 3001(1).

<sup>22</sup> See In the Matter of Developing a Unified Inter-carrier Compensation Regime, CC Docket No. 01-92, Comments of the National Rural Telecomm Association and the Organization for the Promotion and Advancement of Small Telecommunications Companies, August 2001, p. 12 (NRTA-Opastco Comment). "The present mix of access charges, end-user charges, and universal service has made it possible for small and rural ILECs to make the substantial investments necessary to serve the most sparsely populated areas and to promote high subscriber penetration."

<sup>23</sup> *NRTA-Opastco Comment*, p. 13. In fact, most small and rural ILECs derive, in the aggregate, over 60 percent of their revenues from a combination of inter and intrastate toll access charges and universal service support mechanisms. *Ibid.* at 13.

<sup>24</sup> The majority's reliance on revenue derived from our state universal service fund is misleading and misplaced. That fund, originally supported by revenues from Verizon Pennsylvania's Price Change Opportunities, was originally focused on reducing the rural carriers' access charges to the predetermined amount set forth in our Global Order. That fund is set to expire well in advance of the FCC's five year transition plan. The absence of any federal or state support mechanism beyond the next few years will have adverse economic impacts on rural carriers' users. That impact will only be exacerbated by a rush to competition in rural areas where, if the experience with the non-rural carriers is instructive, the focus will be largely on multi-line/high-volume users.

<sup>25</sup> *NRTA-Opastco Comment*, p. 14.

<sup>26</sup> *Petition of the Rural Carriers; Majority Decision* at 4-5; *NRTA-Opastco Comment*, p. 14.

<sup>27</sup> See In the Matter of Rural Health Care Support Mechanism, WC Docket No. 02-60, Comment of Dr. Aaron Wilson, Jr., p. 1, n. 1.

claims about competitive interest. Vague and undocumented claims about potential interest should not be the basis for rejecting a party's request for relief when that relief relies on specific concerns, factual statements, and the current state of affairs at the federal level.

I think the Petitions, with the exception of North Pittsburgh, should have been granted relief for one year with an option to request additional extensions. I also think that the Petition of North Pittsburgh should have been remanded to the Office of Administrative Law Judge for further examination and issuance of a recommended decision within 180 days on whether North Pittsburgh's Section 251(f)(2) suspension or modification should be granted or denied. Such a proceeding will give all the parties and this Commission an opportunity to make a reasoned Section 251(f)(2) determination based on the law, the facts, the parties concerns, and credible business plans.

I also think that the rural carriers asked too much for too long. The pending federal trilogies may be resolved within the next 36 months or even the next 12 months. The state legislature may take a different approach to rural carriers with the expiration of Chapter 30 in December 2003. The FCC and the federal legislature may significantly alter their current approach to rural carriers.

For that reason, I think we could have, but did not, adopt a version of the reasoned options proposed by the OCA and OTS. They and the rural carriers, but not today's majority, recognized that Section 251(f)(2) suspension or modification may be warranted for the reasons set forth above.

I also think that we could have, but did not, expressly state that any Section 251(f)(2) suspension or modification would expire on July 11, 2004 unless the Commission grants any additional one year extensions. Such extensions could have been granted, but never will after today, if (a) the rural carriers affirmatively demonstrate a state of uncertainty at the federal level on matters involving interconnection, universal service, and access reform; and (b) the carriers continue to demonstrate, with specificity of factual result, progress on and compliance with the network modernization and deployment commitments now underway in rural Pennsylvania in furtherance of federal and state law.

We are not taking this cautious path. Instead, we are making a hasty decision based on cursory beliefs and statements about burden of proof that are contrary to the law.

As a result, Pennsylvania's rural consumers and carriers will now pay the price for an arbitrary and capricious determination that is contrary to the law, the evidence, and the public interest under state and federal law.

I cannot, and do not, support such a result.

Aaron Wilson, Jr.,  
Commissioner

[Pa.B. Doc. No. 03-196. Filed for public inspection January 31, 2003, 9:00 a.m.]

## Philadelphia Gas Works Petition for Amendment of Orders Requiring Monthly Reports

Public Meeting held  
January 15, 2003

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

*Philadelphia Gas Works Petition for Amendment of Orders Requiring Monthly Reports; Doc. Nos. R-00005619, R-00005654, R-00006042*

### Order

*By the Commission:*

Before us for consideration is Philadelphia Gas Works' (PGW or Company) Petition for Amendment of Orders Requiring Monthly Reports (Petition for Amendment), filed November 1, 2002, to authorize PGW to discontinue or modify the filing of certain reports and information. In particular, PGW is requesting that the Commission amend its previous orders to eliminate the Gas Cost Rate (GCR) Monthly Report and the Monthly Progress Reports as required by the Commission's November 22, 2000, and February 22, 2001, Orders, respectively.

