

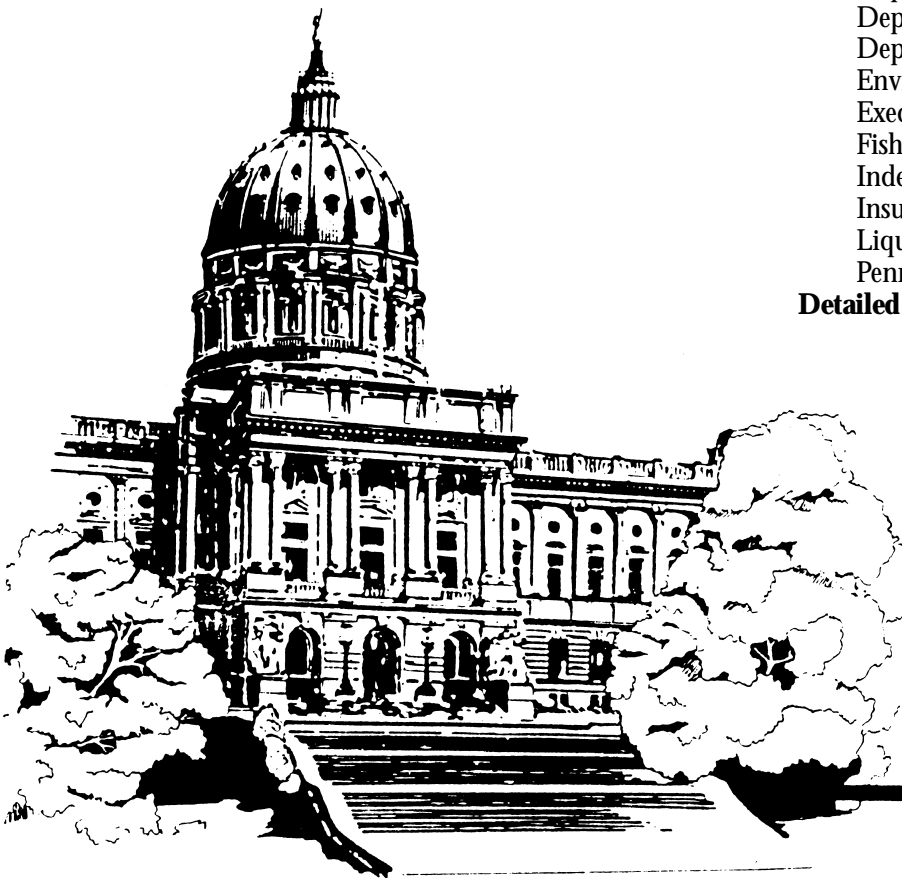
# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Transportation  
Environmental Hearing Board  
Executive Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission

**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 339, February 2003**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

<b>4 Pa. Code (Administration)</b>	<b>201 Pa. Code (Rules of Judicial Administration)</b>
<b>Statements of Policy</b>	<b>Adopted Rules</b>
9 ..... 34, 760	7 ..... 634
<b>7 Pa. Code (Agriculture)</b>	<b>204 Pa. Code (Judicial System General Provisions)</b>
<b>Adopted Rules</b>	<b>Proposed Rulemaking</b>
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<b>Adopted Rules</b>	<b>Proposed Rulemaking</b>
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# THE GENERAL ASSEMBLY

## HOUSE OF REPRESENTATIVES

### Committee Designation Under the Regulatory Review Act—House of Representatives

Under the provisions of Act No. 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, the Speaker of the House is required to prescribe the jurisdiction of each standing committee of the House over the various State agencies for the purpose of reviewing proposed regulations.

I have, therefore, submitted the designated House committee to which regulations which you may propose during the 2002—2033 Legislative Sessions should be submitted.

\*Any department, departmental administrative board or commission, independent board, commission, or authority not contained in this list is assigned to the same designated standing committee as is their parent agency.

MATTHEW J. RYAN,  
*The Speaker*  
*House of Representative*

### COMMITTEE REFERRALS

#### *Aging and Older Adult Services Committee*

Department of Aging

#### *Agriculture and Rural Affairs Committee*

Department of Agriculture  
Milk Marketing Board  
Bureau of Farm Show  
Agriculture Land Preservation Board

#### *Appropriations Committee*

Budget  
Auditor General  
State Treasurer  
Pennsylvania Infrastructure Investment Authority

#### *Children and Youth Committee*

Department of Public Welfare—(Only those regulations promulgated by the Office of Children, Youth and Families, and any other regulations issued by the Department of Public Welfare relating to child care.)

#### *Commerce Committee*

Department of Community and Economic Development  
Securities Commission  
Pennsylvania Housing Financing Agency  
Pennsylvania Industrial Development Authority  
Department of Banking

#### *Consumer Affairs Committee*

Public Utility Commission

#### *Education Committee*

Department of Education  
Public School Employes' Retirement System  
Higher Education Facilities Authority  
PHEAA  
State Board of Education  
State Board of Private Academic Schools  
State Board of Private Licensed Schools

Professional Standards and Practices Commission  
State Public School Building Authority  
Board of Governors of State System of Higher Education

#### *Environmental Resources and Energy Committee*

Department of Environmental Protection  
Department of Conservation and Natural Resources  
Environmental Quality Board  
State Board for Sewage Treatment Plant and Waterworks Operators  
Environmental Hearing Board

#### *Finance Committee*

Department of Revenue  
Board of Claims  
State Tax Equalization Board  
Board of Finance and Revenue

#### *Health and Human Services Committee*

Department of Health  
Health Care Cost Containment Council  
Department of Public Welfare—(Except for regulations promulgated by the Office of Children, Youth and Families, and any other regulations issued by the Department relating to child care.)

#### *Insurance Committee*

Department of Insurance  
Workers' Insurance Board  
Underground Storage Tank Indemnification Fund

#### *Judiciary Committee*

State Police  
Pennsylvania Commission on Crime and Delinquency  
Department of Corrections  
Office of General Counsel  
Attorney General  
Board of Pardons  
Board of Probation and Parole  
State Ethics Commission  
Pennsylvania Commission on Sentencing  
Municipal Police Officers Education and Training Commission

#### *Labor Relations Committee*

Civil Service Commission  
Department of Labor and Industry  
Unemployment Compensation Board of Review  
Labor Relations Board  
Workers' Compensation Appeal Board  
Office for the Deaf and Hearing Impaired  
Industrial Board

#### *Liquor Control Committee*

Liquor Control Board

#### *Local Government Committee*

Pennsylvania Municipal Retirement System

#### *Professional Licensure Committee*

Navigation Commission for the Delaware River  
Accountancy Board  
Architect Licensure Board  
Auctioneer Examiners Board  
Barber Examiners Board  
Certified Real Estate Appraisers Board  
Cosmetology Board  
Funeral Directors Board



Landscape Architects Board  
 Professional Engineers Board  
 Real Estate Commission  
 Vehicle Board  
 Chiropractic Examiners Board  
 Dentistry Board  
 Medicine Board  
 Nursing Home Administrators Board  
 Occupational Therapy Education and Licensure Board  
 Optometrical Examiners Board  
 Osteopathic Medicine Board  
 Pharmacy Board  
 Physical Therapy Board  
 Podiatry Board  
 Psychology Board  
 State Board of Social Workers, Marriage and Family  
 Therapists and Professional Counselors  
 Speech-Language and Hearing Examiners Board  
 Veterinary Medical Examiners Board  
 Nurse Board

*State Government Committee*

Department of General Services  
 Department of State  
 Human Relations Commission  
 PPTN  
 State Employees' Retirement System  
 Harness Racing Commission  
 Horse Racing Commission  
 Governor's Office  
 Public Employee Retirement Commission  
 State Athletic Commission  
 Independent Regulatory Review Commission  
 Joint Committee on Documents

*Tourism and Recreational Development Committee*

Historical and Museum Commission

*Transportation Committee*

Department of Transportation  
 Turnpike Commission  
 State Transportation Commission

*Veterans Affairs and Emergency Preparedness Committee*

Department of Military and Veterans Affairs  
 Pennsylvania Emergency Management Agency

[Pa.B. Doc. No. 03-209. Filed for public inspection February 7, 2003, 9:00 a.m.]

## SENATE OF PENNSYLVANIA

### Committee Designation Under the Regulatory Review Act—Senate

Under the provisions of Act 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committees for the purpose of regulatory review as authorized in the act.

The designated standing committee for any departmental board, commission, committee, and other agency not listed herein shall be the standing committee listed for that department. The Committee on Rules and Executive

Nominations shall be the designated standing committee for the purpose of regulatory review for any other agency not specifically listed.

ROBERT C. JUBELIRER,  
*President Pro Tempore*

<i>Agency</i>	<i>Committee</i>
Governor and Office of the Governor	State Government
Attorney General and Office of the Attorney General	Judiciary
Auditor General and Office of Auditor General	Finance
State Treasurer and Treasury Department	Finance
Adjutant General and Dept. of Military and Veterans' Affairs	Veterans Affairs & Emergency Preparedness
Secretary and Department of Aging	Aging and Youth
Secretary and Department of Agriculture	Agriculture and Rural Affairs
Secretary and Department of Banking	Banking and Insurance
Secretary and Department of Community and Economic Development	Community and Economic Development
Secretary of the Commonwealth and Department of State	State Government
Secretary and Department of Conservation and Natural Resources	Environmental Resources & Energy
Secretary and Department of Corrections	Judiciary
Secretary and Department of Education	Education
Secretary and Department of Environmental Protection	Environmental Resources and Energy
Secretary and Department of General Services	State Government
Secretary and Department of Health	Public Health and Welfare
Commissioner and Department of Insurance	Banking and Insurance
Secretary and Department of Labor and Industry	Labor and Industry
Secretary and Department of Public Welfare	Public Health and Welfare
Secretary and Department of Revenue	Finance
Commissioner and PA State Police	Law and Justice
Secretary and Department of Transportation	Transportation
Secretary and Office of Administration	State Government
General Counsel and Office of General Counsel	Judiciary

<i>Agency</i>	<i>Committee</i>	<i>Agency</i>	<i>Committee</i>
Secretary and Office of Budget	Appropriations	Municipal Employees Retirement Board	Local Government
Commissioner and Bureau of Professional and Occupational Affairs	Consumer Protection and Professional Licensure	Municipal Police Officers Education and Training Commission	Law and Justice
Executive Board	State Government	PA Commission on Crime and Delinquency	Judiciary
Armory Board	Veterans Affairs & Emergency Preparedness	PA Economic Development Financing Authority	Community and Economic Development
Ben Franklin Technology Development Authority	Community and Economic Development	PA Emergency Management Agency	State Government
Board of Claims	State Government	PA Energy Development Authority	Environmental Resources and Energy
Board of Finance and Revenue	Finance	PA Housing Finance Agency	Urban Affairs and Housing
Board of Governors of State System of Higher Education	Education	PA Industrial Development Authority	Community and Economic Development
Board of Pardons	Judiciary	PA Infrastructure Investment Authority	Environmental Resources and Energy
Board of Probation and Parole	Judiciary	PA Minority Business Development Authority	Community and Economic Development
Civil Service Commission	State Government	PA Public Television Network Commission	State Government
Constable Education and Training Board	Judiciary	Public Employee Retirement Commission	Finance
PA Commission on Sentencing	Judiciary	Public School Employees Retirement Board	Finance
Coroners' Education Board	Local Government	Professional Standards and Practices Commission	Education
Council on the Arts	State Government	Public Utility Commission	Consumer Protection and Professional Licensure
Deputy Sheriffs' Education and Training Board	Local Government	Securities Commission	Banking and Insurance
Environmental Hearing Board	Environmental Resources and Energy	State Athletic Commission	State Government
Environmental Quality Board	Environmental Resources and Energy	State Board of Education	Education
Harness Racing Commission	State Government	State Employees Retirement Board	Finance
Health Care Cost Containment Council	Public Health & Welfare	State Board for Certification of Sewage Enforcement Officers	Environmental Resources and Energy
Higher Education Assistance Agency	Education	State Board for Certification of Water and Wastewater Systems Operators	Environmental Resources and Energy
Higher Education Facilities Authority	Education	State Board of Private Academic Schools	Education
Historical and Museum Commission	State Government	State Board of Private Licensed Schools	Education
Horse Racing Commission	State Government	State Ethics Commission	Rules and Executive Nominations
Human Relations Commission	Labor and Industry	State Health Care Policy Board	Public Health and Welfare
Independent Regulatory Review Commission	Rules and Executive Nominations	State Public School Building Authority	Education
Industrial Board	Labor and Industry	State Tax Equalization Board	Finance
Joint Committee on Documents	Rules and Executive Nominations	State Transportation Commission	Transportation
Labor Relations Board	Labor and Industry		
Liquor Control Board	Law and Justice		
Milk Marketing Board	Agriculture and Rural Affairs		

<i>Agency</i>	<i>Committee</i>	<i>Agency</i>	<i>Committee</i>
Turnpike Commission	Transportation	State Board of Podiatry	Consumer Protection and Professional Licensure
Underground Storage Tank Indemnification Board	Banking and Insurance	State Board of Psychology	Consumer Protection and Professional Licensure
Unemployment Compensation Board of Review	Labor and Industry	State Registration Board for Professional Engineers, Land Surveyors and Geologists	Consumer Protection and Professional Licensure
Veterans' Commission	Veterans Affairs & Emergency Preparedness	Real Estate Commission	Consumer Protection and Professional Licensure
Workers' Compensation Appeals Board	Labor and Industry	State Board of Examiners in Speech-Language and Hearing	Consumer Protection and Professional Licensure
State Workers' Insurance Board	Labor and Industry	PA State Board of Veterinary Medicine	Consumer Protection and Professional Licensure
State Board of Accountancy	Consumer Protection and Professional Licensure	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	Consumer Protection and Professional Licensure
Architects Licensure Board	Consumer Protection and Professional Licensure		
State Board of Auctioneer Examiners	Consumer Protection and Professional Licensure		
Barber Examiners Board	Consumer Protection and Professional Licensure		
State Board of Chiropractic	Consumer Protection and Professional Licensure		
State Board of Cosmetology	Consumer Protection and Professional Licensure		
State Board of Dentistry	Consumer Protection and Professional Licensure		
Funeral Directors Board	Consumer Protection and Professional Licensure		
Landscape Architects Board	Consumer Protection and Professional Licensure		
State Board of Medicine	Consumer Protection and Professional Licensure		
State Board of Certified Real Estate Appraisers	Consumer Protection and Professional Licensure		
State Board of Motor Vehicle Manufacturers, Dealers and Salespersons	Consumer Protection and Professional Licensure		
Navigation Commission for the Delaware River and its Navigable Tributaries	Consumer Protection and Professional Licensure		
State Board of Nursing	Consumer Protection and Professional Licensure		
State Board of Examiners of Nursing Home Administrators	Consumer Protection and Professional Licensure		
Occupational Therapy Education and Licensure Board	Consumer Protection and Professional Licensure		
State Board of Optometry	Consumer Protection and Professional Licensure		
State Board of Osteopathic Medical Examiners	Consumer Protection and Professional Licensure		
State Board of Pharmacy	Consumer Protection and Professional Licensure		
State Board of Physical Therapy	Consumer Protection and Professional Licensure		

[Pa.B. Doc. No. 03-210. Filed for public inspection February 7, 2003, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Cooperation by Respondent-Attorneys in Disciplinary Proceedings

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A to specify the obligation of respondent-attorneys to respond to allegations of professional misconduct in disciplinary proceedings.

Most jurisdictions, including Pennsylvania, have adopted a form of the Model Rules of Professional Conduct. In every one of those jurisdictions except Pennsylvania there is either a Rule of Professional Conduct that requires cooperation with the disciplinary authorities or a procedural rule that requires responses to inquiries from the disciplinary authorities. The Board is considering recommending that the Supreme Court amend the Enforcement Rules to add those requirements.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before March 18, 2003.

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

ELAINE M. BIXLER,  
*Executive Director and Secretary*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

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

##### Subchapter B. MISCONDUCT

#### Rule 203. Grounds for discipline.

\* \* \* \* \*

(b) The following shall also be grounds for discipline:

\* \* \* \* \*

**(4) Failure by a respondent-attorney without good cause to comply with any order under the Enforcement Rules of the Supreme Court, the Board, a hearing committee or special master.**

\* \* \* \* \*

#### Rule 207. Disciplinary counsel.

\* \* \* \* \*

(b) Disciplinary Counsel shall have the power and duty:

\* \* \* \* \*

(2) To dispose of all matters (subject to review by a member of a hearing committee) involving alleged misconduct by dismissal, informal admonition, recommendation for private reprimand or the prosecution of formal charges before a hearing committee or special master. Except in matters requiring dismissal because the complaint is frivolous or falls outside the jurisdiction of the Board, no disposition shall be recommended or undertaken by Disciplinary Counsel until the accused attorney **[ shall have been afforded the opportunity to state a position with respect to the allegations against the attorney ] has been notified of the allegations and the time for response under Enforcement Rule 208(b) (relating to formal hearing), if applicable, has expired.**

\* \* \* \* \*

#### Rule 208. Procedure.

\* \* \* \* \*

(b) *Formal hearing.* Formal disciplinary proceedings before a hearing committee or special master shall be as follows:

\* \* \* \* \*

(2) A copy of the petition **containing a notice to plead** shall be personally served upon the respondent-attorney.

(3) Within 20 days after such service, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Board. **[ In the event the respondent-attorney fails to file an answer, the charges shall be deemed at issue. ] Any factual allegation or disciplinary charge that is not timely answered shall be deemed admitted.**

(4) Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. **At any hearing in which the allegations of the complaint have been deemed admitted, absent good cause shown, the parties shall be limited to presenting evidence of aggravating and mitigating factors and arguments regarding the discipline to be imposed.**

\* \* \* \* \*

[Pa.B. Doc. No. 03-211. Filed for public inspection February 7, 2003, 9:00 a.m.]

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

#### Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Reinstatement Procedures

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recom-

mending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A to clarify the procedure to be followed when a formerly admitted attorney files a petition for reinstatement.

Pa.R.D.E. 218(c)(2) currently provides that when a reinstatement petition is filed with the Board it is to be immediately assigned to a hearing committee. Pa.R.D.E. 218(c)(3) then requires the hearing committee to promptly schedule a hearing on the petition. Since the Office of Disciplinary Counsel typically does not have time to investigate the matter before the hearing, the routine practice is to continue the hearing until the necessary investigation has been completed. The board is considering recommending an amendment to Pa.R.D.E. 218(c)(2) that would give Disciplinary Counsel a period of 60 days to conduct an investigation and prepare a response before the petition is referred to a hearing committee.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before March 18, 2003.

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

ELAINE M. BIXLER,  
*Executive Director and Secretary*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

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

##### Subchapter B. MISCONDUCT

#### Rule 218. Reinstatement.

\* \* \* \* \*

(c)(1) Petitions for reinstatement by formerly admitted attorneys shall be filed with the Board.

(2) **Within 60 days after the filing of a petition for reinstatement, Disciplinary Counsel shall file a response thereto with the Board and serve a copy on the formerly admitted attorney.** Upon receipt of the [ petition ] response, the Board shall refer the petition and response to a hearing committee in the disciplinary district in which the [ respondent-attorney ] formerly admitted attorney maintained an office at the time of the disbarment, suspension or transfer to inactive status. If any other formal disciplinary proceedings are then pending or have been authorized against the formerly admitted attorney, the reinstatement and disciplinary matters may be heard by the same hearing committee. In such case the combined hearing shall be held not later than 45 days after receipt by the Board of the response to the petition for reinstatement.

\* \* \* \* \*

[Pa.B. Doc. No. 03-212. Filed for public inspection February 7, 2003, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

#### [207 PA. CODE CH. 51]

#### Proposed Amendments to the Rules of Conduct, Office Standards and Civil Procedure for District Justices

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 13, 14, and 15 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices to clarify the restrictions on district justices serving as arbitrators. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

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

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

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

Michael F. Krimmel, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055  
Fax 717-795-2175

or e-mail to: [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us)  
no later than Monday, March 10, 2003.

*By the Minor Court Rules Committee*

THOMAS E. MARTIN, Jr.,  
*Chair*

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 51. STANDARDS OF CONDUCT OF DISTRICT JUSTICES

#### PENNSYLVANIA RULES FOR DISTRICT JUSTICES

#### Rule 13. Incompatible Practices.

**[ District justices, constables and all employees assigned to or appointed by district justices shall not engage, directly or indirectly, in any activity or act incompatible with the expeditions, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law; (2) in the collection business; or (3) in the acceptance of any premium or fee for any judicial bond.**

A district justice shall not exploit his judicial position for financial gain or for any business or professional advantage. A district justice shall not receive any fee or emolument for performing the duties of an arbitrator.

**Official Note:** The next to the last sentence of this rule is derived in part from Canon 5C(1) of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct. ]

A. A district justice may not exploit his or her judicial position for financial gain or for business or professional advantage.

B. A district justice may not act as an arbitrator or mediator.

C. A district justice or an employee assigned to or appointed by a district justice may not engage in, directly or indirectly, an activity or act incompatible with the expeditious, proper, and impartial discharge of his or her duties, including but not limited to (1) an activity prohibited by law, (2) the collection business, or (3) the acceptance of a premium or fee for a judicial bond.