### Background

In accordance with Section 2212 of the Public Utility Code, the Commission assumed jurisdiction of PGW on July 1, 2000. 66 Pa.C.S. § 2212(b). Shortly thereafter, or on August 8, 2000, PGW filed a Petition for Establishment of Interim Rate Procedures and for a Declaratory Order. In addressing the Company's August 2000 Petition, the Commission set forth certain conditions to which PGW must comply in its November 22, 2000 Order at Docket No. R-00005654. The Commission required that PGW provide monthly progress reports to the Secretary Bureau's on several issues including management arrangements, billing issues, customer service functions, main replacement, and overall improvement measures implemented by the Company. Also, on November 22, 2000, the Commission issued a separate but related Order at Docket No. R-00005619 addressing PGW's filing of its Gas Cost Recovery Rate. In its GCR Order, the Commission required PGW to report monthly on the management of its gas costs so that the Company can better prepare for future GCR filings and the restructured environment as required by the Public Utility Code at sections 1307(f) and 2212.

In addition, on February 8, 2001, PGW filed a Joint Petition for Full Settlement of the Commission's November 22, 2000 Order at Docket No. R-00005654 and its related appeal. In addressing this petition for settlement, the Commission reiterated the Company's reporting obligations from the November 22, 2000 Orders and ordered that these same conditions remain in effect. Further, the Commission directed PGW to continue to adhere to the commitments and ongoing implementation of the various conditions outlined in the Management Audit process, as well as the interim rate settlement proceeding and 2000-2001 GCR proceeding in its October 4, 2001 Order granting PGW's permanent base rate increase at Docket No. R-00006042.

On November 1, 2002, PGW filed a Petition to amend these previous orders requiring both gas cost rate and progress reports on a monthly basis. PGW states that these reporting requirements should be discontinued and that the Company will submit the relevant information in other reports which they will continue to file as required

by the Commission. Petition at 1. PGW submits that these reports, detailing the Company's progress on past conditions and commitments, have served their purpose and are no longer necessary. Petition at 2.

In its petition, the Company states that many of the reporting requirements can continue to be submitted to the Commission on a quarterly basis or through other venues. PGW indicates that quality of service issues can continue to be monitored and addressed by the Commission through PGW's restructuring proceeding as well as through monthly meetings with the Commission's Bureau of Consumer Services and public advocate representatives. Petition at 2. In addition, nearly all the information required in the GCR Monthly Reports will be provided to the Commission and interested parties in PGW's annual section 1307(f) proceedings. *Id.*

Further, the Company proposes that certain previous reporting requirements be submitted in other reports to the Commission beginning in January 2003. PGW's proposal is as follows:

*Quarterly Progress Report*

- Cast iron main replacement program
- Improvements in PGW's customer service functions
- LNG Liquefaction Replacement Program (until project is completed)

*Management Audit Progress Report (due April/October)*

- PGW's "Transition to Excellence" plan
- Billing System stabilization project plan
- "Best Practices" working group
- Implementation of management audit

Petition at 3. PGW further points out that the Office of Consumer Advocate (OCA) and Consumers Education and Protective Association (CEPA) condition their approval of eliminating the filing of the GCR Monthly Reports on the Company's assurances that the information required by Ordering Paragraph Nos. 2-7<sup>1</sup> will be provided in PGW's annual section 1307(f) proceeding. Also, these same parties condition their acceptance of these changes on the Company's assurances that the customer service improvement information will continue to be provided to the Commission in some manner. No other party to these proceedings objects to PGW's proposed changes.

**Discussion**

Section 703(g) of the Public Utility Code allows the Commission to rescind or amend any of its orders at any time, after notice and opportunity to be heard. 66 Pa.C.S. § 703(g)<sup>2</sup>. Also, section 703(g) provides that any order rescinding or amending a prior order shall have the same effect as the original order. *Id.*

<sup>1</sup> The Commission's November 22, 2000 Order at Docket No. R-00005619 approved an increase in PGW's 2000-2001 GCR contingent upon the Company's acceptance of the following conditions:

2. That PGW define its objectives and procedures for its on-going gas price hedging, including the scope, control and financial exposure aspects of its prospective hedging initiatives.

3. That PGW review storage management transactions to lower costs and working capital requirements.

4. Reexamine its pipeline capacity contracts and seek to eliminate as many fixed demand charges as possible.

5. Proceed with the first phase of its planned Liquefied Natural Gas (LNG) Liquefaction Replacement Program and affirm that the project will not violate any federal regulations or jeopardize the facility's exempt status under 49 C.F.R. Section 193.

6. Seek to determine why the level of unaccounted for gas losses continue to rise.

7. Attempt to gain flexibility by shortening the duration of its supply and capacity contracts and by staggering contract expirations to best match supply and demand in the unbundled gas market.

<sup>2</sup> At the time that PGW filed its petition for amendment, the Company served various parties to the previous proceedings. None of these parties or any other interested parties have filed an answer to PGW's petition.

In its petition for amendment, PGW is requesting that the Commission amend its previously mentioned orders in accordance with section 703(g) to modify certain reporting requirements monitoring PGW's overall improvements as it transitioned to Commission regulation and in transitioning to the restructuring process. In its Petition, PGW is requesting both a modification and/or elimination of monthly reporting requirements on its overall progress and GCR. PGW indicates that no party objects to these changes except for the conditions that OCA and CEPA have articulated to the Company. Also, PGW submits that the elimination and/or modification of its previous reporting requirements is in the public interest because it permits the Company to utilize staff more efficiently by allocating and assigning key personnel to PGW's restructuring proceeding. Petition at 10. At the same time, it permits the Company to continue to provide the Commission and interested parties with necessary information as previously required by us. *Id.*

We agree with PGW that both the Monthly Progress and GCR Reports have served a key function for the Commission to monitor the Company's progress since November 2000 but are no longer necessary on a monthly basis. PGW has fulfilled its obligation to report key information to the Commission on a monthly basis in accordance with our several orders from November 2000 through December 2001 at the previously mentioned dockets. During this reporting period, the Commission has been able to monitor PGW's improvements in many areas as it transitioned to regulation by us and as it filed its restructuring proceeding now before us at Docket No. M-00021612.

Also, we agree that much of the information provided in PGW's monthly reports can be provided to the Commission in a quarterly report format or through other proceedings and progress reports. However, we note OCA and CEPA's concerns articulated in PGW's petition for amendment and adopt the Company's proposal to report all gas cost information previously required in its annual section 1307(f) filing. Also, we will direct the Company to file previously required customer information in the monthly Customer Service Initiative (CSI) meetings and on its website as it has proposed in its petition for amendment.

Further, we agree with PGW that it is in the public interest to permit certain information to be reported to the Commission on a quarterly basis or in other proceedings in order for the Company to better focus on its restructuring proceeding. Thus, we grant PGW's petition for amendment with the commitments provided by the Company to meet OCA and CEPA's concerns; *Therefore;*

*It is Ordered That:*

1. The Petition for Amendment filed by Philadelphia Gas Works is granted to the extent consistent with the discussion contained herein.

2. Philadelphia Gas Works will file all information required by Ordering Paragraph Nos. 2 through 7 of the Commission's November 22, 2000 Order at Docket No. R-00005619 in its annual Gas Cost Recovery Rate filing in accordance with section 1307(f) of the Public Utility Code and our regulations.

3. Philadelphia Gas Works will file all information concerning customer service issues in the monthly Customer Service Initiative meetings and on its website as proposed in the Company's petition for amendment commencing in January 2003.



4. Philadelphia Gas Works will file all information concerning cast iron main replacement, LNG Liquefaction replacement program, and customer service improvement functions in quarterly progress reports to the Commission in the same format as the previously required monthly reports commencing in April 2003.

5. Philadelphia Gas Works will file all information concerning the Company's "Transition to Excellence" plan, Billing System stabilization project plan, "Best Practices" working group, and implementation of management audit in its Management Audit Progress Reports due in April and October of 2003.

6. The Secretary's Bureau shall publish this Order in the *Pennsylvania Bulletin* and on the Commission's webpage.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-197. Filed for public inspection January 31, 2003, 9:00 a.m.]

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### Railroad With Hearing

**A-00117525. CSX Transportation, Inc.** Application of CSX Transportation, Inc. for the alteration of 12 at-grade and 3 grade-separated crossings for the removal of a single track of the Baltimore Division, Lurgan Subdivision, where it intersects 15 public highways in the Townships of Antrim, Quincy and Guilford and the Borough of Chambersburg, all in Franklin County.

An initial hearing on this matter will be held on Tuesday, March 11, 2003, at 10 a.m. in Hearing Room 2, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-198. Filed for public inspection January 31, 2003, 9:00 a.m.]