**Official Note:** See Canon 5E of the Code of Judicial Conduct and Section 3304 of the Judicial Code, 42 Pa.C.S. § 3304.

Adopted, effective Feb. 1, 1973. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended \_\_\_\_\_, effective \_\_\_\_\_.

#### Rule 14. Prohibited Practice of Attorney District Justice.

[ A. An attorney who is a district justice shall not practice before any district justice in the Commonwealth, nor shall he act as a lawyer in a proceeding in which he has served as a district justice or in any other proceeding related thereto. Nor shall he practice criminal law in the county within which his magisterial district is located. An employer, employe, partner or office associate of such district justice shall not appear or practice before him.

B. An attorney who is a district justice shall not practice before, or act as an attorney or solicitor for, any county or local municipal, governmental or quasi governmental agency, board, authority or commission operating within the Commonwealth.

**Official Note:** Subdivision A of this rule is derived from former Rule 3A and Compliance Exception A(2), American Bar Association Code of Judicial Conduct. Subdivision B is derived from former Rule 3B. This rule contains all the prohibitions upon the practice of law by attorney district justices that were thought necessary. ]

A. In addition to the general prohibitions in Rule 13, the following prohibitions apply to a district justice who is an attorney. A district justice who is an attorney may not:

(1) practice law before a district justice in the Commonwealth;

(2) act as an attorney in a proceeding in which he or she has served as a district justice or in any other proceeding related thereto;

(3) practice criminal law in the county within which his or her magisterial district is located; or

(4) practice law before, or act as an attorney or solicitor for a county or local municipal, governmental or quasi-governmental agency, board, authority, or commission operating within the Commonwealth.

B. An employer, employee, partner, or office associate of a district justice who is an attorney may not appear or practice law before the district justice.

Adopted, effective Feb. 1, 1973. Amended June 30, 1982, effective 30 days after July 17, 1982; amended and Note deleted \_\_\_\_\_, effective \_\_\_\_\_.

#### Rule 15. Public Office and Political Activity.

A. A district justice [ shall ] may not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.

B. [ A ] Except as otherwise provided in this rule, a district justice or a candidate for [ such ] the office [ shall ] of district justice may not:

(1) hold office in a political party or political organization or publicly endorse candidates for political office[ . ];

(2) engage in partisan political activity, deliver political speeches, make or solicit political contributions (including purchasing tickets for political party dinners or other functions), or attend political or party conventions or gatherings[ , except as authorized in subdivision C of this rule ]. [ Nothing herein shall prevent a ] A district justice or a candidate for [ such ] the office [ from making ] of district justice may make political contributions to a campaign of a member of his or her immediate family.

C. A district justice or a candidate for [ such ] the office of district justice may in the year he or she runs for office, attend political or party conventions or gatherings, speak [ to such ] at the gatherings or conventions on his or her own behalf, identify himself or herself as a member of a political party, and contribute to his or her own campaign, a political party, or political organization (including purchasing tickets for political party dinners or other functions).

D. With respect to [ his ] campaign conduct, a district justice or a candidate for [ such ] the office [ shall ] of district justice:

(1) shall maintain the dignity appropriate to judicial office, and shall encourage family members [ of his family ] to adhere to the same standards of political conduct that apply to [ him. ] the district justice or candidate;

(2) shall prohibit public officials or [ employes ] employees subject to his or her direction or control from doing for him or her what he or she is prohibited from doing under this rule; and except to the extent authorized under subdivision D(4) of this rule [ shall ] may not allow any other person to do for him or her what he or she is prohibited from doing under this rule[ . ];

(3) may not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit or appear to commit the candidate with respect to cases,

controversies or issues that are likely to come before the court; or misrepresent his **or her** identity, qualifications, present position, or other fact[. . .];

\* \* \* \* \*

(4) **may not [himself] personally** solicit or accept campaign funds, or solicit publicly stated support, but **[he]** may establish committees of responsible persons to secure and manage the expenditure of funds for his **or her** campaign and to obtain public statements of support for his **or her** candidacy. **[Such] The** committees are not prohibited from soliciting campaign contributions and public support from lawyers. **[A candidate's] The** committees may solicit **[funds for his] campaign funds** no earlier than **[thirty (30)] 30** days prior to the first day for filing nominating petitions, and all fundraising activities in connection with **[such] the** campaign **[shall] must** terminate no later than the last calendar day of the year in which the election is held. A **district justice or a candidate [should] for the office of district justice may** not use or permit the use of a campaign contribution for the private benefit of himself **or herself** or members of his **or her** family.

E. A district justice shall resign his **or her** office when he **or she** becomes a candidate either in a party primary or in a general election for a non-judicial office.

**Official Note: [This rule is derived from former Rule 15 and from Canon 7 of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct. this] This** rule prohibits only political activity that is partisan in nature, and consequently there is no objection to a district justice becoming engaged in political activity of a public service nature, such as, for example, political activity **[in] on** behalf of measures to improve the law, the legal system, or the administration of justice. **Compare Canon 7 of the Code of Judicial Conduct.**

Adopted, effective Feb. 1, 1973. Amended Oct. 17, 1975, effective in 90 days; June 30, 1982, effective 30 days after July 17, 1982; Nov. 9, 1998, effective Jan. 1, 1999; amended November 21, 2002, effective immediately; **amended \_\_\_\_\_, effective \_\_\_\_\_.**

## REPORT

*Proposed Amendments to Rules 13, 14, and 15 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices*

### CLARIFICATION REGARDING RESTRICTIONS ON DISTRICT JUSTICES SERVING AS ARBITRATORS

#### I. Background

The Minor Court Rules Committee (hereinafter the Committee) undertook a review of Rules 13 (relating to incompatible practices), 14 (relating to prohibited practice of attorney district justice), and 15 (relating to public office and political activity) of the Standards of Conduct of District Justices<sup>1</sup> in response to an inquiry from the Ethics and Professionalism Committee of the Special Court Judges Association of Pennsylvania (hereinafter SCJAP Ethics Committee). The SCJAP Ethics Committee reported that it had received a number of inquiries from attorney district justices asking whether or not an attorney district justice may serve as an arbitrator, particularly in contractual arbitration cases where the arbitra-

tors' fees are paid by the parties. The SCJAP Ethics Committee referred the question to the Minor Court Rules Committee, suggesting that the interaction among Rules 13, 14, and 15 was causing confusion regarding the ethical restrictions placed on district justices in general, and attorney district justices in particular. After consideration of the inquiry, and review of the relevant rules, statutes, and other authorities, the Committee agreed that amendments to the rules were necessary to provide that no district justice, including an attorney district justice, may act as an arbitrator or mediator.

#### II. Discussion

As stated above, the SCJAP Ethics Committee suggested that Rules 13, 14, and 15, when read together, create confusion about what, if any, ethical restrictions are placed on an attorney district justice's ability to serve as an arbitrator. Specifically, Rule 13 states, *inter alia*, that "[a] district justice shall not receive any fee or emolument for performing the duties of an arbitrator." Rule 14, which applies specifically to restrictions on the practice of attorney district justices, does not expressly prohibit attorney district justices from serving as arbitrators. Further, the Note to Rule 14 states that "[t]his rule contains all the prohibitions upon the practice of law by attorney district justices that were thought necessary."<sup>2</sup> Finally, Rule 15 provides, *inter alia*, that "[a] district justice shall not hold another office or position of profit in the government of the United States, the Commonwealth, or any political subdivision thereof. . . ." The Committee learned that some district justices, when reading these provisions together, have interpreted them to mean that:

1. because Rule 13 prohibits a district justice from receiving "any fee or emolument for performing the duties of an arbitrator," but no similar proscription is expressed in Rule 14, the Rule 13 provision does not apply to an attorney district justice acting in his or her capacity as an attorney;

2. because of the limiting language in the Note to Rule 14, the arbitration prohibition in Rule 13 does not apply to an attorney district justice acting in his or her capacity as an attorney; and

3. because Rule 15 prohibits a district justices from holding "another . . . position of profit in the government . . .," an attorney district justice may not serve as a arbitrator in a compulsory arbitration program in which fees are paid by a county or other government entity, but may serve as an arbitrator, in his or her capacity as an attorney, in a private contractual arbitration case in which fees are paid by the parties.

The Committee also learned that some attorney district justices, relying on the above reading of Rules 13, 14, and 15, have been serving as arbitrators in contractual arbitration cases, particularly uninsured/underinsured motorist arbitrations.

The Committee disagrees with the above interpretation of the rules. The Committee reviewed Rules 13, 14, and 15, as well as Section 3304(b) of the Judicial Code, which states that, "[n]o judge or district justice shall receive any fee or emolument for performing the duties of an arbitrator." 42 Pa.C.S. § 3304(b) (West 1981). In addition, the Committee compared the district justice rules with Canon 5E of the (Pennsylvania) Code of Judicial Conduct, which states that, "[a] judge should not act as an arbitrator or mediator."

In its analysis of the authorities, Committee noted that Rule 13 applies to all district justices, and prohibits all

<sup>1</sup> 207 Pa. Code Ch. 51, Rules 13, 14, and 15.

<sup>2</sup> The Supreme Court does not adopt the Committee's Notes to the rules.

district justices from receiving a fee or emolument for acting as an arbitrator. Rule 14, the Committee noted, applies specifically to attorney district justices, and lists only certain prohibited practices not specified in the other rules relating to all district justices. Further, the Committee noted that Section 3304 does not distinguish between attorney and non-attorney district justices in its prohibition of district justices receiving "any fee or emolument for performing the duties of an arbitrator."

The Committee concluded, therefore, that the rules and statute prohibit a district justice, attorney or non-attorney, from receiving a fee or emolument for performing the duties of an arbitrator. The Committee disagreed with the analysis described above that would construe Rule 13 as not applying to an attorney district justice in his or her capacity as an attorney, and would create an artificial distinction between compulsory (court) and contractual (private) arbitration cases.

Having concluded that no district justice may receive a fee or emolument for performing the duties of an arbitrator regardless of the nature of the arbitration and the payer of the arbitrators' fees, the Committee next considered if the rules should retain the existing restriction and be amended to merely clarify the nature of the restriction, or if the rules should be amended to more closely mirror Canon 5E and fully prohibit district justices from acting as arbitrators. After considerable discussion, the Committee concluded that the prohibition on receiving a fee or emolument is so restrictive, and the risk of an appearance of impropriety so great when a district justice acts as an arbitrator or mediator, that the rules should reflect a comprehensive prohibition on a district justice acting as an arbitrator or mediator.

Accordingly, the Committee proposes that Rules 13, 14, and 15 be amended to more closely mirror Canon 5E and to provide that no district justice may act as an arbitrator or mediator.

### III. Proposed Rule Changes

#### A. Rule 13

The Committee proposes that Rule 13 be divided into three subdivisions to enhance readability. The three subdivisions would contain the existing provisions of the rule with only minor editorial changes to address gender neutrality and conform with modern drafting style. Subdivision B would contain the new provision prohibiting a district justice from acting as an arbitrator or mediator. In addition, the reference to constables in the rule would be deleted in light of the Pennsylvania Supreme Court's holding in *Rosenwald v. Barbieri*, 501 Pa. 563, 462 A.2d 644 (1983). Finally, the existing Note to the rule would be deleted and replaced with a revised Note that cross-references Canon 5E of the Code of Judicial Conduct and Section 3304 of the Judicial Code.

#### B. Rule 14

The Committee proposes that Rule 14 also be restructured to enhance readability. Under the Committee proposal, the two existing subdivisions would remain, but the specific provisions restricting the practice of law by an attorney district justice would be consolidated and tabulated in subdivision A. Very significantly, the introductory sentence in subdivision A would be amended to read, "[i]n addition to the general prohibitions in Rule 13, the following prohibitions apply to a district justice who is an attorney." This is intended to clarify that the provisions of Rule 13, including the arbitration provision, apply to all district justices, including attorney district justices. In addition, the restrictions on lawyers who are associated

with the attorney district justice from appearing before him or her would be moved to subdivision B. Finally, the Committee proposes minor editorial changes to address gender neutrality and conform with modern drafting style. The Committee proposes that the existing Note to the rule be deleted entirely.

#### C. Rule 15

The Committee does not propose any substantive changes to Rule 15 in connection with the arbitration issue. In its review of the rule, however, the Committee identified the need for, and thus proposes, extensive editorial changes to enhance readability, address gender neutrality, and conform with modern drafting style.

[Pa.B. Doc. No. 03-213. Filed for public inspection February 7, 2003, 9:00 a.m.]

## PART IV. COURT OF JUDICIAL DISCIPLINE

### Court Sessions; Doc. No. 1 JD 94

#### Order

*Per Curiam:*

*And Now*, this 24th day of January, 2003, it is hereby *Ordered* that the sessions of the Court of Judicial Discipline shall be held in the year 2003 commencing as follows:

April 8—10

July 15—17

October 21—23

December 16—18

[Pa.B. Doc. No. 03-214. Filed for public inspection February 7, 2003, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CHS. 200, 1000 AND 4000]

### Promulgation of Rules of Civil Procedure 1042.1 et seq. Governing Professional Liability Actions; No. 382 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

*And Now* this 27th day of January, 2003, the Pennsylvania Rules of Civil Procedure are amended as follows:

(1) New Rules 1042.1 through 1042.8 are promulgated to read as follows, and

(2) Rules 229, 1026 and 4007.2 are amended to read as follows.

Whereas prior distribution and publication of these rules would otherwise be required, it has been determined that immediate promulgation of the rules is required in the interest of justice and efficient administration.



This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately. The new and amended rules shall be applicable to actions commenced on or after the effective date of this Order.

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART 1. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

##### Rule 229. Discontinuance.

\* \* \* \* \*

(b)(1) [A] Except as otherwise provided in subdivision (b)(2), a discontinuance may not be entered as to less than all defendants except upon the written consent of all parties or leave of court after notice to all parties.

(2) In an action governed by Rule 1042.3, a plaintiff may enter a discontinuance as to a defendant if a certificate of merit as to that defendant has not been filed.

**Official Note:** Rule 1042.3 requires the filing of a certificate of merit as to a defendant against whom a professional liability claim is asserted.

\* \* \* \* \*

#### CHAPTER 1000. ACTIONS AT LAW

##### Subchapter A. CIVIL ACTION

#### PLEADINGS

##### Rule 1026. Time for Filing. Notice to Plead.

(a) Except as provided by Rule 1042.5 or by subdivision (b) of this rule, every pleading subsequent to the complaint shall be filed within [ 20 ] twenty days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading contains a notice to defend or is endorsed with a notice to plead.

**Official Note:**

\* \* \* \* \*

Additional time within which to plead may be sought under Rule 248.

**Rule 1042.5 governs actions in which a professional liability claim is asserted.**

\* \* \* \* \*

#### PROFESSIONAL LIABILITY ACTIONS

##### Rule 1042.1. Professional Liability Actions. Scope. Definition.

(a) The rules of this chapter govern a civil action in which a professional liability claim is asserted against a licensed professional.

(b) As used in this chapter, "licensed professional" means

(1) any person who is licensed pursuant to an Act of Assembly as

(i) a health care provider as defined by Section 503 of the Medical Care Availability and Reduction of Error (Mcare) Act, 40 P. S. § 1303.503;

(ii) an accountant;

**Official Note:** See the CPA Law, Act of May 26, 1947, No. 318, as reenacted and amended, 63 P. S. § 9.1 et seq.

(iii) an architect;

**Official Note:** See the Architects Licensure Law, Act of December 14, 1982, P. L. 1227, No. 281, 63 P. S. § 34.1 et seq.

(iv) a chiropractor;

**Official Note:** See the Chiropractic Practice Act of Dec. 16, 1986, P. L. 1646, No. 188, 63 P. S. § 625.101 et seq.

(v) a dentist;

**Official Note:** See the Dental Law, Act of May 1, 1933, P. L. 216, 63 P. S. § 120 et seq.

(vi) an engineer or land surveyor;

**Official Note:** See The Engineer, Land Surveyor and Geologist Registration Law, Act of May 23, 1945, P. L. 913, as amended, 63 P. S. § 148 et seq.

(vii) a nurse;

**Official Note:** See the Professional Nursing Law, Act of May 22, 1951, P. L. 317, as amended, 63 P. S. § 211 et seq.

(viii) an optometrist;

**Official Note:** See the Optometric Practice and Licensure Act of June 6, 1980, P. L. 197, No. 57, 63 P. S. § 244.1 et seq.

(ix) a pharmacist;

**Official Note:** See the Wholesale Prescription Drug Distributors License Act of December 14, 1992, P. L. 1116, No. 145, 63 P. S. § 391.1 et seq.

(x) a physical therapist;

**Official Note:** See the Physical Therapy Practice Act of October 10, 1975, P. L. 383, No. 110, 63 P. S. § 1301 et seq.

(xi) a psychologist; and

**Official Note:** See the Professional Psychologists Practice Act of March 23, 1972, P. L. 136, No. 52, 63 P. S. § 1201 et seq.

(xii) a veterinarian.

**Official Note:** See the Veterinary Medicine Practice Act of December 27, 1974, P. L. 995, No. 326, 63 P. S. § 485.1 et seq.

(2) an attorney at law; and

**Official Note:** See Rule 76 for the definition of attorney at law.

(3) any professional described in paragraphs (1) and (2) who is licensed by another state.

##### Rule 1042.2. Complaint.

(a) A complaint shall identify each defendant against whom the plaintiff is asserting a professional liability claim.

**Official Note:** It is recommended that the complaint read as follows:

"Defendant \_\_\_\_\_ (name) is a licensed professional with offices in \_\_\_\_\_ County, Pennsylvania. Plaintiff is asserting a professional liability claim against this defendant."

(b) A defendant may raise by preliminary objections the failure of the complaint to comply with subdivision (a) of this rule.

**Official Note:** The filing of preliminary objections raising failure of a pleading to conform to rule of court is

the procedure for bringing before the court the issue whether the complaint is asserting a professional liability claim.

**Rule 1042.3. Certificate of Merit.**

(a) In any action based upon an allegation that a licensed professional deviated from an acceptable professional standard, the attorney for the plaintiff, or the plaintiff if not represented, shall file with the complaint or within sixty days after the filing of the complaint, a certificate of merit signed by the attorney or party that either

(1) an appropriate licensed professional has supplied a written statement that there exists a reasonable probability that the care, skill or knowledge exercised or exhibited in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm, or

**Official Note:** It is not required that the "appropriate licensed professional" who supplies the necessary statement in support of a certificate of merit required by subdivision (a)(1) be the same person who will actually testify at trial. It is required, however, that the "appropriate licensed professional" who supplies such a statement be an expert with sufficient education, training, knowledge and experience to provide credible, competent testimony, or stated another way, the expert who supplies the statement must have qualifications such that the trial court would find them sufficient to allow that expert to testify at trial. For example, in a medical professional liability action against a physician, the expert who provides the statement in support of a certificate of merit should meet the qualifications set forth in Section 512 of the Medical Care Availability and Reduction of Error (Mcare) Act, 40 P. S. § 1303.512.

(2) the claim that the defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard, or

**Official Note:** Certificates of merit must be filed as to the other licensed professionals whether or not they are named defendants in the action.

(3) expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim.

**Official Note:** In the event that the attorney certifies under subdivision (a)(3) that an expert is unnecessary for prosecution of the claim, in the absence of exceptional circumstances the attorney is bound by the certification and, subsequently, the trial court shall preclude the plaintiff from presenting testimony by an expert on the questions of standard of care and causation.

(b) A separate certificate of merit shall be filed as to each licensed professional against whom a claim is asserted.

(c)(1) A defendant who files a counterclaim asserting a claim for professional liability shall file a certificate of merit as required by this rule.

(2) A defendant or an additional defendant who has joined a licensed professional as an additional defendant need not file a certificate of merit unless the joinder is based on acts of negligence that are unrelated to the acts of negligence that are the basis for the claim against the joining party.

(d) The court, upon good cause shown, shall extend the time for filing a certificate of merit for a period not to exceed sixty days. The motion to extend the time for filing a certificate of merit must be filed on or before the filing date that the plaintiff seeks to extend. The filing of a motion to extend tolls the time period within which a certificate of merit must be filed until the court rules upon the motion.

**Official Note:** There are no restrictions on the number of orders that a court may enter extending the time for filing a certificate of merit provided that each order is entered pursuant to a new motion, timely filed and based on cause shown as of the date of filing the new motion.

The moving party must act with reasonable diligence to see that the motion is promptly presented to the court if required by local practice.

In ruling upon a motion to extend time, the court shall give appropriate consideration to the practicalities of securing expert review. There is a basis for granting an extension of time within which to file the certificate of merit if counsel for the plaintiff was first contacted shortly before the statute of limitations was about to expire, or if, despite diligent efforts by counsel, records necessary to review the validity of the claim are not available.

**Rule 1042.4. Responsive Pleading.**

A defendant against whom a professional liability claim is asserted shall file a responsive pleading within the time required by Rule 1026 or within twenty days after service of the certificate of merit on that defendant, whichever is later.

**Rule 1042.5. Discovery.**

Except for the production of documents and things or the entry upon property for inspection and other purposes, a plaintiff who has asserted a professional liability claim may not, without leave of court, seek any discovery with respect to that claim prior to the filing of a certificate of merit.