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### Request for Proposals

The Pennsylvania Public Utility Commission (Commission) hereby requests written proposals to serve as a third-party auditor (auditor) of the Pennsylvania Universal Service Fund (USF). The auditor is responsible for auditing the USF from the period of August 1, 2001, through, and including, December 31, 2002. Following the audit, the Commission requires the auditor to prepare and submit a report to the Commission and the USF Administrator, the National Exchange Carrier Association, Inc. (NECA), by July 1, 2003. The audit report should make recommendations regarding the finances of the USF and should identify undercollections or overcollections experienced by the Fund during the period of August 1, 2001, through December 31, 2002. The role of the auditor is described under 52 Pa. Code § 63.168:

**§ 63.168. Auditor's duties.**

(a) An independent external auditor chosen by the Commission will audit the Fund records covering both collections and disbursements for the fiscal year.

The costs for conducting audits will be included in the computation of Fund requirements. Thereafter, an audit of the Fund collections and disbursements will be done annually.

(b) Following the audit, the Fund auditor will prepare and submit a report to the Commission and the administrator by July 1 of each year. The audit report should make recommendations regarding the finances of the Fund and should identify undercollections or overcollections experienced by the Fund in the previous year.

The Commission is seeking to hire an auditor who will audit a 17-month period of the USF's operations. The auditor will audit the USF records covering both collections and disbursements for the period of August 1, 2001, through, and including, December 31, 2002. The Commission's Bureau of Audits audited the first 15 months of the USF's operation, from March 1, 2000, through July 31, 2001. This was the "interim period" of the USF before the regulations regarding the USF were promulgated and became effective in July 2001. A copy of the Bureau of Audits' report on the financial statements of the USF administered by the NECA for the period of April 1, 2000, through July 31, 2001, as well as a follow-up report and the financial statements of changes in USF balance and cash flow for the year ending December 31, 2001, are available from prospective bidders upon request to Elizabeth Barnes, (717) 772-5408.

*Purpose of the USF*

At this time, the USF is currently intended to reduce and restructure intrastate access charges and intraLATA toll rates and to encourage greater toll competition while enabling carriers to continue to preserve the affordability of local service rates. *Rulemaking Re Establishing Universal Service Fund Regulations at 52 Pa. Code §§ 63.161—63.172*, Final Rulemaking Order at L-00000148 (November 29, 2000).

*USF and the Administrator*

Commission regulations allow for an assessment that is computed annually under 52 Pa. Code § 63.165 (relating to calculation of contributions) at a rate calculated by dividing the contributing telecommunications provider's associated total intrastate end-user telecommunications retail revenues by associated Statewide total intrastate end-user telecommunications revenues. End-user revenues expressly do not include revenues received from access, resale (toll or local) of unbundled network elements or other services provided which are essentially wholesale in nature. Total end-user revenues shall include all revenues received from subscribers who actually consume the final service unadjusted for any expense.

Nearly 250 companies contribute monthly to the USF. These include approximately 32 incumbent local exchange carriers. The remainder of participants are companies selling intrastate toll services and competitive local exchange carriers who are either offering local exchange services or are planning to do so in the near future. Wireless telecommunications carriers do not participate in the USF. Carriers are not allowed to pass through as a direct charge to their customers any contributions made to the USF.

The Administrator, NECA, functions as the "financial hub" of this system. The Administrator collects the contributions from the individual companies, manages the USF's cash flow and disburses payments to 31 small rural companies and Sprint/United, USF recipients under the regulations. The USF assessment rate is set annually by

the Commission based on data submitted in annual reports by the Administrator. The Administrator also works with the USF auditor according to the regulations.

#### *Contract for Services*

The successful bidder will negotiate with the Commission a detailed contract that is generally consistent with the standard Commonwealth contract for personal services. The contract will be for a term beginning when the contract is fully executed and ending August 1, 2003. Once selected, the auditor will be terminated during this term only for good cause.

To the extent that changes as a result of contract negotiations affect the cost of performing the contract, adjustments from compensation described in the bid will be negotiated with the winning bidder.

#### *Proposal Submissions*

Proposal submissions (an original and four copies) should be submitted to James McNulty, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 regarding Docket No. M-0001337. Proposals should be received by 4:30 p.m. on February 28, 2003. Request that the proposal be kept confidential and forwarded to Commission Assistant Counsel Elizabeth Barnes, Chairperson, Evaluation Committee. Contact Elizabeth Barnes at (717) 772-5408 with questions. Questions of the NECA may be directed to Eric Seguin, Director, State USF Operations, (973) 884-8326.

The first part of each proposal should include a general discussion of the approach the bidder will take and explain how the bidder will meet each requirement. In addition, this part of the bid should identify all individuals who will work on significant tasks and should explain the qualifications of each. A single individual should be identified to serve as auditor and that individual's resume should be attached. Resumes for other identified persons with significant responsibility should also be attached.