**Official Note:** Upon motion seeking leave of court, the court shall allow any discovery which is required for a licensed professional to make a determination as to whether a defendant deviated from accepted professional standards.

This rule does not preclude a defendant from seeking a protective order under Rule 4012 in response to a request for the production of documents and things or the entry upon property for inspection and other purposes.

**Rule 1042.6. Entry of Judgment of Non Pros for Failure to File Certification.**

(a) The prothonotary, on praecipe of the defendant, shall enter a judgment of non pros against the plaintiff for failure to file a certificate of merit within the required time provided that there is no pending timely filed motion seeking to extend the time to file the certificate.

**Official Note:** The prothonotary may not enter judgment if the certificate of merit has been filed prior to the filing of the praecipe.

Rule 237.1 does not apply to a judgment of non pros entered under this rule.

(b) The praecipe for the entry of a judgment of non pros shall be substantially in the following form:

(Caption)  
Praecipe for Entry of Judgment of Non Pros  
Pursuant to Rule 1042.6

To the Prothonotary:

Enter judgment of non pros against \_\_\_\_\_ in  
Plaintiff  
the professional liability claim against \_\_\_\_\_ in  
Defendant  
the above captioned matter.

I, the undersigned, certify that the plaintiff named above has asserted a professional liability claim against the defendant named above who is a licensed professional, that no certificate of merit has been filed within the time required by Pa.R.C.P. 1042.3 and that there is no motion to extend the time for filing the certificate pending before the court.

Date: \_\_\_\_\_  
Defendant or Attorney for Defendant

**Rule 1042.7. Sanctions.**

(a) If a plaintiff has filed a certificate of merit as to a particular defendant and that defendant is dismissed from the case through voluntary dismissal, verdict or order of court, the plaintiff, within thirty days of the written request of that defendant, shall provide him or her with the written statement obtained from the licensed professional upon which the certificate of merit as to that defendant was based. If a plaintiff's claims against other licensed professionals are still pending, the written statement shall be produced within thirty days of resolution of all claims against the other licensed professionals.

**Official Note:** Rule 4003.5 governs the discovery of expert testimony, including the written statements of licensed professionals furnished prior to the filing of a certificate of merit, until a defendant has been dismissed from the case.

(b) A court may impose appropriate sanctions, including sanctions provided for in Rule 1023.4, if the court determines that an attorney violated Rule 1042.3(a)(1) and (2) by improperly certifying that an appropriate licensed professional has supplied a written statement that there exists a reasonable probability that the care, skill or knowledge experienced or exhibited in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

**Rule 1042.8. Certificate of Merit. Form.**

The certificate required by Rule 1042.3(a) shall be substantially in the following form:

(Caption)

Certificate of Merit as to \_\_\_\_\_  
(Name of Defendant)

I, \_\_\_\_\_, certify that:  
(Attorney or Party)

an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

the claim that this defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Date: \_\_\_\_\_  
(Attorney or Party)

**CHAPTER 4000. DEPOSITIONS AND DISCOVERY**

**Rule 4007.2. When Leave of Court Required.**

(a) Except as provided by [ Rule ] Rules 1042.5 and 4003.5(a)(2) and by subdivisions (b) and (d) of this rule, a deposition may be taken without leave of court.

**Official Note: Rule 1042.5 governs discovery in a professional liability action prior to the filing of a certificate of merit.**

See Rule 1930.5(a) providing that there shall be no discovery in specified domestic relations matters unless authorized by the court. See also Rules 1910.9 and 1915.5(c) governing discovery in actions for support and custody, respectively.

\* \* \* \* \*

[Pa.B. Doc. No. 03-215. Filed for public inspection February 7, 2003, 9:00 a.m.]

**PART I. GENERAL**

**[231 PA. CODE CHS. 1000, 2120, 2150 AND 2170]  
Amendment of Rules of Civil Procedure Governing  
Venue; No. 381 Civil Procedural Rules; Doc.  
No. 5**

**Order**

*Per Curiam:*

And Now this 27th day of January, 2003, Pennsylvania Rules of Civil Procedure 1006, 2130, 2156 and 2179 are amended to read as follows.

Whereas prior distribution and publication of these amendments would otherwise be required, it has been determined that immediate promulgation of the amendments is required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS AT LAW

Subchapter A. CIVIL ACTION

VENUE AND PROCESS

Rule 1006. Venue. Change of Venue.

(a) Except as otherwise provided by [ Subdivisions ] subdivisions (a.1), (b) and (c) of this rule, an action against an individual may be brought in and only in a county in which the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law.

\* \* \* \* \*

(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county in which the cause of action arose.

Official Note: See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c) for the definitions of "health care provider," "medical professional liability action" and "medical professional liability claim."

(b) Actions against the following defendants, except as otherwise provided in [ Subdivision ] subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

Official Note: Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.

(c)(1) [ An ] Except as otherwise provided by paragraph (2), an action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of [ Subdivision ] subdivisions (a) or (b).

(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1).

\* \* \* \* \*

(f)(1) [ If ] Except as provided by paragraph (2), if the plaintiff states more than one cause of action against the same defendant in the complaint pursuant to Rule 1020(a), the action may be brought in any county in which any one of the individual causes of action might have been brought.

(2) Except as otherwise provided by subdivision (c), if one or more of the causes of action stated against the same defendant is a medical professional liability claim, the action shall be brought in a county required by subdivision (a.1).

CHAPTER 2120. PARTNERSHIPS AS PARTIES

Rule 2130. Venue.

(a) Except as otherwise provided by Rule 1006(a.1) and by subdivision (c) of this rule, an action against a partnership may be brought in and only in a county where the partnership regularly conducts business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose.

Official Note: Rule 1006(a.1) governs venue in actions for medical professional liability.

\* \* \* \* \*

CHAPTER 2150. UNINCORPORATED ASSOCIATIONS AS PARTIES

Rule 2156. Venue.

(a) Except as otherwise provided by Rule 1006(a.1) and by subdivision (b) of this rule, an action against an association may be brought in and only in a county where the association regularly conducts business or any association activity, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose.

Official Note: Rule 1006(a.1) governs venue in actions for medical professional liability.

\* \* \* \* \*

CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

Rule 2179. Venue.

(a) Except as otherwise provided by an Act of Assembly, by Rule 1006(a.1) or by subdivision (b) of this rule, a personal action against a corporation or similar entity may be brought in and only in

\* \* \* \* \*

(4) a county where a transaction or occurrence took place out of which the cause of action arose.

Official Note: Rule 1006(a.1) governs venue in actions for medical professional liability.

\* \* \* \* \*

Explanatory Comment

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) General rule.—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legislation. "Medical professional liability action," "health care provider" and "medical professional liability claim" are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in

County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

### Multiple Causes of Action

Subdivision (f) of Rule 1006 provides that where more than one cause of action is asserted against the same defendant pursuant to Rule 1020(a), venue as to one cause of action constitutes venue as to all causes of action. In an action in which there are asserted multiple causes of action but only one is a claim for medical professional liability, the application of this provision could frustrate Section 5101.1 and result in an action being brought in a county other than the county in which the cause of action for medical professional liability arose. New subdivision (f)(2) limits venue in such cases to the county required by new subdivision (a.1), e.g., the county in which the cause of action for medical professional liability arose.

The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 03-216. Filed for public inspection February 7, 2003, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

[246 PA. CODE CHS. 600 AND 1000]

### Review of Non-Commonwealth Agency Action on Requests under the Right-to-Know Law

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rules 601—608 and amend existing Rules 1001 and 1007 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices to provide for review of non-commonwealth agency action on requests under the Right-to-Know Law. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

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

The text of the proposed changes precedes the Report. Except for entirely new rules which are printed in regular type, additions are shown in bold; deletions are in bold and brackets.

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

Michael F. Krimmel, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055  
Fax 717-795-2175

or e-mail to: [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us)  
no later than Monday, March 10, 2003.

*By the Minor Court Rules Committee*

THOMAS E. MARTIN, Jr.,  
*Chair*

### Annex A

## TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

#### CHAPTER 600. REVIEW OF NON-COMMONWEALTH AGENCY ACTION ON REQUESTS UNDER THE RIGHT-TO-KNOW LAW

#### Rule 601. Definitions.

As used in this chapter, the phrase "Non-Commonwealth Agency" or "Agency" shall mean any office, department, board, or commission of the executive branch of any political subdivision of the Commonwealth, or any municipal authority or similar organization created by or pursuant to a statute which declares in substance that such organization performs or has for its purpose the performance of an essential governmental function.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

#### Rule 602. Action for Review of Non-Commonwealth Agency Action; Parties.

A. A resident of the Commonwealth who alleges a denial of a request for access to a public record pursuant to the Act of June 21, 1957 (P.L. 390, No. 212), as amended, hereafter referred to as the "Right-To-Know Law," may bring an action in a district justice court of proper venue by filing a civil complaint.

B. Except as otherwise provided herein, upon the filing of a complaint as provided in subdivision A, the action shall proceed as a civil action in accordance with the rules of the 300 Series.

C. No claim under Rule 315 will be permitted in an action filed pursuant to this Rule.

D. The plaintiff in an action filed pursuant to this chapter shall be the person alleging denial of the request, and the defendant shall be the Non-Commonwealth Agency. No other person may be a party to the action.

**Official Note:** See 65 P. S. §§ 66.1—66.9.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

#### Rule 603. Form of Complaint.

A. In addition to the information required by Rule 304, the complaint must contain

(1) a description of the record that the plaintiff requested pursuant to the Right-To-Know Law, and;

(2) the date of denial or deemed denial of access to the record, and if the denial was in writing, a copy of the written denial must be attached to the complaint.

B. A copy of the original written request to the Agency for the record must be attached to the complaint.

C. If exceptions to the denial or deemed denial were filed with the head of the Agency, a copy of the exceptions must be attached to the complaint.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 604. Redaction.**

A. If the plaintiff objects to some redaction made by the Non-Commonwealth Agency of the record supplied, the plaintiff must specify in the complaint that part of the objection is to the redaction.

B. If the plaintiff specifies in the complaint that part of the objection is to some redaction made by the Non-Commonwealth Agency of the record supplied, the Agency must provide the district justice at the time of the hearing with a copy of the record without redaction as well as a copy of the record with redaction. The district justice may not copy the record without redaction, may never disclose its contents, and shall return it to the Agency (or counsel for the Agency) before the conclusion of the hearing.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 605. Judgment.**

A. The judgment entered by the district justice must include findings of fact and conclusions of law including but not limited to the following:

FINDINGS OF FACT

- (1) A description of the record requested;
- (2) A determination whether or not the plaintiff is a Pennsylvania resident;
- (3) A determination of the date when the written request was made to the Agency;
- (4) A determination whether or not the agency is a Non-Commonwealth Agency;
- (5) A determination whether or not the request was sufficiently specific to enable the Agency to ascertain what record was being requested;
- (6) A determination whether or not a response to the request was made, and to whom and when it was made;
- (7) A determination whether or not the Agency denied the request, and if so, a copy of any written denial must be attached to the judgment entered by the district justice;
- (8) A determination whether or not the plaintiff filed exceptions to the denial or deemed denial with the head of the Agency, and if so, a copy of any written exceptions must be attached to the judgment entered by the district justice;
- (9) If redaction of the record was made by the Agency before delivery of the record to the plaintiff, a determination whether or not the redaction was appropriate;
- (10) A determination of what, if any, copying fees the Agency charged the plaintiff, and whether the copying fees were paid in part or in full;
- (11) If access to the record was denied, a determination of the date when access to the record was denied or deemed denied;

(12) A determination whether the Agency had its own written policies or regulations governing access to public records, and if so, whether the policies or regulations were complied with;

CONCLUSIONS OF LAW

(13) A determination whether or not the complaint was filed within 30 days of the denial or deemed denial;

(14) A determination whether or not the district justice has jurisdiction;

(15) A determination whether or not the record is a public record;

(16) A determination whether or not access to the record was timely denied;

(17) A determination what attorney fees, if any, are awarded;

(18) A determination whether or not the costs will be assessed, and against whom the costs will be assessed, and;

(19) A determination whether or not the copying fees charged were reasonable and, if they were not reasonable, what copying fees may be charged.

B. The district justice shall provide a summary of his or her reasoning in support of the judgment.

C. The district justice shall decide if the Agency must provide access to the record, in whole or in part, and any specific conditions or rules with respect to such access, and shall enter an appropriate order as part of the judgment.

**Official Note:** Section 4.1 of the Right-To-Know Law makes special provision for the limited award of court costs and attorney fees. 65 P. S. § 66.4-1.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 606. Failure of Non-Commonwealth Agency to Promptly Comply with Order; Supplementary Action.**

A. If the Non-Commonwealth Agency does not promptly comply with an order entered pursuant to Rule 605, the plaintiff may commence a supplementary action for civil penalties by filing a civil complaint in the office of the district justice in which the order was entered.

B.(1) Except as provided in subparagraph B(2), upon the filing of a complaint as provided in subdivision A, the action shall proceed as a civil action in accordance with the rules of the 300 Series.

(2) No claim under Rule 315 will be permitted in a supplementary action filed pursuant to this Rule.

**Official Note:** Section 5(b) of the Right-To-Know Law provides for a civil penalty for failure to promptly comply with a court order entered pursuant to the Right-To-Know Law. 65 P. S. § 66.5(b).

The action commenced under subdivision A of this Rule is a supplementary proceeding in the matter in which the order was entered. As such, it must be filed in the office of the district justice in which the order was entered. Also, it must be indexed to the same docket number as, and made a part of the record of, the underlying action. Because the supplementary action is merely a continuation of the underlying action, there are no filing costs for it, however there may be costs for service of the action.

Subdivision B provides that, once a supplementary action is filed under subdivision A, the proceedings in the action, including the form of the complaint, setting the

hearing date, service, and hearing, should proceed as if a regular civil action, except that no cross-complaint under Rule 315 will be permitted. While it is not the intent of this rule to limit defenses that may be raised in a supplementary action, only those issues arising from the Rule 606 supplementary action are to be considered at the hearing. Therefore, subparagraph B(2) makes clear that no cross-complaint is permitted to be filed.

When rendering judgment in an action filed pursuant to this rule, the district justice may determine whether or not, and in what amount, if any, a civil penalty will be awarded, and to whom it will be payable.

A party may appeal from a judgment in an action filed pursuant to this rule, but issues on appeal are limited to those raised in the action filed under this rule. See Rule 1007.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 607. Appeal.**

An appeal from a judgment entered pursuant to Rule 605 may be filed by any party in accordance with these rules.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 608. Enforcement.**

A. The judgment entered by the district justice pursuant to Rule 605 may be enforced by entry of a certified copy of the judgment in the court of common pleas. Thereafter, an action may be brought in that court to enforce the judgment.

B. Unless a timely appeal from the judgment entered by the district justice is filed with the court of common pleas, only those issues arising from the action to enforce the judgment are to be considered in the court of common pleas.

**Official Note:** Subdivision B makes clear that an action brought in the court of common pleas to enforce the judgment entered by the district justice is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

**CHAPTER 1000. APPEALS**

**APPELLATE PROCEEDINGS WITH RESPECT TO JUDGMENTS AND OTHER DECISIONS OF DISTRICT JUSTICES IN CIVIL MATTERS**

**Rule 1001. Definitions.**

As used in this chapter:

(1) "Judgment" means a judgment rendered by a district justice under Rule 319, 322, [ or ] 514, or 605.

\* \* \* \* \*

Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended April 5, 2002, effective January 1, 2003; **amended** \_\_\_\_\_, **effective** \_\_\_\_\_.

**APPEAL**

**Rule 1007. Procedure On Appeal.**

\* \* \* \* \*

C. When an appeal is taken from a supplementary action filed pursuant to Rule 342 or 606, only those issues arising from the [ Rule 342 ] supplementary action are to be considered.

**Official Note:** As under earlier law, the proceeding on appeal is conducted de novo, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the district justice (see *Crowell Office Equipment v. Krug*, 213 Pa. Super. 261, 247 A.2d 657 (1968)) has not been retained. Under subdivision B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the district justice, subject of course to the Rules of Civil Procedure. The only limitation on this is contained in subdivision C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 or 606 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

Adopted June 1, 1971. Amended June 30, 1982, effective 30 days after July 17, 1982; amended April 5, 2002, effective January 1, 2003; **amended** \_\_\_\_\_, **effective** \_\_\_\_\_.

**REPORT**

*Proposed New Pa. R.C.P.D.J. Nos. 601-608, and Proposed Amendments to Pa. R.C.P.D.J. Nos. 1001 and 1007*

**REVIEW OF NON-COMMONWEALTH AGENCY ACTION ON REQUESTS UNDER THE RIGHT-TO-KNOW LAW**

**I. Background**

The Committee undertook a review of the Act of June 29, 2002 (P. L. 663, No. 100),<sup>1</sup> which amends the Right-to-Know Law, because Section 5 of the new act provides for bringing "an action in the local magisterial district"<sup>2</sup> for judicial review of a denial by a non-commonwealth agency of a request to provide public records.<sup>3</sup> The Committee noted that this provision essentially creates a new form of action in the district justice courts. The Act, however, provides no guidance as to how these actions are to be filed or how they are to proceed in the district justice courts. Therefore, the Committee believes that new procedural rules and the design of new forms will be necessary to implement this provision and to give district justices sufficient procedural guidance in handling these actions. In addition, Section 5 of the Act further provides that "[a] requester is entitled to a reasoned decision containing findings of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions so that all can determine why and how a particular result was reached."<sup>4</sup> Because district justices do not routinely issue written decisions or opinions, the Committee believes that implementation of this provision also will require new procedural rules and the design of new forms.

After careful consideration of the Act, the Committee proposes the adoption of a new 600 Series of rules entitled "Review of Non-Commonwealth Agency Action on Requests Under the Right-to-Know Law." In addition, the

<sup>1</sup> This act amends the Act of June 21, 1957 (P. L. 390, No. 212), referred to as the Right-to-Know Law.

<sup>2</sup> Act of June 29, 2002 (P. L. 663, No. 100) § 5, amending Section 4 of the Right-to-Know Law.

<sup>3</sup> This provision of the Act became effective 180 days from June 29, 2002. Act of June 29, 2002 (P. L. 663, No. 100) § 8. On December 12, 2002, the Supreme Court of Pennsylvania issued an Order directing that proceedings under the Act that would otherwise be filed before district justices "are hereby ASSIGNED TO AND SHALL BE COMMENCED IN the courts of common pleas, pending promulgation of necessary rules of practice and procedure to govern actions in local magisterial districts as provided for in said statute." Supreme Court of Pennsylvania Order No. 141, Magisterial Docket No. 1, Book No. 2 (December 12, 2002). This temporary reassignment of these proceedings gave the Committee and the Court sufficient time to formulate and consider this proposal while making the same relief which would otherwise have been available in the district justice courts available in the courts of common pleas.

<sup>4</sup> Act of June 29, 2002 (P. L. 663, No. 100) § 5, amending Section 4 of the Right-to-Know Law.

Committee proposes correlative amendments to Rules 1001 and 1007 to provide necessary appellate procedures. These proposed rule changes are described in detail below.

## II. Discussion of Rule Changes

### A. Review of Non-Commonwealth Agency Action on Requests Under the Right-to-Know Law—New Rules

Among the Committee's first considerations was the form in which actions under the Right-to-Know Law would take. The Committee noted that to commence an action, the Act provides that "a requester may file a petition for review or other document as might be required by rule of court with the court of common pleas . . . or bring an action in the local magisterial district."<sup>5</sup> Since no petition practice or similar procedure exists at the district justice level, and "action" as used in the Act is not further defined, the Committee concluded that actions under the Right-to-Know Law should be commenced in the district justice courts by the filing of a civil complaint. With that as the basis for the procedural scheme, the Committee proposes the following new rules to implement the provisions of the Act.

#### 1. New Rule 601

Proposed new Rule 601 (Definitions) would provide a definition for the term "Non-Commonwealth Agency." This definition would be unique to the new 600 Series rules.

#### 2. New Rule 602

Proposed new Rule 602 (Action for Review of Non-Commonwealth Agency Action; Parties) would identify the Act under which actions may be brought pursuant to this chapter, and would further provide that the actions are to be brought on a civil complaint in accordance with the rules of the 300 Series. The rule would also prohibit cross-complaints under Rule 315 in these actions. Finally, the rule would identify and limit the parties to an action filed pursuant to this chapter as being the person alleging denial of the request for public records (plaintiff), and the Non-Commonwealth Agency (defendant).

#### 3. New Rule 603

Proposed new Rule 603 (Form of Complaint) would list requirements for contents of the complaint that are in addition to the normal contents of a civil complaint under Rule 304. These additional requirements include a description of the record requested, and the date of denial or deemed denial of access to the record. In addition, the rule would require that a copy of the original written request and a copy of any exceptions to the agency's denial be attached to the complaint.

#### 4. New Rule 604

Proposed new Rule 604 (Redaction) would contain special provisions relating to records that are redacted by the agency. The rule would provide that if the plaintiff objects to all or part of the redaction, that objection must be specified in the complaint. In addition, subdivision B of the proposed rule would require that the agency provide the district justice with a copy of the record without redaction to enable the district justice to make a determination of whether or not the redaction was appropriate. The rule would place restrictions on the copying and disclosure of the contents of the unredacted record, and would require that the district justice return the unredacted record before the conclusion of the hearing.

#### 5. New Rule 605

Proposed new Rule 605 (Judgment) would contain a non-exclusive list of determinations that could be incorporated into the district justice's "reasoned decision containing findings of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions so that all can determine why and how a particular result was reached"<sup>6</sup> as required by the Act. The rule would also provide for an order to be entered by the district justice regarding access to the record and any appropriate conditions regarding the access. It is the Committee's intent in proposing this rule that the list of determinations in the rule would be the basis for a simplified determination, opinion, and order form to be completed by the district justice to comply with the "reasoned decision" requirement of the Act.

#### 6. New Rule 606

Proposed new Rule 606 (Failure of Non-Commonwealth Agency to Promptly Comply with Order; Supplementary Action) would implement Section 5(b) of the amended Right-to-Know Law which provides that "[a]n agency or public official who does not promptly comply with a court order under this act is subject to a civil penalty of not more than \$300 per day until the public records are provided."<sup>7</sup> Because a claim for such civil penalties must necessarily follow a court order issued pursuant to proposed Rule 605, the proposed rule provides for a supplementary civil action that may be filed in the office of the district justice in which the order was entered. This proposed rule, modeled after existing Rule 342, makes clear that the supplementary action is to proceed as a civil action under the 300 Series, and that no Rule 315 cross-complaint may be filed in conjunction with the supplementary action.

#### 7. New Rule 607

Proposed new Rule 607 (Appeal) would provide that "[a]n appeal from a judgment entered pursuant to [proposed] Rule 605 may be filed by any party in accordance with these rules."

#### 8. New Rule 608

Proposed new Rule 608 (Enforcement) would provide that a judgment entered pursuant to proposed Rule 605 may be enforced by filing a certified copy of the judgment in the court of common pleas, and then commencing an action in that court to enforce the judgment. The Committee determined this was the most practical approach to enforcement since district justices have very limited contempt powers and generally do not have equitable powers. Subdivision B of the proposed rule would make clear, however, that an action brought in the court of common pleas solely to enforce the judgment entered by the district justice is not intended to reopen issues from the underlying action that were not properly appealed.

### B. Correlative Rule Changes

The Committee recognized the need for minor amendments to appellate Rules 1001 and 1007 to fully provide for appeals from judgments rendered in "Right-to-Know Law actions." First, the Committee proposes an amendment to Rule 1001(1) to include a judgment rendered by a district justice pursuant to proposed Rule 605 in the definition of "Judgment."

The Committee further proposes that Rule 1007C be amended to further restrict appeals from supplementary

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Act of June 29, 2002 (P. L. 663, No. 100) § 6.



actions to issues that arise from the supplementary actions. This is intended to make clear that an appeal from a supplementary action filed pursuant to proposed Rule 606 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

[Pa.B. Doc. No. 03-217. Filed for public inspection February 7, 2003, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Rules of the Court of Common Pleas; No. 1 of 2003 Rules Doc.

##### Order

*And Now*, to-wit this 17th day of January, 2003, pursuant to action of the Board of Judges, the within local Rules A505: Change of Name affecting the Civil, Orphans', and Family Divisions of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT A. KELLY,  
*President Judge*

#### Local Rule A505 Change of Name of a Natural Person

(a) All proceedings for a change of name pursuant to 54 Pa.C.S. §§ 701—705 shall be brought in the Civil Division, except where an adoption proceeding is commenced in the Orphans' Court Division, in which case any change of name ancillary thereto shall be adjudicated by the Orphans' Court Division. In those cases in which an adoption has been concluded in any other court and the only judicial relief sought in Allegheny County is a change of name, the Petition shall be filed in the Civil Division.

*ACBA Court Rules Committee Note:* See 23 Pa.C.S. § 2904. See also Supreme Court Orphans' Court Rule 15.5(e) where the adopted person has attained majority.

(b) All such proceedings shall be commenced by a Petition which shall be presented to the Motions Judge.

(c) The Petition shall include the following:

(1) the Petitioner's name and complete residential address (Where the person whose name is sought to be changed is a minor, the Petition shall be brought in the name of the minor by the parent(s) or legal guardian(s) of the minor. Where the Petitioner is a married person, the Petitioner's spouse may join as a party Petitioner. Adult children of the Petitioner(s) may likewise join.); and

*ACBA Court Rules Committee Note:* The averments and proofs required of the Petitioner are also required of the Petitioner's spouse and any adult children who join as Petitioners. Each and every Petitioner must be a resident of Allegheny County. See 54 Pa.C.S. § 702(a).

(2) the Petitioner's complete residential address(es) for and during a period of five years prior to the date of the filing of the Petition; and

(3) the Petitioner's proposed new name; and

(4) the reasons for the desired name change; and

(5) that the Petitioner has never been convicted of a felony or, if the Petitioner has been so convicted, that:

(i) at least two calendar years have elapsed from the date of completion of Petitioner's sentence and that the Petitioner is not subject to the probation or parole jurisdiction of any court, county probation agency or the Pennsylvania Board of Probation and Parole, or

(ii) the Petitioner has been pardoned.

(6) that the Petitioner has never been so convicted of any of the crimes itemized in 54 Pa.C.S. § 702(c)(2).

(d) The Petition shall contain two proposed Orders designated as follows:

(1) Order Setting Hearing Date pursuant to Local Rule A505 (hereinafter referred to as "Hearing Order"); and

(2) Order Granting Change of Name.

(e) The Hearing Order shall include the following:

(1) that notice be given of the filing of the Petition and the date set for the hearing thereon which date shall be not less than ninety days nor more than one hundred twenty days therefrom; and

(2) that a copy of the Petition and Hearing Order be served by United States first class mail, postage prepaid, on any non-petitioning parent of a minor at said parent's last known address; and

(3) that Petitioner, through counsel, shall comply with the requirements of 54 Pa.C.S. § 702(b) relating to a determination by the Pennsylvania State Police that the Petitioner is not subject to the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101 *et seq.*, except where the Petitioner is seeking to:

(i) change the name of a minor in an adoption proceeding pursuant to 23 Pa.C.S. § 2904, or

(ii) resume a prior surname pursuant to 54 Pa.C.S. § 704 following the entry of a divorce decree, or

(iii) change the name of a minor child, pursuant to 54 Pa.C.S.A. § 703 (relating to effect on children); provided, however, that any Petitioner who is twelve (12) years of age or younger shall not be required to submit a set of fingerprints for the purpose of a name change hereunder. See 23 Pa.C.S.A. § 5105 (relating to fingerprinting of children).

(f) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division for all further proceedings with respect to the minor's Petition. The transfer shall be accomplished by the Civil Division Motions Clerk sending the case to the Scheduling Clerk of the Family Division for scheduling as the Family Division's calendar permits.

(g) At the hearing, at which any objector to the granting of the Petition may appear and be heard, the Petitioner shall offer into evidence, *inter alia*, the following:

(1) the response by the Pennsylvania State Police, pursuant to 54 Pa.C.S. § 702(b); and

(2) the official searches of the proper offices of Allegheny County and the United States District Court for the Western District of Pennsylvania and of any other county and federal judicial district in which the Petitioner may have resided during a period of five years prior to

the date of the filing of the Petition or, in lieu thereof, a certificate issued by an entity authorized by the Insurance Commissioner of the Commonwealth of Pennsylvania to issue policies of real estate title insurance, showing that there are no judgments or decrees of record or any other matter of like nature against the Petitioner; provided, however, that when the Petitioner has not attained his or her seventh birthday as of the date of filing the Petition, compliance with subsection (g)(2) shall not be required.

(h) Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, to enable the Court to comply with 54 Pa.C.S. § 702(b) and (c) and as a prerequisite to the entry of the Order Granting Change of Name, the Petitioner, at the hearing, shall provide the Court with envelopes affixed with sufficient postage and pre-addressed to the following:

Office of the Attorney General  
Commonwealth of Pennsylvania  
1600 Strawberry Square  
Harrisburg, PA 17120

Central Repository  
The Pennsylvania State Police  
1800 Elmerton Avenue  
Harrisburg, PA 17110  
ATTN.: Criminal History

The District Attorney of Allegheny County  
Allegheny County Courthouse  
Grant Street  
Pittsburgh, PA 15291

[Pa.B. Doc. No. 03-218. Filed for public inspection February 7, 2003, 9:00 a.m.]

*By the Court*

S. GERALD CORSO,  
*President Judge*

**Rule 223\*. Custody and Storage of Trial Exhibits.**

(a) The moving party shall keep custody of and be responsible for all non-documentary material submitted into evidence at trial. That material shall not be left in the courtroom after the conclusion of the trial of the case.

(b) All trial exhibits which are larger than 8.5 x 11 inches shall remain in the custody of and be the responsibility of the moving party. The moving party shall submit an original or copy of the trial exhibit no larger than 8.5 x 11 inches to the Court, which copy shall be marked and filed of record.

(c) Notwithstanding the above provisions, any party may petition the Court to retain custody of an Exhibit.

(d) Trial exhibits entered into evidence prior to the effective date of this Rule, and those filed of record pursuant to section (b) above, shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained until disposition of the appeal. Within sixty (60) days of the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. In cases where final disposition of all appeals predates the effective date of this Rule by more than sixty (60) days, the sixty (60) day time period within which to reclaim trial exhibits shall run from the effective date of this Rule. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary.

[Pa.B. Doc. No. 03-219. Filed for public inspection February 7, 2003, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**MONTGOMERY COUNTY**

**Adoption of Local Rule of Civil Procedure 223\*;  
No. 03-00001**

**Order**

*And Now*, this 13th day of January, 2003, the Court hereby adopts Montgomery County Local Rule of Civil Procedure Rule 223\*. Custody and Storage of Trial Exhibits. This Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

**YORK COUNTY**

**Fee Schedule for Domestic Relations Office; No.  
2003-MI-0011**

**Administrative Order**

*And Now, To Wit*, this 14th day of January, 2003, the Court Orders that the York County Domestic Relations Office charge those fees listed in the following fee schedule.

The fee schedule is effective immediately.

*By the Court*

JOHN H. CHRONISTER,  
*President Judge*

**Domestic Relations Section 2003 Fee Schedule**

*Appeals:*

To Supreme, Superior or Commonwealth  
Courts ..... \$55.00

*Certification:*

Each Document..... \$ 5.00

*Case Administration Fee:*

Assessed to Defendant in Case—Annual... \$26.00

*Case Copies* (per page) ..... \$ .25

<i>Modification</i> .....	\$20.00
<i>Personal Service</i> (Bench Warrant/Transport):	
Assessed to appropriate Party at Rate	
Billed to DRS for Service .....	\$27—45.00
<i>Returned Check</i> .....	\$25.00
<i>Unified Judicial System</i> (Filing Fee):	
Assessed to Plaintiff at commencement of	
support action .....	\$10.00
[Pa.B. Doc. No. 03-220. Filed for public inspection February 7, 2003, 9:00 a.m.]	

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated January 24, 2003, following the filing of a Joint Petition to Temporarily Suspend an Attorney, Leon Lewis Vinokur was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 03-221. Filed for public inspection February 7, 2003, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective January 28, 2003.

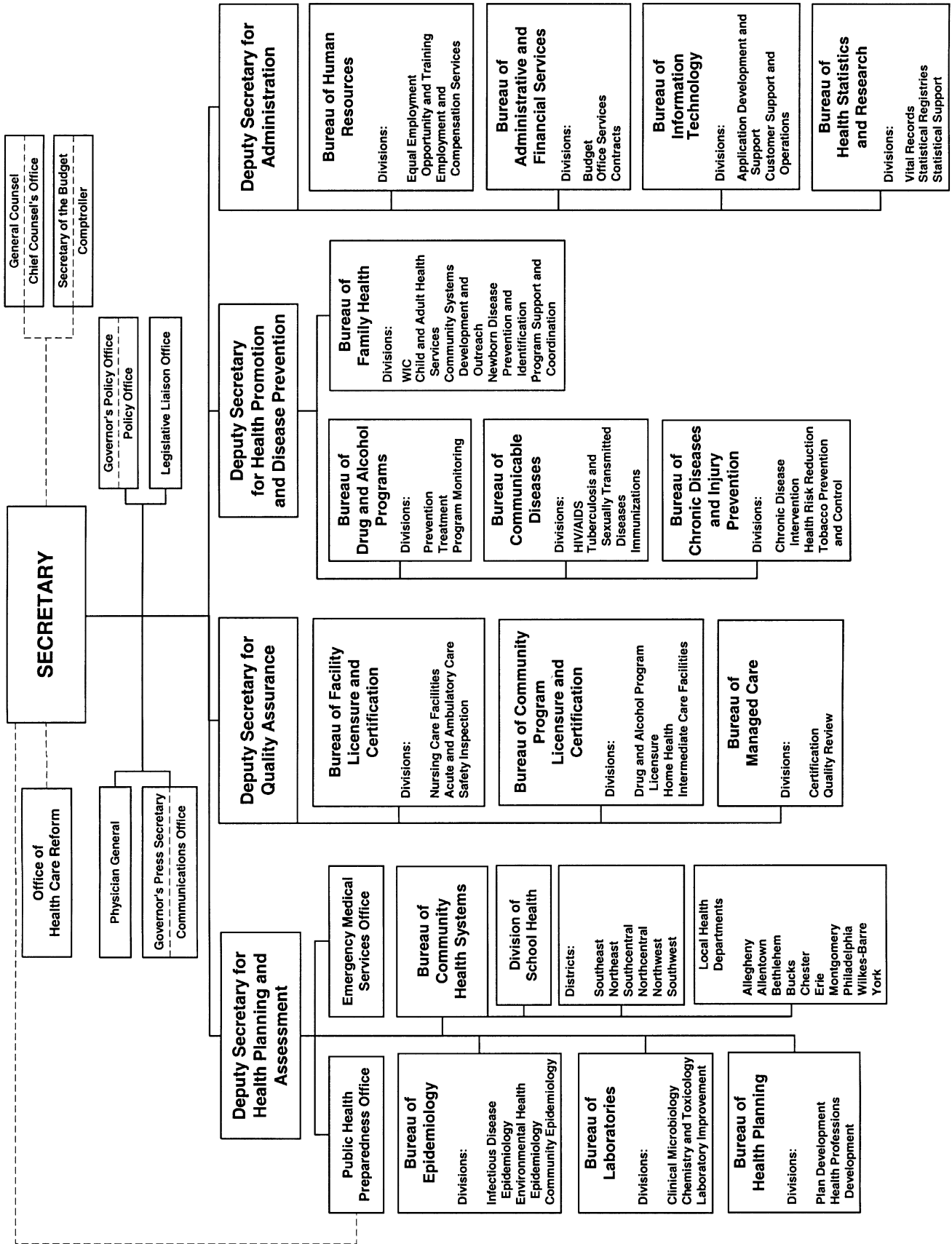
This chart published at 33 Pa.B. 761 (February 8, 2003) is being updated to reflect the new Office of Health Care Reform, established by Executive Order 2003-1.

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

[Pa.B. Doc. No. 03-222. Filed for public inspection February 7, 2003, 9:00 a.m.]

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DEPARTMENT OF HEALTH



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Project Contractors

The Department of Agriculture (Department) is soliciting names of research institutions which have an interest in conducting agricultural research from July 1, 2003, to June 30, 2004, and continuing. Institutions which respond will be provided with a preproposal format and a list of research topic areas. Institutions which responded for fiscal year 2002-03 will automatically receive a solicitation and do not need to respond this year. The Department, through a selection process, will decide which projects are to be placed under contract. Interested parties should submit their name, address and telephone number to Fred Wertz, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 783-3577.

DENNIS C. WOLFF,  
*Acting Secretary*

[Pa.B. Doc. No. 03-223. Filed for public inspection February 7, 2003, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 28, 2003.

#### BANKING INSTITUTIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-18-03	Pennview Savings Bank, Souderton, and Uninvest National Bank and Trust Co., Souderton Surviving Institution— Uninvest National Bank and Trust Co., Souderton	Souderton	Effective
1-22-03	Clearfield Bank & Trust Company, Clearfield, and Clearfield Interim Bank & Trust Company, Clearfield Surviving Institution— Clearfield Bank & Trust Company	Clearfield	Filed

The application is being filed solely to facilitate the acquisition of Clearfield Bank & Trust Company by CBT Financial Corp., a new bank holding company in organization.

##### Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-18-03	Northwest Savings Bank Warren Warren County	<i>Into:</i> 121 W. 26th Street Erie Erie County  <i>From:</i> 3805 Peach Street Erie Erie County	Effective

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-22-03	Northwest Savings Bank Warren Warren County	1001 E. Main Street Bradford McKean County	Filed

**SAVINGS INSTITUTIONS****Relocation of Main Office**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
1-27-03	Washington Savings Association Philadelphia Philadelphia County	<i>To:</i> Comly Road and Norcom Road Philadelphia Philadelphia County  <i>From:</i> 2701 East Allengheny Ave. Philadelphia Philadelphia County	Filed

**CREDIT UNIONS***No activity.*

WILLIAM SCHENCK,  
*Acting Secretary*

[Pa.B. Doc. No. 03-224. Filed for public inspection February 7, 2003, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS****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**

*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>
PA0110957 (Industrial Waste)	TRW Automotive 601 East Market Street Danville, PA 17821	Montour Danville Borough	Sechler Run 5E	Y

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

**PA0103969**, Sewage, **Varischetti and Sons, Inc.**, P. O. Box 220, Brockway, PA 15824. This proposed facility is located in Washington 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 the Redbank Creek located at Hawthorn, approximately 36 miles below point of discharge.

The receiving stream, unnamed tributary to Wolf 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 0.000450 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 (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a geometric average 21,200/100ml as a geometric average	
Total Residual Chlorine	1.5		3.5
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

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

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

**PA802220**, Industrial, SIC Code 5171, **Gulf Oil Limited Partnership**, 90 Everett Avenue, Chelsea, MA 02150-2337. This proposed action is for the renewal of an NPDES permit to discharge treated site stormwater into Mill Creek in Pittston Township, **Luzerne County**.

The receiving stream is in the State Water Plan watershed no. 05A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Danville Borough Water Authority is on the Susquehanna River, approximately 40 miles below the point of discharge.

*Outfall 001:* The proposed effluent limits based on a design flow of n/a MGD are:

<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>Instantaneous Maximum</i>
CBOD <sub>5</sub>			XX	
COD			XX	
Oil and Grease			XX	
pH			XX	
Total Suspended Solids			XX	
Total Kjeldahl Nitrogen			XX	
Total Phosphorous			XX	
Dissolved Iron			XX	

Monitor and Report on DMRs or perform an annual inspection of the facility.

The EPA waiver is in effect.

**PA0062600**, Industrial, SIC, **Agway Petroleum Corporation, Schuylkill Haven Bulk Plant**, P. O. Box 4852, Syracuse, NY 13221. This proposed action is for renewal of an NPDES permit to discharge treated stormwater into an unnamed tributary of Mahanoy Creek in North Manheim Township, **Schuylkill County**.



The receiving stream is in the State Water Plan watershed no. 6B and is classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are:

<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>
Total Recoverable Petroleum Hydrocarbons				
				Monitor Only

This permit also contains special conditions pertaining to control of product contaminated stormwater runoff from petroleum marketing terminals.

The EPA waiver is in effect.

**PA0063053**, Industrial, **Tamaqua Area Water Authority**, 320 East Broad Street, Tamaqua, PA 18252. This proposed facility is located in Rush Township, **Schuylkill County**.

Description of Proposed Activity: Application for renewal of a NPDES permit to discharge treated process wastewater in the Little Schuylkill River.

The receiving stream, Little Schuylkill River, is in the State Water Plan watershed no. 3A and is classified for HQ-CWF. The nearest downstream public water supply intake for the Pottstown Water Treatment Plant is on the Schuylkill River, below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.176 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>
Total Suspended Solids			30.0	60.0
Total Aluminum			4.0	8.0
Total Iron			2.0	4.0
Total Manganese			1.0	2.0
pH		6.0 to 9.0 Standard Units at all times		
Total Chlorine Residual			0.5	1.0

**PA0024015**, Sewage, **Cressona Borough Authority**, 78 South Sillyman Street, Cressona, PA 17929. This proposed facility is located in Cressona Borough, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, L. Br. Schuylkill River, is in the State Water Plan watershed no. 3A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Pottstown Water Authority is on the Schuylkill River, approximately 5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .72 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	40	50
Total 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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1		2

**PA0043877**, Sewage, **Pottsville Area Sewer Authority**, North Centre Street, P. O. Box 1163, Pottsville, PA 17901-7163. This proposed facility is located in Pottsville City, **Schuylkill County**.

Description of Proposed Activity: Renewal of an NPDES Permit.

The receiving stream, West Branch of Schuylkill River, is in the State Water Plan watershed no. 3A and is classified for CWF. The nearest downstream public water supply intake for the Pottstown Water Authority is located on the Schuylkill River is 59 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.500 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	5.0
Total Suspended Solids	30.0	45.0	60.0
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		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.0

In addition to the effluent limits, the permit contains the following major special conditions: pretreatment operating reporting requirement and combined sewer overflows.