If the bidder desires to associate with another organization to provide the required services, the bid should include a separate statement from that organization describing its anticipated role.

The second part of the proposal document should be put in a sealed envelope separate from the rest of the proposal. It should include a cost data sheet including the price quotation. Failure to submit the cost data sheet in a sealed envelope kept separate and apart from the rest of the proposal will result in automatic rejection of the proposal by the evaluation committee. Bidders are free to structure their price offerings in any way they choose.

The Commission strongly encourages the submission of proposals by socially and economically restricted businesses (SERB). Proposals submitted by individuals claiming SERB status or proposals submitted by individuals reflecting joint venture and subcontracting opportunities with SERBs must submit documentation verifying their claim. SERBs are small businesses whose economic growth and development have been restricted based on social and economic bias. The businesses are Bureau of Contract Administration and Business Development (BCABD) certified minority- and women-owned businesses, other disadvantaged businesses and businesses whose development has been impeded because their primary or headquarters facilities are physically located in areas designated by the Commonwealth as being designated enterprise zones. A small business will not be considered socially/economically restricted if it has gross annual revenues exceeding \$8 million (\$18 million for

those businesses in the information technology sales or services business) or more, is dominant in its field of operation or employs more than 100 persons.

A company and its affiliates have achieved success and are graduated from this State-sponsored program when its gross annual revenues are \$8 million (\$18 million for those businesses in the information technology sales or services business) or more. Other small business in which owners of the graduated firm have a financial interest or control over, either directly or through family members, will not qualify for SERB status. Control is defined as the power, whether or not exercised, to direct or cause the direction of the management and policies of a firm, whether through the ownership of voting shares, by contract or otherwise or through the making of day-to-day as well as major decisions in matters of policy, management and operations. A determination of control shall include, but shall not be limited to, the following factors: capital investment and all other financial, property, acquisition, contract negotiation and legal matters; officer-director-employee selection and comprehensive hiring, operating responsibility, cost-control matters and income and dividend matters; financial transactions; and rights of other shareholders or joint partners.

Proposers seeking to identify socially/economically restricted businesses for joint venture and subcontracting opportunities should contact the Department of General Services, Bureau of Contract Administration and Business Development, Room 613, North Office Building, Harrisburg, PA 17125, [www.dgs.state.pa.us](http://www.dgs.state.pa.us), [gs-cabdinternet@state.pa.us](mailto:gs-cabdinternet@state.pa.us).

The third part of the proposal document (SERB information) should also be put in a separate sealed envelope separate from the rest of the proposal and the technical and cost sections of the proposal. The dollar value designated for SERB commitments in the audit must be placed in a separate sealed envelope within the proposal. Failure to meet this requirement will result in no points being awarded to the proposer regarding the criteria for evaluation.

To receive credit for being a SERB, entering into a joint venture agreement with a SERB or subcontracting to a SERB (including purchasing supplies and/or services through a purchase agreement), a company must include proof of SERB qualification in the SERB portion of the proposal:

1. SERBs qualifying as a result of MBE/WBE certification from BCABD must provide their BCABD certification number or a photocopy of their BCABD certificate.
2. SERBs qualifying as a result of having their headquarters located in a designated enterprise zone must provide proof of this status, including proof of the location of their headquarters (such as a lease or deed) and confirmation of the enterprise zone in which they are located (obtained from their local enterprise zone office). More information on the locations of enterprise zones can be obtained by contacting the Office of Community Development, Department of Community and Economic Development, (717) 720-7409, fax (717) 787-4088, [akartorie@state.pa.us](mailto:akartorie@state.pa.us).
3. SERBs qualifying as disadvantaged businesses certified by the Small Business Administration must submit proof of Small Business Administration Certification.
4. Companies claiming SERB status, whether as a result of BCABD certification, Small Business Administration certification as a disadvantage business or the location of their headquarters in an enterprise zone, must

submit proof that their gross annual revenues are less than \$8 million (\$18 million for those businesses in the information technology sales or services business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, the SERB portion of the proposal should include the following information.

1. The name and telephone number of the project contact person for the SERB.
2. The company name, address and telephone number of the prime contact person for each specific SERB business included in the proposal. Specify the SERB business to which the company is making commitments. Credit will not be received by stating that a SERB will be found after the contract is awarded or by listing several companies and stating one will be selected later.
3. The specific work, goods or services the SERB will perform or provide.
4. The location where the SERB will perform these services.
5. The timeframe for the SERB to provide or deliver the goods or services.
6. The amount of capital, if any, the SERB will be expected to provide.
7. The form and amount of compensation each SERB will receive. In the SERB information portion of the proposal, provide the estimated dollar value of the contract to each SERB.
8. The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the SERB.
9. In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the SERB portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the SERB portion of the proposal.