**PA0026042**, Sewage, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018. This proposed facility is located in City of Bethlehem, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, Lehigh River and Saucon Creek, is in the State Water Plan watershed no. 2C and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Keystone Water Supply is on the Delaware River, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 20 MGD.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(6-1 to 10-31)	5.0		10
(11-1 to 5-31)	15		30
Fecal Coliform	200 colonies/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.5		1.3

The EPA waiver is not in effect.

The proposed effluent for Outfall 006 which is plant emergency discharge:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(6-1 to 10-31)	5.0		10
(11-1 to 5-31)	15		30
Fecal Coliform	200 colonies/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.50		1.30

The proposed effluent for Outfalls 003 and 004 which are plant overflows are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		Monitor and Report
Total Suspended Solids		Monitor and Report
Fecal Coliform		Monitor and Report
pH		Monitor and Report

Sampling shall take place on an hourly basis at each outfall location for the duration of the discharge.

Other Requirements: Pretreatment condition, combined sewer overflows condition, whole effluent toxicity test condition, inclusion of five uncontaminated stormwater outfalls.

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

**PA0024147**, Sewage, **Cumberland Township Municipal Authority**, 1370 Fairfield Road, Gettysburg, PA 17325. This facility is located in Cumberland Township, **Adams County**.

Description of activity: The application is for issuance of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Willoughby Run, is in Watershed 13-D and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for the City of Frederick is located on the Monocacy River, approximately 42 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.650 MGD are:

<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>	10	15	20
Total Suspended Solids	10	15	20
NH <sub>3</sub> -N			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Total Residual Chlorine	0.5		1.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

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.

**PA0246891**, Industrial Waste, SIC Code 9711, **Letterkenny Army Depot**, One Overcash Avenue, Chambersburg, PA 17201. This facility is located in Greene, Hamilton and Letterkenny Townships, **Franklin County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated stormwater.

The receiving stream, UNT Rocky Spring Branch, is in Watershed 13-C and classified for TSF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on the Potomac River downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 006 are variable:

<i>Parameter</i>	<i>Monitoring Requirements Grab Sample (mg/l)</i>
Total Dissolved Solids	Monitor and Report
Chloride	Monitor and Report
Total Suspended Solids	Monitor and Report
Fluoride	Monitor and Report
Sulfate	Monitor and Report
Nitrate-Nitrogen	Monitor and Report
NH <sub>3</sub> -Nitrogen	Monitor and Report
pH (S.U.)	Monitor and Report
Arsenic	Monitor and Report
Aluminum	Monitor and Report
Nickel	Monitor and Report
Iron	Monitor and Report
Manganese	Monitor and Report
Lead	Monitor and Report
Zinc	Monitor and Report
Mercury	Monitor and Report
2,4-Dinitrotoluene	Monitor and Report
2-Amino-4,6-Dinitrotoluene	Monitor and Report
4-Amino-2, 6-Dinitrotoluene	Monitor and Report
HMX	Monitor and Report
RDX	Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: Part A effluent limits in the form of BMPs; and Part C conditions for stormwater outfalls.

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

The EPA waiver is in effect.

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

**PA0025968**, Sewage, **Aliquippa Municipal Water Authority**, 160 Hopewell Avenue, Aliquippa, PA 15001-3545. This application is for renewal of an NPDES permit to discharge treated sewage from the Aliquippa STP in Aliquippa Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio 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 ARCO Chemical Company—BV Plant on the Ohio River.

Outfall 001: existing discharge, design flow of 3.4 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 10-31)	2,000/100 ml as a geometric mean			
(11-1 to 4-30)	1.0			
Total Residual Chlorine				3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0026778**, Sewage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. This application is for renewal of an NPDES permit to discharge treated sewage from Ingleside Sewage Treatment Plant in Richland Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Stony Creek and Stony 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 Saltsburg Municipal Waterworks.

Outfall 001: existing discharge, design flow of 4 mgd to unnamed tributary of Stony Creek.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen	200/100 ml as a geometric mean			
(5-1 to 10-31)	1.9	2.9		3.9
(11-1 to 4-30)	2.9	4.3		5.7
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)	0.5			
Total Residual Chlorine				1.6
(1st Month—36th Month)				0.04
(37th Month—Expiration or Completion of Plant Expansion)				0.01
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when Outfall 001 is relocated to Stony Creek.

Outfall 001: relocated discharge, design flow of 4 mgd to Stony Creek.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen	200/100 ml as a geometric mean			
(5-1 to 10-31)	7.8	11.7		15.5
(11-1 to 4-30)	23	34.5		46
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)	0.5			
Total Residual Chlorine				1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0028801**, Sewage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 101, Moon Township, PA 15108. This application is for renewal of an NPDES permit to discharge treated sewage from Montour Run Water Pollution Control Plant in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River Back Channel, 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 ARCO Chemical Company—BV Plant on the Ohio River.

*Outfall 001:* existing discharge, design flow of 6.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0039489**, Sewage, **Garrett Borough Municipal Authority**, P. O. Box 218, 307 Municipal Road, Garrett, PA 15542. This application is for renewal of an NPDES permit to discharge treated sewage from Garrett Borough STP in Garrett Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Casselman 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 Ohiopyle Municipal Water Works.

*Outfall 001:* existing discharge, design flow of 0.0677 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			

Other Conditions: Outfalls 002 and 003 will serve as combined sewer overflows.

The EPA waiver is in effect.

**PA0092533**, Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Iselin STP in Young Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Harpers Run, 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 Authority.

*Outfall 001:* existing discharge, design flow of 0.035 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)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,500/100 ml as a geometric mean			
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0095036**, Sewage, **EL-DO, Inc.**, 700 Atlantic Avenue, McKeesport, PA 15132. This application is for renewal of an NPDES permit to discharge treated sewage from Smithton Truck Stop STP in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of the Youghiogheny 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 McKeesport Municipal Water Authority.

*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
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.

**PA0204455**, Sewage, **Orchard Estates MHP LLC c/o The Carlyle Group**, 504 Preston Pl., Raleigh, NC 27604. This application is for renewal of an NPDES permit to discharge treated sewage from Orchard Estates MHP STP in Economy Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Big Sewickley Creek, which are classified as 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 Midland Borough Water Authority.

*Outfall 001:* existing discharge, design flow of 0.02 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)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
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	.13			.31
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205559**, Sewage, **WJT Enterprises**, 4639 Rte. 119, Hwy. N, Home, PA 15747. This application is for renewal of an NPDES permit to discharge treated sewage from Crystal Waters Personal Care Facility STP in Rayne Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Run, 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 Cadogen Township Water works.

*Outfall 001:* existing discharge, design flow of 0.0029 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)	5,000/100 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.

**PA0219401**, Sewage, **James and Phyllis Bandstra**, 1570 Causeway Drive, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Bandstra single residence STP in Stonycreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Lake Stonycreek, 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 Hooversville Municipal Authority.

Outfall 001: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA002666**, Industrial Waste, **Crompton Corporation**, 100 Sonneborn Lane, Petrolia, PA 16050. This proposed facility is located in Fairview Township, **Butler County**.

Description of Proposed discharge of treated industrial waste, treated stormwater and untreated stormwater from a producer of surface active agents is in watershed 17C and classified for WWF, aquatic life, 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 considered during the evaluation is Pennsylvania American Water Company, Butler District on the Allegheny River at East Brady, approximately 20.4 miles below point of discharge.

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

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			XX		
(T) Iron			XX		
Dissolved Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

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

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			XX		
(T) Iron			XX		
Dissolved Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

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

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			15		30
(T) Iron			XX		
Dissolved Iron			XX		

<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>
Manganese			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 007 are based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			15		30
(T) Iron			XX		
Dissolved Iron			XX		
Manganese			XX		
Zinc			XX		
Barium			XX		
pH			XX		

The proposed effluent limits for Outfall 010 are based on a design flow of 0.4772 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>					
(5-1 to 10-31)	51	103	13	26	32
(11-1 to 4-30)	103	206	26	52	65
TSS	200	600	50	150	150
Ammonia as Nitrogen					
(5-1 to 10-31)	5.2	10.4	1.3	2.6	3.25
(11-1 to 4-30)	15.6	31.2	3.9	7.8	9.75
Fecal Coliform					
(5-1 to 9-30)				200/100 ml	
(10-1 to 4-30)				2,000/100 ml	
Dissolved Oxygen			Shall be greater than 5 mg/l at all times		
Oil and Grease	60	120	15		30
Aluminum	2.4	4.8	0.6	1.2	1.5
(T) Iron	5.2	10.3	1.3	2.6	3.2
Manganese	4.0	6.4	1.0	1.6	2.5
Zinc	0.71	1.42	0.17	0.35	0.43
Phenol	0.056	0.1	0.014	0.024	0.035
Barium (Interim)	XX	XX	3.9	7.8	9.75
Barium (Final)			3.4	6.8	8.5
Resorcinol			XX		
Benzenesulfonic Acid			XX		
p-Phenolsulfonic Acid			XX		
m-Benzenedisulfonic Acid			XX		
Temperature (Interim)			<i>Monthly Average</i>		
(1-1 to 1-31)			54°F		
(2-1 to 2-29)			55°F		
(3-1 to 3-31)			82°F		
(4-1 to 4-15)			68°F		
(4-16 to 4-30)			110°F		
(5-1 to 5-15)			81°F		
(5-16 to 5-31)			110°F		
(6-1 to 6-15)			110°F		
(6-16 to 6-30)			110°F		
(7-1 to 7-31)			110°F		
(8-1 to 8-31)			110°F		
(9-1 to 9-15)			110°F		
(9-16 to 9-30)			87°F		
(10-1 to 10-15)			87°F		
(10-16 to 10-31)			75°F		
(11-1 to 11-15)			76°F		



<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>
(11-16 to 11-30)			57°F		
(12-1 to 12-31)			52°F		
pH	Within limits of 6.0 to 9.0 standard units at all times.				
Temperature (Final)			<i>Daily Average</i>		
(1-1 to 1-31)			45°F		
(2-1 to 2-29)			46°F		
(3-1 to 3-31)			61°F		
(4-1 to 4-15)			65°F		
(4-16 to 4-30)			81°F		
(5-1 to 5-15)			92°F		
(5-16 to 5-31)			110°F		
(6-1 to 6-15)			102°F		
(6-16 to 6-30)			102°F		
(7-1 to 7-31)			98°F		
(8-1 to 8-31)			97°F		
(9-1 to 9-15)			94°F		
(9-16 to 9-30)			88°F		
(10-1 to 10-15)			84°F		
(10-16 to 10-31)			78°F		
(11-1 to 11-15)			68°F		
(11-16 to 11-30)			56°F		
(12-1 to 12-31)			45°F		

The proposed effluent limits for Outfall 021 are based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			15		30
(T) Iron			XX		
Dissolved Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 022 are based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			15		30
(T) Iron			XX		
Dissolved Iron			XX		
Manganese			XX		
pH			XX		

The proposed effluent limits for Outfall 023 are based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			XX		
(T) Iron			XX		
Dissolved Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 024 are based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			XX		
(T) Iron			XX		
Dissolved Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 025 are based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
Oil and Grease			XX		
(T) Iron			XX		
Dissolved Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

XX—Monitor and report.

In addition to the effluent limits, the permit contains the following major special conditions: final water quality based effluent limitation for barium and temperature; requirement to submit toxic reduction evaluation for barium and plan of study to meet temperature limitations; conditions for future permit modification; procedures for granting time extensions to achieve final water quality based effluent limitations; and procedures for demonstrating alternative thermal effluent limitations.

The EPA Waiver is in effect.

**PA0002135**, Industrial Waste, **Penreco**, 138 Petrolia Street, Karns City, PA 16041. This proposed facility is located in Karns City Borough, **Butler County**.

Description of Proposed major discharge of treated industrial waste, treated stormwater and untreated stormwater, is in watershed 17-C and classified for WWF, aquatic life, 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 considered during the evaluation is the Allegheny River and the Pennsylvania American Water Company—Butler District at Emlenton, approximately 21.5 miles below point of discharge.

The proposed effluent limits for Outfall 001 Interim are based on a design flow of 0.347 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>					
(5-1 to 10-31)	46	92	16	32	40
(11-1 to 4-30)	92	184	32	64	80
TSS	130	390	45	135	135
Oil and Grease	43		15		30
Ammonia-Nitrogen					
(5-1 to 10-31)	3.7	7.4	1.3	2.6	3.25
(11-1 to 4-30)	11.2	22.4	3.9	7.8	9.75
Dissolved Oxygen			greater than 5.0 mg/l at all times		
Aluminum	11.5	23	4	8	10
Iron	5.7	11.4	2	4	5
Manganese			1	2	3
Copper	2.9	5.8	1	2.31	2.5
Lead	0.67	1.47	0.23	0.5	0.58
Zinc			0.058	0.15	0.15
Temperature					Daily Average
(1-1 to 1-31)					53°F
(2-1 to 2-29)					57°F

<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>
(3-1 to 3-31)					XX
(4-1 to 4-15)					XX
(4-16 to 4-30)					XX
(5-1 to 5-15)					XX
(5-16 to 5-31)					XX
(6-1 to 6-15)					XX
(6-16 to 6-30)					XX
(7-1 to 7-31)					XX
(8-1 to 8-31)					XX
(9-1 to 9-15)					XX
(9-16 to 9-30)					XX
(10-1 to 10-15)					XX
(10-16 to 10-31)					69°F
(11-1 to 11-15)					65°F
(11-16 to 11-30)					53°F
(12-1 to 12-31)					47°F
Fecal Coliform			200/100 ml		
Phenol	0.03	0.06	0.012	0.021	
pH		Within limits of 6.0 to 9.0 standard units at all times.			

The proposed effluent limits for Outfall 001 Final are based on a design flow of 0.347 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>					
(5-1 to 10-31)	46	92	16	32	40
(11-1 to 4-30)	92	184	32	64	80
TSS	130	390	45	135	135
Oil and Grease	43		15		30
Ammonia-Nitrogen					
(5-1 to 10-31)	3.7	7.4	1.3	2.6	3.25
(11-1 to 4-30)	11.2	22.4	3.9	7.8	9.75
Dissolved Oxygen		greater than 5.0 mg/l at all times			
Aluminum	1.8	3.6	0.62	1.24	1.55
Iron	5.5	11	1.9	3.8	4.75
Manganese			1	2.0	3.0
Copper	0.058	0.116	0.02	0.04	0.05
Lead	0.027	0.054	0.009	0.018	0.023
Zinc			0.058	0.15	0.15
Heat Rejection Rate			<i>Daily Average</i>		
(1-1 to 1-31)			14.4 mBtu/day		
(2-1 to 2-29)			19.7 mBtu/day		
(3-1 to 3-31)			44.2 mBtu/day		
(4-1 to 4-15)			37.9 mBtu/day		
(4-16 to 4-30)			114.6 mBtu/day		
(5-1 to 5-15)			84.2 mBtu/day		
(5-16 to 5-31)			175.8 mBtu/day		
(6-1 to 6-15)			72 mBtu/day		
(6-16 to 6-30)			57.4 mBtu/day		
(7-1 to 7-15)			38 mBtu/day		
(8-1 to 8-31)			35.9 mBtu/day		
(8-16 to 8-31)			36.3 mBtu/day		
(9-1 to 9-15)			36.8 mBtu/day		
(9-16 to 9-30)			39.5 mBtu/day		
(10-1 to 10-15)			42.2 mBtu/day		
(10-16 to 10-31)			43.6 mBtu/day		
(11-1 to 11-15)			35 mBtu/day		
(11-16 to 11-30)			19.7 mBtu/day		
(12-1 to 12-31)			8.3 mBtu/day		
Fecal Coliform			200/100 ml		
Phenol	0.03	0.06	0.012	0.021	
pH		Within limits of 6.0 to 9.0 standard units at all times.			

## NOTICES

The proposed effluent limits for Outfall 002 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 004 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			30		50
Oil and Grease			15		30
Total Iron			1.4	2.8	3.5
Manganese			1.0	2.0	2.5
pH			Within limits of 6.0 to 9.0 standard units at all times.		

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>			XX		
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 006 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 007 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 008 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 009 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 010 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		

<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>
pH			XX		

The proposed effluent limits for Outfall 011 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 012 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 013 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 014 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		

<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>
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 031 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 032 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 033 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 034 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 020 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			XX		
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 022 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			XX		
Aluminum			XX		
Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

The proposed effluent limits for Outfall 023 are based on a design flow of varies MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>					
TSS			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Iron			XX		
Manganese			XX		



Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Copper			XX		
Zinc			XX		
pH			XX		

XX—Monitor and report.

The EPA Waiver is not in effect.

**PA0238945**, Sewage, **Pulaski Township Municipal Authority (New Bedford STP and Pulaski STP)**, R. D. 1 Box 1043, Pulaski, PA 16143. These proposed facilities are located in Pulaski Township, **Lawrence County**.

Description of Proposed Activity: New 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 Pennsylvania American Water Company—New Castle District intake and the Shenango River at New Castle, approximately 12 miles below point of discharge for the New Bedford STP and approximately 11 miles below point of discharge for the Pulaski STP.

The receiving streams, Deer Creek for the New Bedford STP (Outfall 001) and Shenango River for the Pulaski STP (Outfall 002) are in watershed 20-A and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.28 MGD.

Parameter	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD <sub>5</sub>					
(5-1 to 10-31)	35	54	15	23	30
(11-1 to 4-30)	58	93	25	40	50
Total Suspended Solids	70	105	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	4.7		2		4
(11-1 to 4-30)	14		6		12
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			2,500/100 ml as a geometric average		
Total Residual Chlorine			0.2		0.65
Dissolved Oxygen			minimum of 5 mg/l at all times		
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 002 are based on a design flow of 0.044 MGD.

Parameter	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD <sub>5</sub>	9.2	14.7	25	40	50
Total Suspended Solids	11	16.5	30	45	60
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			100,000/100 ml as a geometric average		
Total Residual Chlorine			1.4		3.3
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

**PA0238911**, Industrial Waste, **Titusville Dairy Products Co.**, 217 South Washington Street, P. O. Box 186, Titusville, PA 16354. This proposed facility is located in City of Titusville, **Crawford County**.

Description of Proposed Activity: Discharge of noncontact cooling water.

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 Emlenton Water Company and the Allegheny River at Emlenton, approximately 60 miles below point of discharge.

The receiving stream, Oil Creek, is in watershed 16-E and classified for CWF, aquatic life, water supply and recreation.

## NOTICES

The proposed effluent limits for Outfall 001 based on a design flow of 0.02 MGD.

<i>Parameter</i>	<i>Average</i>		<i>Instantaneous</i> <i>Maximum (mg/l)</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	
Flow	Monitor and Report		
Total Suspended Solids	30		60
Oil and Grease	15		30
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 002 based on a design flow of 0.06 MGD.

<i>Parameter</i>	<i>Average</i>		<i>Instantaneous</i> <i>Maximum (mg/l)</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	
Flow	Monitor and Report		
Total Suspended Solids	30		60
Oil and Grease	15		30
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**PA0000868**, Industrial Waste, SIC 3317 and 3498, **Wheatland Tube Co.—Division of John Maneely Co.**, One Council Avenue, Wheatland, PA 16101-0608. This proposed facility is located in Wheatland Borough, **Mercer County**.

Description of Proposed Activity: Redraft of an NPDES permit to discharge of treated I.W., noncontact cooling water, stormwater and contaminated groundwater.

The receiving stream, the Shenango River, is in watershed 20-A and classified for WWF, aquatic life, 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 considered during the evaluation is the W. Pennsylvania Water Company intake on the Shenango River at New Castle, approximately 19 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.4 MGD

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i> <i>Maximum</i>
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Suboutfall 101 based on a design flow of 1.4 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i> <i>Maximum</i>
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	
Flow	XX	XX			
Total Suspended Solids	530	1,287	XX	XX	110
Oil and Grease	120	467	XX	XX	30
Lead	1.2	3.5	XX	XX	0.3
Zinc	1.9	5.1	XX	XX	0.44
Iron (Total)	72	143			15.4
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Suboutfall 201 (formerly Suboutfall 106) based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i> <i>Maximum</i>
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	
Flow*					

\*—Flow volume pumped from the stormwater collection system to the industrial waste treatment plant shall be measured and recorded per event. Data shall be reported on a separate table and attached to the monthly DMRs.

The proposed effluent limits for Outfall 002, 003 and 005 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i> <i>Maximum</i>
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	
Flow		XX			
Iron		XX		XX	
Zinc		XX		XX	

The proposed effluent limits for Suboutfall 104 based on a design flow of 0.02 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	XX				
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 004 based on a design flow of 0.02 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow		XX			
(T) Iron		XX		XX	
(T) Zinc		XX		XX	
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 006 based on a design flow of n/a MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow		XX			
Iron, Total		XX		XX	
Zinc, Total		XX		XX	

This discharge shall consist of stormwater runoff only; 90,000 gallons of collected runoff must be pumped to the wastewater treatment facility before a discharge is allowed to occur on consecutive days.

The proposed effluent limits for Outfall 007 based on a design flow of 0.4 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow		XX			
(T) Iron		XX		XX	
(T) Zinc		XX		XX	
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 standard units at all times.				

XX—Monitor and report on DMRs.

In addition to the effluent limits, the permit contains the following major special conditions: chemical additives; and stormwater.

The EPA Waiver is not 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. 1503402**, Sewerage, **Uwchlan Township**, 715 N. Ship Road, Exton, PA 19341-1940. This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the extension of its existing sewage collection and conveyance system.

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

**WQM Permit No. 3503401**, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519. This proposed facility is located in Moosic Borough, **Lackawanna County**.

Description of Proposed Action/Activity: This project consists of the replacement of the existing sanitary pump station along Montage Mountain Road. The maximum capacity of the new pump station is 1.08 MGD. The pump station consists of a wet well and a dry well, with influent sewage passing through a flow meter and sewage grinder prior to entering the wet well. The large capacity allows for flow equalization during events at the Lackawanna Stadium. Flow is discharged from the pump station to a 10 inch force main, which leads to a gravity manhole, which is part of the Scranton Sewer Authority sewer system. The pump station contains a generator and transfer switch to provide power during outages.

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

**WQM Permit No. 3696408, Amendment 03-1**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for replacement of sludge holding tanks.

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

**WQM Permit No. 1402201**, Industrial Waste, SIC 2037, 2038, **Hanover Food Corporation**, P. O. Box 193, Centre Hall, PA 16828. This existing facility is located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Hanover Foods is applying for a Water Quality Management permit for the existing and proposed industrial wastewater treatment facilities. Existing facilities include screening, an aeration pond, a clarifier, a polishing pond, chlorination, polymer conditioning and a sludge holding tank. A surge tank is proposed. The use of the spray field for effluent disposal will be discontinued with this permit issuance.

**WQM Permit No. 1903401**, Sewerage SIC 4952, **Berwick Area Joint Sewer Authority**, 344 Market Street, Berwick, PA 18603. This proposed facility will be located in Berwick Borough, **Columbia County**.

Description of Proposed Action/Activity: Construction and operation of a new 36 inch sewer interceptor (parallel to the existing interceptor) and solids removal equipment for combined sewer overflows.

**WQM Permit No. 4102404**, Sewerage, **John E. Stanko**, R. D. 2, Box 428, Sayre, PA 18804. This proposed facility will be located in Athens Township, **Bradford County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment facility to serve a residence. The treatment facility will discharge to an unnamed tributary of Orcutt Creek (WWF).

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

**Application No. 6370414-A2**, Sewerage, **Monongahela City Municipal Authority**, 521 West Main Street, Monongahela, PA 15063. Application for the construction and modification of a sewage treatment plant to serve the City of Monongahela in **Washington County**.

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

**WQM Permit No. 4303201**, Industrial Waste, **Duferco Farrell Corporation**, 15 Roemer Boulevard, Farrell, PA 16121-2299. This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This project is for the No. 2 Cold Roll Facility noncontact cooling water recycle system and will be discharge to the Shenango River through permitted Outfall 004.

**WQM Permit No. 3703401**, Sewerage, **Wilmington Township Sewer Authority**, Box 469, R. D. 5, New Castle, PA 16105. This proposed facility is located in Wilmington Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction of two pump stations and conveyance facilities to serve the Maiden Blush Lane/Phillips School Road area and the Beechwood Drive area.

**WQM Permit No. 6203408**, Sewerage, **Pine Grove Township**, P. O. Box 125, Russell, PA 16345. This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for sewer extensions to serve the Route 957, North Russell, Akeley and the north end of Cider Mill Hill Road areas and will be conveyed to the North Warren Municipal Authority sewage facilities.

**WQM Permit No. 6203403**, Sewerage, **John J. Sapalek**, 131 Scranton Hollow Road, Warren, PA 16365. This proposed facility is located in Farmington Township, **Warren County**.

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

**WQM Permit No. 6203404**, Sewerage, **Joseph N. Mangione**, 493 Quaker Hill Road, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

**WQM Permit No. 6203405**, Sewerage, **Richard A. Decker**, 1010 East Fifth Avenue, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

**WQM Permit No. 6203406**, Sewerage, **Troy Rex**, 1030 Jackson Avenue, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

**WQM Permit No. 2403402**, Sewerage, **Joshua S. Wendel**, 1237 East Eschbach Road, St. Marys, PA 15857. This proposed facility is located in City of St. Marys, **Elk County**.

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

**WQM Permit No. 2403403**, Sewerage, **Gregory A. Meyer**, 558 Robin Road Extension, St. Marys, PA 15857. This proposed facility is located in City of St. Marys, **Elk County**.

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

**WQM Permit No. 2503401**, Sewerage, **Ricky A. Ayers**, 12451 East Lake Road, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

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

**WQM Permit No. 1003401**, Sewerage, **VicNor Farms, Inc.**, P. O. Box 227, Connoquenessing, PA 16027. This proposed facility is located in Forward Township, **Butler County**.

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

**WQM Permit No. 1003402**, Sewerage, **Andrea Weider**, 10500 Irwin Road, Gibsonia, PA 15044. This proposed facility is located in Forward Township, **Butler County**.

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

### **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).**

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

#### **Permit No. 0903502**, Public Water Supply.

Applicant	<b>Buckingham Township</b>
Responsible Official	Graham Orton P. O. Box 413 Buckingham, PA 18912
Type of Facility	PWS
Consulting Engineer	Castle Valley Consultant, Inc. 10 S. Clinton Street, Ste. 302 Doylestown, PA 18901
Application Received	January 23, 2003
Description of Action	Construction of a booster pump station.

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

#### **Permit No. 1302504**, Public Water Supply.

Applicant	<b>Mahoning Manor Estates Homeowners Association</b> 59 White Pine Lane Lehighton, PA 18235
Township or Borough	Mahoning Township, <b>Carbon County</b>
Responsible Official	Dennis Daubenspeck, Secretary
Type of Facility	PWS
Consulting Engineer	Chad M. Angle, P. E. Raudenbush Engineering, Inc. 29 South Union Street Middletown, PA 17057
Application Received	December 30, 2002
Description of Action	The addition of a new well source with a sustained yield of only 0.7 GPM.

#### **Permit No. 4503501**, Public Water Supply.

Applicant	<b>Stroudsburg Area School District</b> 123 Linden Street Stroudsburg, PA 18360
Township or Borough	Hamilton Township, <b>Monroe County</b>
Responsible Official	Mark Kelly, Supervisor
Type of Facility	School
Consulting Engineer	Gregory Wilhelm, P. E.
Application Received	January 9, 2003
Description of Action	Corrosion Control Treatment

#### **Permit No. N/A**, Public Water Supply.

Applicant	<b>Eagle Springs, Inc.</b> 88 West Donaldson Street Tremont, PA 17981
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Township or Borough Hegins Township, **Schuylkill County**  
 Responsible Official Richard Withelder  
 Type of Facility Bulk Water Loading  
 Consulting Engineer Jacqueline A. Peleschak, P. E.  
 Alfred Benesch & Co.  
 400 One Norwegian Plaza  
 Pottsville, PA 17901  
 Application Received January 10, 2003  
 Description of Action The connection and use of the  
 Valley View I, Lower Spring Box

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

**Permit No. 3602527**, Public Water Supply.

Applicant **Conestoga Hills Community**  
 Municipality Conestoga Township  
 County **Lancaster**  
 Responsible Official Robert G. Harnish, Owner  
 Operator  
 1230 Stoney Lane  
 Conestoga, PA 17516  
 Type of Facility PWS  
 Consulting Engineer Charles A. Kehew II, P. E.  
 James R. Holley & Assoc., Inc.  
 18 South George St.  
 York, PA 17401  
 Application Received December 23, 2002  
 Description of Action The addition of cation exchange  
 for softening and anion exchange  
 for nitrate removal. The system  
 will also be modified to create a  
 central treatment location for the  
 six onsite wells.

**Permit No. 3603501**, Public Water Supply.

Applicant **Lakeview Country Estates**  
 Municipality Mount Joy Township  
 County **Lancaster**  
 Responsible Official Charles G. Bailey, Jr., Owner  
 Operator  
 1501 Mill Road  
 Elizabethtown, PA 17022  
 Type of Facility PWS  
 Consulting Engineer Eugene R. Oldham, P. E.  
 D. C. Gohn Associates Inc.  
 32 Mount Joy Street  
 Mount Joy, PA 17552  
 Application Received January 3, 2003  
 Description of Action Application is for the use of Well  
 No. 6 to augment the existing  
 sources. No. changes in the  
 treatment system is proposed.

**Permit No. 0103501**, Public Water Supply.

Applicant **New Oxford Municipal Authority**  
 Municipality Oxford Township  
 County **Adams**

Responsible Official Earl E. Mummert, Authority  
 Chairperson  
 New Oxford Municipal Authority  
 409 Water Works Road  
 New Oxford, PA 17350-1511  
 Type of Facility PWS  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17112  
 Application Received January 7, 2003  
 Description of Action Construction Permit application  
 for major renovations of the  
 existing, previously permitted  
 filter plant. The new facilities will  
 include: changed raw intake, rapid  
 mixers, flocculation/sedimentation  
 tanks, new filters, new filter  
 building, new high service and  
 backwash pumps, chemical feed  
 facilities, instrumentation and a  
 1.5 million gallon storage tank.

#### MINOR AMENDMENT

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

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

#### Application No. Minor Amendment.

Applicant **Pennsylvania-American Water Company**  
 Township or Borough Middle Smithfield Township  
 Responsible Official Steven Seidl  
 Pennsylvania-American Water  
 Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer James T. Palumbo, P. E.  
 Quad Three Group, Inc.  
 37 North Washington Street  
 Wilkes-Barre, PA 18701  
 Application Received January 16, 2003  
 Description of Action This application proposes the  
 construction of a 250,000 gallon  
 storage tank (Mid Monroe Tank  
 No. 003) to be utilized for potable  
 water storage.

#### Application No. Minor Amendment.

Applicant **Tulpehocken Spring Water, Inc.**  
 Township or Borough Foster Township  
 Responsible Official Gary Troutman, Vice President  
 Tulpehocken Spring Water, Inc.  
 R. R. 1, Box 1141  
 Northumberland, PA 17857  
 Type of Facility Bulk Water Hauling System

Consulting Engineer	Thomas G. Pullar, P. E. EarthRes Group, Inc. P. O. Box 468 Pipersville, PA 18947
Application Received	January 17, 2003
Description of Action	Tulpehocken Spring Water, Inc. proposes the addition of a 30,000 gallon storage silo at the permitted Tulpehocken Springs Bulk Water Hauling System facility.

### WATER ALLOCATIONS

#### 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.

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

**WA 33-1002.** Water Allocation. **Brockway Borough Municipal Authority**, 501 Main Street, Brockway, PA 15824, Brockway Borough, **Jefferson County**. Application for Water Allocation Permit requesting a water line extension to the Route 219 area of Horton Township, extending the existing service area further into Horton Township to add new connections. The existing allocation of 1.5 million GPD is projected to be sufficient until the year 2030 based on current projected growth rates. Sources will continue to be the Whetstone Reservoirs and Wells.

### 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 demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office 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.*

**Bemis Company, Inc. Site**, Chalfont Borough, **Bucks County**. Thomas R. Marks, Marks Environmental, Inc., 140 Bollinger Rd., Elverson, PA 19520, on behalf of Howard Hofmeister, Bemis Company, Inc., P. O. Box 2968, Oshkosh, WI 54903, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, other organics and PAH; and groundwater contaminated with chlorinated solvents and other organics. 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 *Intelligencer* on January 6, 2003.

**HiLine Storage Systems/Seiz Corp.**, East Rockhill Township, **Bucks County**. Douglas B. Schott, Walter B. Satterthwaite Associates, Inc., 720 Old Fern Rd., West Chester, PA 19380, on behalf of Frederick Seiz, Seiz Corp./HiLine Storage Systems, HiLine Dr. and E. Ridge Rd., Perkasio, PA 18944, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, lead and other organics; and groundwater contaminated with chlorinated solvents, MTBE, other organics and unleaded gasoline. 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 *Intelligencer* on January 3, 2003.

**Church Road Site**, Lansdale Borough, **Montgomery County**. Eric Fretz, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of 1190 Church Rd. Associates, LP, 1001 E. Hector St., Suite 100, Conshohocken, PA, 19428, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics, lead and other organics. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate

ate was reported to have been published in the *North Penn Reporter* on January 10, 2003.

**Penco Products, Inc.**, Upper Providence Township, **Montgomery County**. Bernard B. Beegle, P. G., Advanced GeoServices, Inc., Rts. 202 and 1, Brandywine One, Suite 202, Chadds Ford, PA 19317-9676, on behalf of Bob Heffernan, Arrowhead Holdings, Inc., c/o Penco Products, Inc., 99 Brower Ave., Oaks, PA 19456, has submitted a Notice of Intent to Remediate soil contaminated with inorganics and other organics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on January 3, 2003.

**PDDC (Philadelphia Design and Distribution Center) Site**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Equivest, 215 S. Broad St., Philadelphia, PA 19107, has submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents and Fuel Oil No. 2, 4 and 6. 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 Inquirer* on December 28, 2002.

**Former Defense Supply Center, Building 30 and Related Parking Areas**, City of Philadelphia, **Philadelphia County**. Kenneth N. Klass, Blank, Rome, Comisky & McCauley, LLP, One Logan Square, Philadelphia, PA 19103-6998, on behalf of Philadelphia Authority for Industrial Development and its agent, Philadelphia Industrial Development Corp., 2600 Centre Square West, 1500 Market St., Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate soil contaminated with inorganics, lead, other organics, PAH, PCB, pesticides, used motor oil and petroleum products; and groundwater contaminated with PCB. The applicant proposes to remediate the site to meet special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on November 4, 2002.

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

**Former Foster Wheeler Energy Corporation Facility**, Wright Township, **Luzerne County**. David R. Perry, P. G., Project Director, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 has submitted a revised Notice of Intent to Remediate (on behalf of Wabtec, 1001 Air Brake Avenue, Wilmerding, PA 15148) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with solvents. The revised Notice of Intent to Remediate reflects a change from the previously proposed Site-Specific Standard to the Special Industrial Area Standard. A summary of the notice was reportedly published in *The Citizen's Voice* on January 17, 2003.

**Bethlehem Contracting Company**, East Allen Township, **Northampton County**. Douglas H. Sammak, P. G., American Analytical & Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a revised Notice of Intent to Remediate (on behalf of John Cancelliere, President, Bethlehem Contracting Company, P. O. Box 40, Bath, PA) concerning the remediation of soils found or suspected to have been contaminated with lead, nickel, thallium and zinc. The revised Notice of Intent to Remediate reflects a change from the previously proposed

Site-Specific Standard, to a combination of the Site-Specific and Nonresidential Statewide Health Standards. A summary of the notice was reportedly published in *The Morning Call* on January 22, 2003.

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

**Maxine Feltch Property**, East Donegal Township, **Lancaster County**. Marshall Miller Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Maxine Feltch, 14 Klines Road, Klines Mobile Home Village, Marietta, PA 17547 and Newcomer Oil Company, 101 East Cherry Street, Elizabethtown, PA 17022, submitted a Notice of Intent to Remediate site soils contaminated with kerosene. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer Journal*.

**Agway Curryville Crop Center**, North Woodbury Township, **Blair County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Agway, Inc., P. O. Box 4741, Syracuse, NY 13221-4741, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with inorganics and pesticides. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on December 2, 2002.

**Former American Can Site**, City of Harrisburg, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Lenard and Lois Brenner, 3880 Union Deposit Road, Harrisburg, PA 17109, submitted a Notice of Intent to Remediate site soils contaminated with lead and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on December 19, 2002.

**Redner's Warehouse Market**, Ontelaunee Township, **Berks County**. Spotts, Stevens and McCoy, Inc., 345 North Wyomissing Boulevard, Reading, PA 19610, on behalf of Redner's Markets, Inc., 3 Quarry Road, Reading, PA 19605, submitted a Notice of Intent to Remediate site soils contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* in December 2002.

**Former Elliot & Hatch Typewriter Facility**, City of Harrisburg and Swatara Township, **Dauphin County**. Skelly & Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of the City of Harrisburg, 10 North Second Street, Harrisburg, PA 17101, submitted a Notice of Intent to Remediate site soils contaminated with inorganics, leaded gasoline, lead, PAHs and pesticides. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on November 11, 2002.

**New Franklin Elementary School**, Guilford Township, **Franklin County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112-3377, on behalf of Chambersburg Area School District, 482 South Main Street, Chambersburg, PA 17201, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with



Fuel Oil No. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Public Opinion* on December 10, 2002.

**Former Hipple Signs Property**, City of Lancaster, **Lancaster County**. Gannett Fleming, Inc., P. O. Box 4724, Lancaster, PA 17604-4724, on behalf of Warren Strickler, 12 Sunset Avenue, New Oxford, PA 17350 and Wolf Rock Custom Cabinets and Remodeling, 630 West Fulton Street, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with Fuel Oil No. 2 and leaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Intelligencer Journal/New Era* in January 2003.

**Huntingdon Armory**, Huntingdon Borough, **Huntingdon County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veterans Affairs Environmental Section, Building 11-19, Fort Indiantown Gap, Anville, PA 17003-5002, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with Fuel Oil No. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily News* on January 14, 2003.

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

**Applications 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.**

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

**Permit Application No. 101590. Beach Lake Transfer Station, Waste Management of Pennsylvania, Inc.**, P. O. Box 40, Beach Lake, PA 18405. A Permit Renewal application for this municipal waste transfer station located in Berlin Township, **Wayne County**. The application was received in the Regional Office on January 3, 2003, and was deemed administratively complete as of January 16, 2003.

**Permit Application No. 101590. Beach Lake Transfer Station, Waste Management of Pennsylvania, Inc.**, P. O. Box 40, Beach Lake, PA 18405. A Major Permit Modification for a Radiation Protection Action Plan for this municipal waste transfer station located in Berlin Township, **Wayne County**. The application was received in the Regional Office on December 23, 2002, and was deemed administratively complete as of January 17, 2003.

**Permit Application No. 101625. Tamaqua Transfer & Recycling Station, Environmental Awareness Corp., Inc.**, 244 Broad Street, Tamaqua, PA 18252. A Major Permit Modification for a Radiation Protection Action Plan at this municipal waste transfer station located in Walker Township, **Schuylkill County**. The application was received in the Regional Office on December 23, 2002, and was deemed administratively complete as of January 9, 2003.

**Permit Application No. 101481. APEX Transfer Station, Waste Management of Pennsylvania, Inc.**, 13 Peggy Parkway, Dunmore, PA 18512. A Major Permit Modification for a Radiation Protection Action Plan for this municipal waste transfer station located in Dunmore Borough, **Lackawanna County**. The application was received in the Regional Office on December 23, 2002, and was deemed administratively complete as of January 17, 2003.

**Permit Application No. 101308. Waste Management-Allentown Transfer Station, Waste Management of PA, Inc.**, 2710 Golden Key Road, Kutztown, PA 19530. A Major Permit Modification for a Radiation Protection Action Plan for this municipal waste transfer station located in Weisenberg Township, **Lehigh County**. The application was received in the Regional Office on December 18, 2002, and was deemed administratively complete as of January 21, 2003.

**Permit Application No. 101371. McAuliffe Transfer Station, McAuliffe Hauling & Recycling Services, Inc.**, P. O. Box 59, Walnutport, PA 18088. A Permit Renewal application for this municipal waste transfer station located in Lehigh Township, **Northampton County**. The application was received in the Regional Office on December 23, 2002, and was deemed administratively complete as of January 23, 2003.

**Permit Application No. 101371. McAuliffe Transfer Station, McAuliffe Hauling & Recycling Services, Inc.**, P. O. Box 59, Walnutport, PA 18088. A Major Permit Modification for a Radiation Protection Action Plan for this municipal waste transfer station located in Lehigh Township, **Northampton County**. The application was received in the Regional Office on December 23, 2002, and was deemed administratively complete as of January 23, 2003.

**Permit Application No. 101537. Hinkle Hauling Transfer Station, Hinkle Hauling Services, Inc.**, 1725 Brookside Road, Macungie, PA 18062-9731. A Major Permit Modification for a Radiation Protection Action Plan for this municipal waste transfer station located in Lower Macungie Township, **Lehigh County**. The application was received in the Regional Office on December 23, 2002, and was deemed administratively complete as of January 23, 2003.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

Copies of 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.**

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

**48-301-045: Falk Funeral Home, Inc.** (163 Main Street, Pennsburg, PA 18073) for construction of a human crematory and associated air cleaning device at their facility at 1418 Main Street, Hellertown Borough, **Northampton County**.

**48-322-004: IESI PA Bethlehem Landfill Corp.** (2335 Applebutter Road, Bethlehem, PA 18015-6004) for the expansion of the landfill and the replacement of the air cleaning device at their facility on Applebutter Road, Lower Saucon Township, **Northampton County**.

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

**06-5005A: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for modification of a batch asphalt plant controlled by a fabric collector by adding waste derived liquid fuel in Oley Township, **Berks County**.

**36-03121A: Cadmus Journal Services—Lancaster** (1991 Northampton Street, Easton, PA 18042) for installation of one web press to be connected to the existing pollution control equipment at their Lancaster Press facility in West Hempfield Township, **Lancaster County**.

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

**41-305-004G: Keystone Filler and Manufacturing Co.** (214 Railroad Street, Muncy, PA 17756) for installation of an air cleaning device (a fabric collector) on two carbon product railcar loading stations in Muncy Creek Township, **Lycoming County**.