The SERB portion of the proposal must be identified as SERB information and bound and sealed separately from the remainder of the proposal. Only one copy of the SERB section is needed.

The dollar value designated for SERB commitment should be placed in a separate sealed envelope and stapled to the SERB section of the proposal or included in the bound and sealed envelope. Proposals should also include the SERB value in the Cost Submittal section (Section 11-9). Applicable items in the Cost Submittal section should also be used to prepare the proposed SERB commitment value including, if applicable, fiscal year breakdown. The selected contractor's SERB commitment amount, name of SERB and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

#### *SERB Participation*

The following options will be considered as part of the final criteria for selection:

- Priority Rank 1—Proposals submitted by SERBs.
- Priority Rank 2—Proposals submitted from a joint venture with a Commonwealth-approved SERB as a joint venture partner.
- Priority Rank 3—Proposals submitted with subcontracting commitments to SERBs.

Each proposal will be rated for its approach to enhancing the utilization of SERBs. Each approach will be evaluated, with option number one receiving the greatest value and the succeeding options receiving values in accordance with the previously listed priority ranking.

#### *SERB Contract Requirements*

Contracts containing SERB participation must also include a provision requiring the contractor to meet and maintain those commitments made to SERBs at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the contracting Commonwealth agency upon recommendation by the BCABD. Contracts containing SERB participation must include a provision requiring SERB contractors and SERBs in a joint venture to incur at least 50% of the cost of the subcontract or SERB portion of the joint venture, not including materials.

Commitments to SERBs made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. A proposed change must be submitted to BCABD, which will make a recommendation as to a course of action to the contracting officer.

If a contract is assigned to another contractor, the new contractor must maintain the SERB participation of the original contract.

The contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the agency that awarded the contract and the BCABD within 10 working days at the end of each quarter the contract is in force. If there was no activity, the form must also be completed stating "No activity in this quarter." This information will be used to determine the actual dollar amount paid to SERB subcontractors, suppliers and joint ventures. Also, it is a record of fulfillment of the commitment the firm made and for which it received SERB points.

Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of SERB status or entitle a proposer to receive credit for SERB utilization.

No prebidding conference will be held. However, potential bidders may seek answers to questions by contacting Elizabeth Barnes, (717) 772-5408. If questions of general interest are presented, the Commission may communicate the question and its answer in writing to persons who have expressed an interest in receiving the material. Contact the Commission at the same number to receive the material.

#### *Bid Review*

A bid review will be performed by the Commission. The bids will be opened on March 4, 2003. The Commission will review bids according to four major criteria:

1. Price will be a principal consideration. Since bids may include one or more segments that are being bid at an hourly or otherwise variable price, bids may not be directly comparable in terms of a single dollar amount. However, the Commission will consider all of the fixed and variable prices contained in the bid in evaluating it. Compensation paid to the auditor will be paid from the USF and the Commission will pay no compensation.
2. The bidder's expected quality of performance will be the second principal consideration. Within this category,

the Commission will consider the bidder's understanding of the duties of the USF auditor, the bidder's probable success in discharging the duties of auditor and the bidder's prior experience with auditing other similar funds.

3. Independence from affiliated relationships with any telecommunications carriers is preferred. The Commission is seeking a neutral, independent third party.

4. SERB status.

Finalists may be interviewed. The Commission will disqualify any bidder whom it believes cannot be expected to perform reliably as auditor.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-199. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Rescission Order

Public Meeting held  
January 15, 2003

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

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. WorldxChange Corp. (2001.0352);  
Doc. No. C-20027814; A-310972*

### Rescission Order

*By the Commission:*

On May 23, 2002, Law Bureau Prosecutory Staff filed a Formal Complaint against WorldxChange Corp. (the Respondent), an IXC reseller certificated at A-310972, for failure to file its 2000 Annual Report. Subsequently, on October 29, 2002, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. Notice of the Default Order was published November 9, 2002, at 32 Pa.B. 5596.

Subsequent to the issuance of the Default Order, on December 6, 2002, respondent filed an emergency petition for stay and rescission, and to the extent necessary, reinstatement of certification. Respondent attached to its petition its 2000 and 2001 Assessment Reports and its 2001 Annual Report. Further investigation by Commission staff revealed that Respondent had in fact filed its 2000 Annual Report on March 20, 2002; however, because its name is similar to another carrier, and because both carriers have a San Diego address, WorldxChange Corporation's 2000 Annual Report was posted to the wrong carrier. Since Respondent's certificate was cancelled due to an administrative error, we hereby rescind the October 29, 2002, Default Order and reinstate Respondent's certificate.