**41-0001B: Stroehmann Bakeries, L.C.** (3375 Lycoming Creek Road, Williamsport, PA 17701) for installation of a replacement air cleaning device (a catalytic oxidizer) on two bread baking ovens in Old Lycoming Township, **Lycoming County**.

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

**03-00234A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) for installation of a portable coal crusher at Yount Mine in Madison Township, **Armstrong County**.

**32-00368A: TJS Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774) for installation of coal prep plant in South Mahoning Township, **Indiana County**.

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

**AMS 03007: Clean Earth of Philadelphia, Inc.** (South 61st Street, Philadelphia, PA 19153) for permitting various control devices and to authorize use of no. 2 fuel oil as backup fuel in Philadelphia, **Philadelphia County**.

**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.*

**09-0080A: Milford Enterprise, Inc.** (450 Commerce Drive, Quakertown, PA 18951) for installation of a silk screening process at their facility in Milford Township, **Bucks County**. This facility is a non-Title V facility. The installation of this source will result in an increase of 4.7 tons of VOC per year. The Plan Approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**06-05188A: Cummins Power System** (2727 Ford Road, Bristol, PA 19007-6895) for construction of a peaking electric generator at the Muhlenberg Substation of Metropolitan Edison in Muhlenberg Township, **Berks County**. The generating facility is a non-Title V (State-only) facility. The generator and facility will be required to limit the unit and facility emissions by limiting the hours of operation. The applicant will be required to limit the new and existing generators to 438 hours per year per unit. The facility will be removing four existing generators. The facility's new PTE will be 1.3 tons per year of

particulate, 20.8 tons per year of NO<sub>x</sub>, 3.0 tons per year of SO<sub>x</sub>, 4.7 tons per year of CO and 3.0 tons per year of VOCs. The applicant will be required to monitor the hours of operation and emissions from each unit. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within applicable air quality requirements.

**22-05007: The Harrisburg Authority** (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) for physical modifications to the Harrisburg Materials, Energy, Recycling and Recovery Facility in the City of Harrisburg, **Dauphin County**. The modifications limit the capacity of each municipal waste combustor unit to less than 250 tons of waste per day. The modifications also include the installation of water injection and activated carbon injection systems to control dioxin/furan emissions.

Estimated potential emissions from the de-rated operation of the facility are as follows:

<i>Pollutant</i>	<i>Tons per year</i>
Particulate matter	165.4
Sulfur oxides	284.3
Nitrogen oxides	414.8
Carbon monoxide	74.9
Dioxin/furan	0.011

The plan approval will contain conditions for operating, testing, monitoring and recordkeeping for the de-rated operation of the units until June 18, 2003.

**36-05127A: Martin Limestone, Inc.** (404 Martindale Road, Ephrata, PA 17522) for addition of equipment to process recycled asphalt pavement (RAP) at their Burkholder Asphalt Plant on Martindale Road in Earl Township, **Lancaster County**. This batch mix hot asphalt plant is a non-Title V facility. The addition of RAP to the process will not significantly increase the plants previous emissions of 99.9 TPY of CO, 30 TPY of NO<sub>x</sub>, 22 TPY of SO<sub>x</sub>, 7 TPY of VOCs and 2.4 TPY of PM. Martin Limestone, Inc. will restrict their annual production to a maximum of 499,970 tons. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

**55-00005A: Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) for modification of a wood cabinet finishing operation at their facility in Middlecreek Township, **Snyder County**. The respective facility is a major facility for which a Title V Operating Permit (55-00005) has been issued.

The respective wood cabinet finishing operation is identified as the "Main Line automated line" and consists of ten automatic reciprocator-equipped spray booths and associated flash-off areas and drying ovens. The operation of the Main Line automated line results in the emission of VOCs, many of which are also hazardous air pollutants, which are controlled by a regenerative thermal oxidizer. The proposed modification is a requested increase in the allowable VOC emission rate for the Main Line automated line from the current limit to which the line is subject, 61.9 tons in any 12 consecutive month period, to 66.9 tons in any 12 consecutive month period. The entire 5.0 tons per 12 consecutive month period VOC emission increase could also conceivably be hazardous air pollutants (although, based on historical data, it is more

likely that the percentage of this 5.0 ton VOC emission increase that would also be hazardous air pollutants will be approximately 65%).

Under the New Source Review requirements of 25 Pa. Code §§ 127.201—127.217, because of the amount of de minimis increases in the potential to emit VOCs which have been accrued by this facility to date, the 5.0 ton per 12 consecutive month period increase in the allowable VOC emission rate which is being requested by Wood-Mode, Inc. will require the use of 54.72 tons per year (12 consecutive month period) of VOC emission reduction credits (ERCs). To satisfy this requirement, Wood-Mode, Inc. proposes to use 28.45 tons per year of ERCs obtained from Cabinet Industries, Inc. in Danville Borough, Montour County and 26.27 tons per year of ERCs obtained from DMi Furniture, Inc. in Gettysburg, Adams County.

The Department's review of the information contained in the application indicates that the Main Line automated line, as modified, will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the requirements of 25 Pa. Code §§ 129.52 and 129.101—129.107, the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart JJ of the National Emission Standards for Hazardous Air Pollutants (National Emission Standards for Wood Furniture Manufacturing Operations, 40 CFR 63.800—63.808). Based on this finding, the Department intends to approve the application and issue plan approval for the proposed modification.

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

1. The VOC emissions from the spray booths and associated flash-off areas and drying ovens incorporated in the Main Line automated finishing line shall not exceed a combined total of 66.9 tons in any 12 consecutive month period.

2. Under the New Source Review requirements of 25 Pa. Code §§ 127.201—127.217, the modification approved herein requires the use of 54.72 tons per year (12 consecutive month period) of VOC ERCs. To satisfy this requirement, Wood-Mode, Inc. will use 28.45 tons per year of ERCs generated by Cabinet Industries, Inc. in Danville Borough, Montour County, on November 22, 1995, and transferred to Wood-Mode, Inc. on July 20, 1999, and 26.27 tons per year of the 85.2 tons per year of ERCs generated by Dmi Furniture, Inc., Gettysburg, Adams County, on December 1, 1995, and transferred to Wood-Mode, Inc. on May 12, 1997.

3. The conditions and requirements specified in Title V Operating Permit 55-00005 which have applicability to the Main Line automated finishing line remain unchanged and in effect unless superseded or amended by a condition contained herein. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in Title V Operating Permit 55-00005 which applies to the Main Line automated finishing line, the Main Line automated finishing line shall operate under the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in Title V Operating Permit 55-00005.

**12-399-011A: GKN Sinter Metals, Inc.** (R. R. 2, Box 47, Cameron Road, Emporium, PA 15834) for installation

of an air cleaning device on a sintered powdered metal parts steam treating operation operating under Operating Permit 12-399-011 at the company's Barton Street facility (Plant 2) in Emporium Borough, **Cameron County**.

The steam treating operation is used to steam treat sintered powdered metal parts which have been dipped in various synthetic lubricants. The proposed air cleaning device is an electrostatic precipitator which will replace an identically-sized electrostatic precipitator destroyed in a fire. There will be no change in the resultant emission of particulate matter, or any other air contaminant, from this operation.

The Department's review of the information contained in the application indicates that the steam treating operation will continue to comply with all applicable operating permit conditions as well as with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the installation of the electrostatic precipitator. Based on this finding, the Department intends to approve the application and issue plan approval for the installation of the electrostatic precipitator.

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

1. An appropriate electrostatic precipitator preventative maintenance schedule shall be posted and followed. It shall include cleaning of the electrostatic precipitator ionizers, plates and filters.

2. Parts processed through the steam treating operation shall not be dipped in or treated with anything prior to steam treating other than Markee MK-144, Markee MK Gold and/or Chemtool Lubricut 4250 unless prior Department approval to do otherwise has first been obtained.

3. No more than 20 gallons of Chemtool Lubricut 4250 shall be used in any 12 consecutive month period for dipping parts processed through the steam treating operation.

4. Records shall be maintained of the identity of the materials the parts processed through the steam treating operation are dipped in prior to steam treating. Records shall also be maintained of the amount of each different material used each month for this purpose. All records shall be retained for 5 years and shall be made available to the Department upon request.

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

**10-021K: Indspec Chemical Corp.** (133 Main Street P. O. Box 307, Petrolia, PA 16050) for minor modification of a plan approval to reflect the old and new Flaker systems connected to a scrubber with only one system to operate at any given time in Petrolia Borough, **Butler County**. The conditions of this plan approval will supercede plan approval 10-313-028B. The permit contains limitations pertaining to fugitive, odor, visible and particulate emissions. 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 facility currently has Title V Operating Permit No. 10-00021. 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.

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

**02165: Sunoco, Inc.** (3144 Passyunk Avenue, Philadelphia, PA 19145) for installation of a 169 mmBtu/hr boiler temporarily while a boiler of same capacity is under maintenance in Boiler House 22. No emission increases are expected from this project. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**09-00028: FiberMark, Inc.** (45 North Fourth Street, Quakertown, PA 18951) for an Administrative Amendment to Title V Operating Permit No. TVOP-09-00028 in Quakertown Borough, **Bucks County**. The permit is being amended to incorporate changes approved under Plan Approval Nos. PA-09-0028, PA-09-0028A and PA-09-0028C (for two graphic arts lines and a surface coating line). The facility's other major emission points include three boilers, four make-up air units, three saturators, two coaters and clean-up and other operations. The amended Title V Operating Permit will contain all necessary monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

**06-05064: Sunoco Partners Marketing and Terminals, LP** (1801 Market Street 3/10PC, Philadelphia, PA 19103) for operation of the bulk liquid petroleum fuel storage and loading at Montello Terminal in Spring Township, **Berks County**. This action is a renewal of the Title V Operating Permit issued in 1998. The facility's major sources of emissions are associated with the storage and loading operations at the terminal. The operations primarily emit VOCs and HAPs. The facility will employ proper controls to limit emissions and operate under the MACT requirements found in 40 CFR Part 63, Subpart R. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**06-05100: Calpine Construction Finance Co., Inc.** (5115 Pottsville Pike, Reading, PA 19605) for operation of two natural gas fired combined cycle turbines controlled by low NOx combustion and a SCR control device at their facility in Ontelaunee Township, **Berks County**. The facility is subject to Title V and IV (Acid Rain). This permit limits the emissions of sulfur dioxide to the allowances owned by the applicant for each unit during each calendar year under the Phase II Acid Rain regulation and 25 Pa. Code § 127.531.

**21-05026: Carlisle SynTec, Inc.** (P. O. Box 7000, Carlisle, PA 17013) for operation of a rubber roofing manufacturing facility in Carlisle Borough, **Cumberland County**. The roofing manufacturing produces VOC emissions, which are restricted to 50 tons annually; the

facility's boiler plant produces sulfur oxides and nitrogen oxides. The Title V Operating Permit will contain emission limits along with appropriate monitoring, recordkeeping and reporting requirements to ensure the facility operates in accordance with the applicable air quality requirements. This Title V Operating Permit has been renewed.

**28-05028: Allegheny Energy Supply Co., LLC** (4350 Northern Pike, Monroeville, PA 15146) for operation of two natural gas/low-sulfur distillate oil fired simple cycle turbines at their facility in Guilford Township, **Franklin County**. The facility is subject to Title V and IV (Acid Rain). This permit limits the emissions of sulfur dioxide to the allowances owned by the applicant for each unit during each calendar year under the Phase II Acid Rain regulation and 25 Pa. Code § 127.531.

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

**08-00003: CraftMaster Manufacturing, Inc.** (P. O. Box 311 Towanda, PA 18848) for issuance of a revised Title V Operating Permit of their reconstituted wood products production facility in Wysox Township, **Bradford County**. The Title V Operating Permit revision addresses concerns with existing permit conditions including monitoring, recordkeeping and reporting requirements established in the Title V Operating Permit. This revision also will be used to correct misidentified sources and include air emission sources that were not included in the original issuance of the Title V Operating Permit. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**46-00195: F. J. Janoski** (2944 Felton Road, East Norriton, PA 19401) for operation of a non-Title V (State-only) facility in East Norriton Township, **Montgomery County**. The facility's sources are five underground storage tanks. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00094: Highway Materials, Inc.** (5100 Joshua Road, Plymouth Meeting, PA 19462) for operation of the asphalt paving mixture plant in Whitmarsh Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. Highway Materials has elected to cap their VOCs and NOx to Minor Source threshold levels (less than 25 tons per year each). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**46-00093: Bryn Mawr Hospital** (130 South Bryn Mawr Avenue, Bryn Mawr, PA 19010), for operation of their facility's boilers and emergency generators that are restricting their major source emissions of NOx to less than 24.9 tons per year in Lower Merion Township, **Montgomery County**.

**15-00092: Mainline Hospitals, Inc. d/b/a Paoli Memorial Hospital** (255 West Lancaster Avenue, Paoli, PA

19301), for operation of six boilers and two emergency generators that are restricting their major source emissions of NOx to less than 24.9 tons per year at their facility in Willistown Borough, **Chester County**.

**46-00200: John Middleton, Inc.** (418 West Church Road, King of Prussia, PA 19406) for operation of their tobacco products facility in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility's main sources include: two steam-heated tobacco dryers, a thermal oxidizer, the Top Dressing Storage and Mixing area, the Top Dressing Application and Flavor Retention area, a 250-Hp waste heat boiler, 200-Hp boiler and a 60-Hp boiler. The facility has the potential to emit VOC emissions greater 24.9 TPY. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00080: Johnson Matthey, Inc.** (1401 King Road, West Chester, PA 19380-01467) for operation of their Precious Metals Division in West Whiteland Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility's main sources include: a copper stripping room, a metal melt room, a coated wire room, an acid metal-stripping room, two vertical packed tower scrubbers and two Vertical wet scrubbers. The facility is a minor source of HAPs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00095: Longwood Gardens, Inc.** (401 E. Street Rd., Kennett Square, PA 19348-0501) for operation of a nonprofit horticulture business in East Marlborough Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility's main sources include: two 800 kW diesel-fired emergency generators, a 200-kW emergency diesel-fired generator, a 55-kW emergency diesel-fired generator and three combination boilers that burn natural gas and No. 6 fuel oil. The facility has the potential to emit NOx emissions greater 24.9 TPY. The permit will include monitoring, recordkeeping and reporting requirements 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.*

**48-309-119: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for operation of an air cleaning device on the cement transfer system at the Nazareth 1 Plant, Lower Nazareth Township, **Northampton County**.

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

**01-05015: Lee Metal Products** (P. O. Box 6, Littlestown, PA 17340) for operation of their metal furniture surface coating facility in Littlestown Borough, **Adams County**. The annual emissions of VOCs from the facility are approximately 27 tons per year. 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.

**22-03053: ConAgra Flour Milling Co.** (99 Second Street, Highspire, PA 17034) for operation of a flourmill in Highspire Borough, **Dauphin County**. The facility has the potential to emit 97.5 tons per year of PM10 and less than 1 ton per year of NOx, SOx, CO, VOCs and HAPs.

The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**65-00891: Firestone Building Products Co.** (525 Congressional Boulevard, Carmel, IN 46032) for renewal of the manufacturing of plastic foam products in Youngwood Borough, **Westmoreland County**.

**56-00261: Gilmour Manufacturing** (P. O. Box 838, Somerset, PA 15501-0838) for operation of their lawn equipment manufacturing facility in Somerset Township, **Somerset County**.

**03-00218: DLR Mining, Inc.** (3065 Airport Road, Indiana, PA 15701) for operation of a caterpillar generator—remote power source in Burrell Township, **Armstrong County**.

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

**43-00329: White Rock Silica Sand Co., Inc.** (7013 Atlantic Lake Road; Hartstown, PA 16131) for operation of a Natural Minor operating permit for emissions from a quarry sandstone crushing and sizing operation in Hempfield Township, **Mercer County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before 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 identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies 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

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

**56030101 and NPDES Permit No. PA0249360. Tomcat Coal**, 309 Coalyard Road, Rockwood, PA 15557 for commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in Milford Township, **Somerset County**, affecting 33.2 acres. Receiving streams: unnamed tributaries to/and South Glade Creek classified for WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 6, 2003.

**32030101 and NPDES Permit No. PA0249378. P & N Coal Company, Inc.**, P. O. Box 332, Punxsutawney, PA 15767 for commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in Montgomery Township, **Indiana County**, affecting 182.2 acres. Receiving streams: Cush Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 13, 2003.

**11970201 and NPDES Permit No. PA0234648. Maple Coal Company**, 2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143 for permit renewal for continued operation of a bituminous surface and beneficial use of ash mine and for discharge of treated mine drainage in Barr and Blacklick Townships, **Cambria County**, affecting 47.1 acres. Receiving streams: unnamed tributary to/and Elk Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 14, 2003.

**32980102 and NPDES Permit No. PA0234672. Sky Haven Coal, Inc.**, R. D. 1, Box 180, Penfield, PA 15849, for permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Montgomery Township, **Indiana County**, affecting 64.6 acres. Receiving streams: unnamed tributaries to Cush Creek and Cush

Creek classified for HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 21, 2003.

**32000104 and NPDES Permit No. PA0235318. Alverda Enterprises, Inc.,** P. O. Box 87, Alverda, PA 15710, permit revision to add 12.1 acres to the SMP. Total SMP acres goes from 43.2 to 55.3 in Pine Township, **Indiana County**. Receiving streams: Yellow Creek (unnamed tributary) classified for CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority Yellow Creek Surface Water Withdrawal. Application received January 15, 2003.

**56870201 and NPDES Permit No. PA0598097. J. R. Coal Sales, Inc.,** 882 Wyndemere Way, Naples, FL 34105, permit renewal for reclamation only and continued restoration of a bituminous coal refuse reprocessing surface mine and for discharge of treated mine drainage in Boswell Borough, **Somerset County**, affecting 19.9 acres. Receiving streams: Quemahoning Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is Cambria/Somerset Authority Quemahoning Dam Surface Water Withdrawal. Application received January 21, 2003.

**11990103 and NPDES Permit No. PA0235091. Paul F. Becker Coal Company** (1593 Old Route 22, Duncansville, PA 16635), permit revision to add 6.2 acres. Total SMP acres goes from 15.0 to 21.2 in Elder Township, **Cambria County**. Receiving streams: unnamed tributary to Brubaker Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 22, 2003.

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

**37840104 and NPDES Permit No. PA0602388. Kerry Coal Company** (R. R. 2, Box 2139, Wampum, PA 16157). Renewal of an existing bituminous surface strip, auger and tipple refuse disposal operation in Little Beaver and Darlington Townships, **Lawrence and Beaver Counties**, affecting 655.6 acres. Receiving streams: six unnamed tributaries of the North Fork of Little Beaver Creek and the North Fork of Little Beaver Creek, classified for HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received January 16, 2003.

**61980103 and NPDES Permit No. PA0227846. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Irwin Township, **Venango County** affecting 111.0 acres. Receiving streams: five unnamed tributaries to Scrubgrass Creek, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 5.0 acres for extracting coal and 7.0 acres to the permit area. Application received January 17, 2003.

**16970106 and NPDES Permit No. PA0227587.** Renewal of an existing bituminous surface strip operation in Perry Township, **Clarion County** affecting 14.6 acres. Receiving streams: Dunlap Creek, classified for WWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received January 21, 2003.

**33010105 and NPDES Permit No. PA0242004. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous surface strip and auger operation in Young and McCalmont Townships,

**Jefferson County** affecting 204.6 acres. Receiving streams: three unnamed tributaries to Elk Run and Elk Run, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 1.1 acres for extracting coal and 1.1 acres to the permit area. Application received January 22, 2003.

#### *Noncoal Applications Received*

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

**01870301C5 and NPDES Permit PA0593931. Vulcan Construction Materials, Inc.** (1200 Urban Center Drive, Birmingham, AL 35242), correction to an existing quarry operation and renewal of NPDES Permit for discharge of treated mine drainage in Berwick, Conewago and Oxford Townships, **Adams County**, affecting 1,292.7 acres, receiving streams: North Stream and Slagle Run, classified for WWF. The first downstream potable water supply intake from the point of discharge is Hanover Borough. Application received January 17, 2003.

**01870301T2 and NPDES Permit PA0593931. Vulcan Construction Materials, LLC** (1200 Urban Center Drive, Birmingham, AL 35242), transfer of an existing quarry operation and NPDES Permit from Vulcan Construction Materials, Inc. in Berwick, Conewago and Oxford Townships, **Adams County** affecting 1,292.7 acres, receiving streams: North Stream and Slagle Run. Application received January 17, 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 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 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.*

**E09-848. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Tinicum and Bedminster Townships, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a 24-foot wide, twin span bridge, having a clear span of 85 feet over the Tohickon Creek (CWF) on Dark Hollow Road (SR 1013, Section 10S) (Lumberville, PA Quadrangle N: 11.45 inches; W: 17.25 inches), in Bedminster and Tinicum Townships, Bucks County. The existing twin spans bridge was removed under Emergency Permit No. EP0902314. The proposed bridge will be closely matched to the existing bridge and the vertical and horizontal profiles of the road will remain unchanged.