In its petition, Respondent also informed the Commission that its primary address has changed to 9775 Business Park Avenue, San Diego, CA 92131. Commission records must be changed to reflect Respondent's new address. Commission records show that no other complaints have been filed against Respondent; *Therefore, It is Ordered That:*

1. The Default Order entered October 29, 2002, at this docket is hereby rescinded.

2. The certificate of public convenience held by WorldxChange Corp. at Doc. No. A-310972 is hereby reinstated.

3. A copy of this order be published in the *Pennsylvania Bulletin*.

4. The Secretary change the Commission's official records to reflect Respondent's current address at 9775 Business Park Avenue, San Diego, CA 92131.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-200. Filed for public inspection January 31, 2003, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. Protests shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 24, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00119508. Eugene R. Mowery** (23 Dennis Drive, New Providence, Lancaster County, PA 17560)—persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

**A-00119509. Joseph Engel** (5611 Strasburg Road, Gap, Lancaster County, PA 17527)—persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Lancaster, Chester, Dauphin, Perry and Centre, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Neil L. Albert, 22 S. Duke Street, Lancaster, PA 17602.

**A-00119514. Randall R. Myers** (P. O. Box 106, Markleysburg, Fayette County, PA 15459)—persons in limousine service, between points in the Counties of Fayette, Somerset and Bedford, and from points in said counties, to points in Pennsylvania, and return.

**A-00119512. D. George Beiler** (16 Carriage Drive, Gordonville, Lancaster County, PA 17529)—persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in the Counties of Franklin, Dauphin and Bedford, and return.

**A-00119503. Anthony Kilianny t/d/b/a White Knight Limousine** (1807 West Loucks Avenue, Scottsdale, Westmoreland County, PA 15683)—persons in limousine ser-

vice, between points in Allegheny County. *Attorney:* John A. Pillar, 680 Washington Road, Suite B-101, Pittsburgh, PA 15228.

**A-00119501. Janice R. Hunsecker** (P. O. Box 34, Kinzer, Lancaster County, PA 17535)—persons in paratransit service, whose personal convictions prevent them from owning or operating a motor vehicle, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

**A-00119502. Citizens Volunteer Hose Company No. 1 of Birdville, PA** (965 Burtner Road, Natrona Heights, Allegheny County, PA 15065), a corporation of the Commonwealth—persons in paratransit service, from points in the Township of Harrison, Allegheny County, to points in the Counties of Armstrong, Butler and Westmoreland, and return; subject to the following condition: That all transportation is limited to vehicles equipped with a wheelchair lift and constructed to transport persons in a wheelchair.

**A-00119510. Tri State Limousine & Transportation LLC** (1939 Route 70 East, Suite 220, Cherry Hill, NJ 08003)—persons in limousine service, between points in the City and County of Philadelphia, and the County of Montgomery.

**Application of the following for certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-00119454, Folder 2. Jerome P. Baylor t/d/b/a Action Enterprizes/General Services** (P. O. Box 5195, City and County of Philadelphia, PA 19141)—household goods in use, between points in the City and County of Philadelphia and the Counties of Montgomery and Chester, and from points in said territory, to points in Pennsylvania, and vice versa.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. KPM Express, L.L.C.; Doc. No. A-00117738C02*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That KPM Express, L.L.C., respondent, maintains a principal place of business at 2825 West 23rd Street, Erie, PA 16506.
2. That respondent was issued a Certificate of Public Convenience by this Commission on May 11, 2001, at Application Docket No. A-00117738.
3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.
4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66

Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

WHEREFORE, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00117738, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Premier Delivery Service, Inc.; Doc. No. A-00113050C02*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Premier Delivery Service, Inc., respondent, maintains its principal place of business at P. O. Box 996, Abingdon, MD 21009.

2. That respondent was issued a certificate of public convenience by this Commission on February 10, 1997 at Docket No. A-00113050.

3. That, on September 10, 2002, respondent was sent an initial assessment of \$11,533 for 2002. Respondent failed to pay the full amount of this assessment; therefore, a balance was due in the amount of \$11,533.

4. That, on August 17, 2001, respondent was sent an initial assessment of \$6,793 for 2001. Respondent failed to pay the full amount of this assessment; therefore, a balance was due in the amount of \$6,793.

5. That respondent has an outstanding assessment of \$18,326.

6. That respondent failed to file objections to the assessments, pursuant to 66 Pa.C.S. § 510(c).

7. That respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

WHEREFORE, unless respondent pays the overdue assessments in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of

Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Michael E. Hoffman, Director

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services at (717) 783-6190.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Izzy Industries, Inc.; Doc. No. A-00108415C02; A-00108415*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Izzy Industries, Inc., respondent, maintains its principal place of business at 16 Lawrence Way, Cedar Grove, NJ 07009.

2. That respondent was issued a certificate of public convenience by this Commission on March 12, 1990, at Application Docket No. A-00108415.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00108415.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Michael E. Hoffman

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal

arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-201. Filed for public inspection January 31, 2003, 9:00 a.m.]

**Transfer By Sale**

**A-122250F0017. The Peoples Natural Gas Company d/b/a Dominion Peoples.** Application of The Peoples Natural Gas Company d/b/a Dominion Peoples for approval of the transfer, by sale, of property to its affiliate, Hope Gas, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 18, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* The Peoples Natural Gas Company d/b/a Dominion Peoples

*Through and By Counsel:* Susan G. George, Managing Counsel, 625 Liberty Avenue, Pittsburgh, PA 15222

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-202. Filed for public inspection January 31, 2003, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #03-013.P, Printing of Business Cards, until 2 p.m. on Thursday, February 13, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available February 4, 2003. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-203. Filed for public inspection January 31, 2003, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

March 19, 2003	Francis P. Burns, Jr. (Disability Retirement)	1 p.m.
March 26, 2003	Ethel B. Norcini (Final Average Salary)	2:30 p.m.

Persons with a disability who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 03-204. Filed for public inspection January 31, 2003, 9:00 a.m.]

## STATE BOARD FOR CERTIFICATION OF WATER AND WASTEWATER SYSTEMS OPERATORS

### Addition to 2003 Meeting Schedule

The State Board for Certification of Water and Wastewater Systems Operators (Board) has made the following addition to its 2003 meeting schedule to discuss issues arising from the passage of the act of February 21, 2002 (P.L. 134, No. 11) and the resulting changes in the certification program.

The additional meeting of the Board will be held on February 12, 2003, in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8454.

Persons having any questions concerning this meeting should contact Lynn Rice, (717) 787-5236, mlrice@state.pa.us.

Persons with a disability who require accommodation to attend this meeting should contact Lynn Rice at the previously listed telephone number or e-mail address or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-205. Filed for public inspection January 31, 2003, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of an Engineering Firm

#### Environmental Study (Level 2 Categorical Exclusion) and Preliminary Engineering

#### Turnpike Widening from the Mid-County Interchange (MP A20) to the Lansdale Interchange (MP A30)

#### Montgomery County

#### Reference No. 5-037

The Turnpike Commission (Commission) will retain an engineering firm to perform an Environmental Study (Level 2 Categorical Exclusion) and Preliminary Engineering for the Widening of the Turnpike Northeast Extension from the Mid-County Interchange (MP A20) to the Lansdale Interchange (MP A30) in Montgomery County. This project will include the reconstruction and widening of approximately 10 miles of the Turnpike, replacement of seven overhead bridges, lengthening culverts, retaining walls and environmental issues (noise, wetland impacts, historic and archaeological issues). Due to the widening from four to six lanes and widening the median from 4 feet to 26 feet, right-of-way will be required for this project. A public involvement program will also be part of this project.

A feasibility study was recently completed for this project and a copy will be available for review purposes, by appointment only, at the Commission's Administration



Building and Eastern Regional Offices. Contact Jeffrey C. Davis at the following number to schedule an appointment.

The successful firm for this study and preliminary engineering may be retained to perform the final design for this portion of widening and roadway reconstruction.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in these contracts will be 10% each. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in these contracts, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation (Department) at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, (717) 939-9551, Ext. 4241.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Workload of the prime consultant and subconsultants for all Department and Commission projects.

e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

To schedule an appointment to review the feasibility study or inquiries about this advertisement should be directed to Jeff C. Davis, (717) 939-9551, Ext. 5160, jdavis@paturnpike.com. Direct contractual questions to George M. Hatalowich, (717) 986-8737, ghatalow@paturnpike.com.

#### General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager and the address of corporate office and project

office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (Limit to two 8 1/2" x 11" pages, per person.) Only resumes of key personnel need to be included. Do not include resumes of all employees.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m. on Friday, February 21, 2003. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to this solicitation, a minimum of three firms will be shortlisted for this project. Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. Following evaluation of the technical proposals, an order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm

established by the Technical Review Committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

JAMES J. DODARO,  
*Vice Chairperson*

[Pa.B. Doc. No. 03-206. Filed for public inspection January 31, 2003, 9:00 a.m.]