**E46-931. Plymouth Township**, 700 Belvoir Road, Plymouth Meeting, PA 19462, Plymouth Township, **Montgomery County**, Philadelphia ACOE District.

To construct and maintain a single span bridge structure over Saw Mill Run Creek, comprised of concrete box beams, a reinforced concrete slab on reinforced concrete abutments and wing-walls. The proposed structure will span 48 feet, have a roadway width of 38 feet and an under clearance of 7 feet 6 inches. Class R-8 riprap will be placed at each abutment for scour protection. This structure will replace an existing bridge structure that spans 20 feet, has a roadway width of 24 feet and an under clearance 7 feet 6 inches (Lansdale, PA Quadrangle N: 0.90 inch; W: 8.29 inches).

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

**E39-419. William C. Reiss**, 430 East Main Street, Macungie, PA 18062-1713, in Macungie Borough, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 24-inch diameter outfall pipe and a 32-inch by 6-inch diameter outfall pipe and a 32-inch by 46-inch outfall pipe with rock aprons in the floodway of Swabia Creek (HQ-CWF). The project is located approximately 600 feet upstream of Swabia Creek's intersection of SR 0100 (Main Street) (Allentown West, PA Quadrangle N: 2.85 inches; W: 9.05 inches).

**E45-441. Stroudsburg Area School District**, 123 Linden Street, Stroudsburg, PA 18360, in Stroud Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.29 acre of PFO wetlands for the purpose of constructing a proposed access road and to construct and maintain the following water obstructions and encroachments: (1) a road crossing consisting of two CMP arch culverts, one having a span of 51.8 feet and underclearance of 24.1 feet and the other

having a span of 22.9 feet and underclearance of 14.0 feet in Flagler Run (HQ-CWF) and 0.13 acre of adjacent PFO wetlands; (2) various utility line stream crossing of Flagler Run and adjacent wetlands; and (3) two storm-water outfall structures in the floodway of Flagler Run. This work is associated with the proposed Stroudsburg Area School District Middle School and is located southwest of the existing school campus along SR 2011 (Chipperfield Drive) (Stroudsburg, PA Quadrangle N: 22.4 inches; W: 15.3 inches).

**E52-182. David Holbert**, 125 Rocky Riff Farm Road, Lackawaxen, PA 18435, in Lackawaxen Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize two stone retaining walls approximately 190 feet long, varying in height from 3 to 6 feet, constructed in the floodway of the Delaware River. The purpose of the project is to shore up the banks to stop erosion and as well as to provide pedestrian access to the shore of the Delaware River. The project is located at an existing bar/hotel/restaurant known as the Lackawaxen House, approximately 200 feet south of the roebing bridge along the right bank of the Delaware River (Shohola, PA-NY Quadrangle N: 19.25 inches; W: 15.12 inches).

**E64-814. Luzerne County Board of Commissioners**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711, in Butler Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing single span steel bridge having a clear span length of approximately 42 feet across Nescopeck Creek (CWF). The work includes replacing the deteriorated steel girders, beams and timber deck. The structure is known as County Bridge No. 54703 and is located along Deep Hole Road, T-364 (Sybertsville, PA Quadrangle N: 4.07 inches; W: 4.78 inches).

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

**E21-346. Harold Ramage**, 135 Tyler Run Road, York, PA 17403 in Lower Mifflin Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain a road crossing consisting of a 5-foot diameter by 25-foot long corrugated metal pipe at a point approximately 1,800-feet due south of the intersection of SR 997 and SR 233 and within the Scenic View Subdivision at Lot 5 (Newville, PA Quadrangle N: 18.85 inches; W: 9.7 inches) in Lower Mifflin Township, Cumberland County.

**E22-448. Lower Paxton Township**, 75 South Houcks Road, Harrisburg, PA 17112 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain two 36-inch sanitary sewer crossings and a temporary road crossing of a tributary to Beaver Creek (Nyes Run) (WWF) and a sewer manhole and a temporary road crossing in wetlands at a point along Nyes Road (Harrisburg East Quadrangle N: 7.0 inches; W: 1.9 inches) in Lower Paxton Township, Dauphin County. The amount of wetland impact is considered a de minimis impact of 0.002 acre and wetland mitigation is not required.

**E36-732.** To construct and maintain a stream restoration project within Cocalico Creek (WWF) for the purposes of stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream



channel design approach consisting of the following construction activities: channel relocation, stream and floodway excavation and filling, installation of rock vanes, cross-vanes and J-hooks, riprap, root wad and log spur placement, beginning at the bridge along Church Road and extending approximately 2,200 feet northward along Church Road (Ephrata, PA Quadrangle N: 12.0 inches; W: 6.3 inches) in Ephrata Borough, **Lancaster County**.

**E38-138. Lisa Myers, Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103.

To remove the existing bridges and then to construct and maintain the northbound and southbound bridges of SR 0081, Section 023 at Segment 0920, Offset 1897 and Segment 092, Offset 1986 respectively over Swatara Creek (WWF). The northbound has a 7-foot span with a total length of 950.33 feet with an underclearance of 73 feet. The southbound has a 9-foot span with a total length of 967.64 feet with an underclearance of 84 feet located at the Village of Inwood (Indiantown Gap, PA Quadrangle N: 18.72 inches; W: 3.75 inches; N: 18.72 inches; W: 3.86 inches) in Swatara and Union Townships, Lebanon County.

**E67-733. East Manchester Township**, 5080 N. Sherman Street Extended, Mt. Wolf, PA 17347 in East Manchester Township, **York County**, ACOE Baltimore District.

To construct and maintain a 48-inch reinforced concrete pipe culvert in an unnamed tributary to Hartman Run (WWF) (York Haven, PA Quadrangle N: 8.9 inches; W: 12.9 inches) in East Manchester Township, York County.

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

**E08-401. Department of Transportation, Engineering District 3-0**, 715 Jordan Avenue, Montoursville, PA 17754. Bridge Replacement, in Stevens Township, **Bradford County**, ACOE Baltimore District (LeRaysville, PA Quadrangle N: 4.35 inches; W: 0.45 inch).

To remove the existing single span steel Pratt through truss which is 146 feet long, with a waterway opening which is 140 feet wide and an underclearance ranging between 6.4 feet and 10.8 feet, a curb-to-curb width of 12.5 feet with no hydraulic skew to the stream and to construct and maintain a two-span prestressed adjacent box beam bridge on the same alignment as the existing bridge with a cross-sectional open area of approximately 1,440 feet and an underclearance varying between 5.4 feet to 13.0 feet over Wyalusing Creek (WWF) and to construct a temporary low-flow crossing consisting of six 48 inch corrugated metal pipes downstream of the existing bridge. The project will permanently impact .0066 acre of combination palustrine emergent/palustrine scrub wetlands and .0242 acre of palustrine emergent wetlands while impacting approximately 120 feet of waterway.

**E18-349. David E. Keller**, 14 Charles Lane, Lock Haven, PA 17745. Streambank Fill, in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 7.5 inches; W: 11.7 inches).

To maintain a 48-foot long by 6-foot high by 3-foot to 12-foot wide volume of soil and rock fill protected by a mowed grass surface and a toe of bank stone wall on the elevated left flood bench and streambank located 0.2 mile up T-402 from its intersection SR 1001 (Farrandville Road). This project has impacted 48 linear feet of the

elevated floodplain of an unnamed tributary to the West Branch Susquehanna River (WWF).

**E57-100. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Bridge Replacement, in Davidson Township, **Sullivan County**, ACOE Baltimore District (Redrock, PA Quadrangle N: 11.10 inches; W: 14.53 inches).

To construct and maintain two 83 inch by 57 inch by 30 foot long CMP arch culvert pipes depressed 1 foot in the streambed with 12 inch thick hand laid stone headwalls in Blackberry Run (HQ-CWF). The project will not impact wetlands while impacting approximately 60 feet of waterway.

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

**E04-291. Beaver County Corporation for Economic Development (BCCED)**, 250 Insurance Street, Suite 300, Beaver, PA 15009. Big Beaver Borough, **Beaver County**, ACOE Pittsburgh District.

To place and maintain fill in 0.48 acre of wetlands (PEM/PSS) located within the Stockman Run (WWF) and Beaver River (WWF) watersheds for the purpose of developing the BCCED Route 18 Business Park. The project is located on the northeast side of the Route 18 and the Turnpike Interchange (SR 76). To meet the wetland replacement requirement, the applicant proposed to construct 1.60 acres of wetlands. This replacement includes compensation for 1.04 acres of wetlands previously filled at the site under a different owner (Beaver Falls, PA Quadrangle N: 12.7 inches; W: 9.6 inches).

**E65-818. Swank Development Group, LP**, 200 Hunt Valley Road, New Kensington, PA 15068. Washington Township, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a 64-foot long, 24-foot by 8.5 foot metal arch culvert with natural bottom in Pine Run (WWF) located on a proposed road along SR 380 near its intersection with SR 780. Also, to place and maintain fill in 0.1 acre of wetland. The project is part of the proposed Sierra Commercial Industrial Park (New Kensington East, PA Quadrangle N: 51 inches; W: 0.75 inch).

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

**E10-370. County of Butler**, P. O. Box 1208, Butler, PA 16003-1208. Snyder Bridge Replacement, in Mercer Township, **Butler County**, ACOE Pittsburgh District (Barkeyville, PA Quadrangle N: 0.6 inch; W: 14.5 inches).

To construct and maintain the Snyder Bridge in Mercer Township, Butler County. The project involves the removal of two existing corrugated metal pipes, 3 foot 6 inches in diameter surrounded by a 24-foot by 7-foot stone headwall, which spans McMurry Run (CWF). The existing pipes will be replaced with a multiplate low profile culvert measuring 10 foot 7 inches wide at the base by 4 foot 2 inches high, placed on concrete footings with an open bottom. The existing crossing provides a total opening area of 19 feet 3 inches, with the proposed low profile culvert increasing the total opening area to 35 feet 10 inches.

**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.

**E25-669, Erie-Western Pennsylvania Port Authority**, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority—Erie City Water Authority Administration Complex Sheet Piling, in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 1.5 inches; W: 13.3 inches).

To construct and maintain steel sheet piling on an approximately 180-foot long section of an existing concrete pier wall in Presque Isle Bay (WWF) at the Erie City Water Authority Administration Complex approximately 0.5 mile northwest of the intersection of State Street and the Bayfront Highway.

#### ENVIRONMENTAL ASSESSMENT

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

**EA10-019, Aquascape Wetland and Environmental Services**, 147 South Broad Street, Grove City, PA 16127, Camp Lutherlyn Mine Drainage Treatment Project, in Connoquenessing Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 22.2 inches; W: 3.0 inches).

To construct and maintain a passive treatment system to treat abandoned mine discharge impacting Semiconon Run (WWF) in Connoquenessing Township, Butler County. The project will consist of two collection channels, a 0.11 acre holding pond and a 0.25 acre constructed treatment wetland. A 0.10-acre PEM wetland will be impacted for the construction of the project and temporary impacts are anticipated to unnamed tributaries to Semiconon Run. The project anticipates eliminating more than 1 ton of pollution from the stream each year and will help restore approximately 2.4 miles of Semiconon Run.

*Cambria Office: Bureau of Abandoned Mine Reclamation, 286 Industrial Park Road, Ebensburg, PA 15931.*

**EA1009-001**. Abandoned Mine Land Reclamation Project in Cherry Township, **Butler County**, Pittsburgh ACOE District (West Sunbury Quadrangle—Site 1:

N: 13.6 inches; W: 4.4 inches; Site 2: N: 14.2 inches; W: 5.3 inches; Site 3: N: 21.1 inches; W: 3.1 inches).

The applicant proposes to backfill two abandoned surface mine highwalls: Site 1, which includes a 1,200-foot long dangerous highwall and Site 2, which includes an 800-foot long dangerous highwall. The project will include the backfilling of: (1) 0.70 acre of PEM wetland; (2) 1.61 acres of PUB open water body at Site 1; (3) 0.02 acre of PEM wetland; and (4) 0.64 acre of PUB open water body at Site 2. Site 2 will also include the construction of 0.65 acre of PUB pond. Site 3, located approximately two aerial miles from the reclamation activity and within the same watershed (Slippery Rock Creek), will consist of the construction of 2.06 acres of PEM wetland. The replacement wetland will be constructed in an area previously drained, currently in use as pasture and severely impacted by over-grazing. The project proposes to directly affect a total of 0.72 acre of wetland and 2.25 acres of open water. Open water creation of 0.65 acre is proposed. Wetland creation of 2.06 acres is proposed of the 2.06 acres, 0.72 acre will be used as 1:1 mitigation for the wetland impacts related to this project. The remaining 1.34 acres of constructed wetlands will be considered advanced compensatory mitigation for future abandoned mine reclamation projects in the area.

**EA1709-001**. Abandoned Mine Land Reclamation Project in Boggs Township, **Clearfield County**, Baltimore ACOE District (Wallaceton Quadrangle N: 17.5 inches, W: 10.8 inches).

The applicant proposes to backfill an abandoned surface mine which includes a 650-foot long dangerous highwall. The project will include the backfilling of 0.26 acre of PEM wetland. A 0.26 acre PEM replacement wetland will be constructed immediately adjacent to the reclamation. The project will directly impact 0.26 acre of wetland. Wetland creation of 0.26 acre is proposed to compensate for wetland impacts.

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

**D11-037EA. Reade Township Municipal Authority**, 1032 Skyline Drive, P. O. Box 506, Blandburg, PA 16619. Reade Township, **Cambria County**. ACOE Baltimore District.

Project proposes to breach and remove the Powell Run Weir Dam across Powell Run (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,700 feet southeast of the intersection of SR 0865 and Mountindale Road (SR 1024) (Blandburg, PA Quadrangle N: 10.2 inches; W: 4.2 inches).

**D11-038EA. Reade Township Municipal Authority**, 1032 Skyline Drive, P. O. Box 506, Blandburg, PA 16619. Reade Township, **Cambria County**. ACOE Baltimore District.

Project proposes to breach and remove the Powell Run Intake Dam across Powell Run (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,500 feet southeast of the intersection of SR 0865 and Mountindale Road (SR 1024) (Blandburg, PA Quadrangle N: 10.25 inches; W: 4.35 inches).

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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.

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**I. Municipal and Industrial Permit Actions under  
The Clean Streams Law (35 P. S. §§ 691.1—  
691.1001).**


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

**NPDES Permit No. PA0056928**, Sewage, **Harold F. Read**, 30 Slitting Mill Road, Glen Mills, PA 19342. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary of Chester Creek.

**NPDES Permit No. PA0055484**, Sewage, **Herbert and Elizabeth Keating**, 25 Old Orchard Lane, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into a drainage area of an unnamed tributary of the Brandywine Creek-3H Watershed.

**NPDES Permit No. PA0058645**, Sewage, **Robert K. Cowherd**, 1101 Bondsville Road, Downingtown, PA 19335. This proposed facility is located in Caln Township, **Chester County**.

Description of Proposed Action/Activity: Approval to discharge into an unnamed tributary to Beaver Creek-3H.

**NPDES Permit No. PA0057134**, Sewage, **George and Elyse Norton**, 41 Locust Farm Drive, Thornton, PA 19373. 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.

**NPDES Permit No. PA0054771**, Sewage, **Peter Paul**, 2614 Bean Road, Road No. 30, Norristown Road, PA 19403. This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Stony Creek-3F Watershed.

**WQM Permit No. 1598201**, Industrial Waste, **Herr Foods, Inc.**, P. O. Box 300, Nottingham, PA 19362-0300. This proposed facility is located in West Nottingham Township, **Chester County**.

Description of Proposed Action/Activity: Approval to modify the existing treatment plant to upgrade the wastewater treatment plant.

**WQM Permit No. 4602412**, Sewerage, **Horsham Township**, 617 B Horsham Road, Horsham, PA 19044. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Applicant granted approval for the construction and operation of a pump station to serve the Shoppe's at English Village.

**WQM Permit No. 0902411**, Sewerage, **Chalfont New Britain Township Joint Sewage Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the installation of a sewage sludge-dewatering unit at the treatment plant.

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

**NPDES Permit No. PA0012726**, Industrial Waste, **Alcoa Extrusions, Inc.**, P. O. Box 187, 53 Pottsville Street, Cressona, PA 17929-0187. This proposed facility is located in Cressona Borough, **Schuylkill County**.

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

**NPDES Permit No. P0051811**, Industrial Waste, **Lehigh County Authority**, P. O. Box 3348, Allentown, PA 18106. This proposed facility is located in S. Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: to renew NPDES Permit to discharge treated industrial waste.

**NPDES Permit No. PA0060925**, Sewage, **Girl Scouts, Scranton Pocono Council**, 333 Madison Avenue, Scranton, PA 18510. This proposed facility is located in Brooklyn Township, **Susquehanna County** and discharge to unnamed tributary to Hop Bottom Creek.

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

**NPDES Permit No. PA0060461**, Sewage, **Silver Lake Township Municipal Authority**, P. O. Box 1975, Brackney, PA 18812. This proposed facility is located in

Silver Lake Township, **Susquehanna County** and discharge to Laurel Lake Creek.

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

**NPDES Permit No. PA0070203**, Sewage, **Craftex Mills, Inc.**, 2100 Market Street, Auburn, PA 17922. This proposed facility is located in West Brunswick Township, **Schuylkill County** and discharge to Pine Creek.

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

**NPDES Permit No. PA0061221**, Sewage, **Elk Lake School District**, P. O. Box 100, Dimock, PA 18816. This proposed facility is located in Dimock Township, **Susquehanna County** and discharge to West Creek.

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

**NPDES Permit No. PA0052591**, Sewage, **Richard Becker (Walnutport Mobile Home Park)**, 901 South Best Avenue, Route 145, Walnutport, PA 18088-1218. This proposed facility is located in Lehigh Township, **Northampton County** and discharge to Bertsch Creek.

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

**WQM Permit No. 5202402**, Sewerage, **Fawn Lake Forest Water Company**, P. O. Box D, Waymart, PA 18472. This proposed facility is located in Lackawaxen Township, **Pike County**.

Description of Proposed Action/Activity: Applicant is hereby permitted to use treated sewage for seasonal irrigation of the golf course at Woodloch Springs.

**WQM Permit No. 4502403**, Sewerage, **Big Ridge Developers, LLC**, 130 Buck Road, Holland, PA. This proposed facility is located in Middle Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Country Club of the Poconos at Big Ridge, Phase III is a residential development consisting of 499.6 plus or minus total acres in 12 sections containing up to 540 residential lots, 11 holes of an existing golf course, recreational areas and open space. All of the lots within Phase III shall be served by central water and sewer. This permit is for a lift station and a low pressure sewer collection system.

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

**NPDES Permit No. PA0085871**, Sewage, **Mount Joy Borough**, 21 East Main Street, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge UNT to Donegal Creek in Watershed 7G.

**NPDES Permit No. PA0040771**, Sewage, **Hummer Industries, Inc.**, 24490 Broadway Avenue, Cleveland, OH 44146. This proposed facility is located in Hopewell Township, **Bedford County**.

Description of Proposed Action/Activity: Termination of Permit.

**NPDES Permit No. PA0027197**, Sewage, **The Harrisburg Authority**, One Keystone Plaza, Suite 104, Harrisburg, PA 17101. This proposed facility is located in Harrisburg City, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7C.

**NPDES Permit No. PA0053091**, Sewage, **Giorgio Foods, Inc.**, P. O. Box 96, Temple, PA 19560. This proposed facility is located in Maiden Creek Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Willow Creek in Watershed 3-C.

**NPDES Permit No. PA0026972**, Sewage, **Exeter Township Berks County Authority**, 400 Hanover Street, Birdsboro, PA 19508-9181. This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3D.

**NPDES Permit No. PA0070378**, Sewage, **Blue Mountain Academy**, 2363 Mountain Road, Hamburg, PA 19526. This proposed facility is located in Tilden Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT to Mill Creek.

**NPDES Permit No. PA 0246387 and WQM Permit No. 3602416**, Sewerage, **Rustic Meadows Camping and Golf Resort, Inc.**, 1980 Turnpike Road, Elizabethtown, PA 17022. This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of 0.01215 MGD extended aeration package treatment plant with filtration and ultraviolet disinfection and discharge to UNT to Snitz Creek in Watershed 7J.

**WQM Permit No. 0602412**, Sewerage, **Amity Township**, 2400 Weavertown Road, Douglassville, PA 19518. This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Replacement of the existing pump station 4 with a submersible pump station. This permit does not allow for any additional connections.

**WQM Permit No. 0602409**, Sewerage, **Earl Township**, 19 Schoolhouse Road, Boyertown, PA 19512-9111. This proposed facility is located in Earl and Amity Townships, **Berks County**.

Description of Proposed Action/Activity: Construction of a low-pressure sanitary sewer with grinder pumps. The collection system will serve 150 homes for a total flow of 0.0525 MGD to be collected for treatment at the Amity Township STP.

**NPDES Permit No. PA0087483, Amendment 1**, Industrial Waste, **Elizabethtown Borough**, 600 South Hanover Street, Elizabethtown, PA 17022. This proposed facility is located in West Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: UNT of Conewago Creek in Watershed 7G.

**NPDES Permit No. PA0082953**, Industrial Waste, **Boyd E. Diller, Inc.**, 6820 Wertzville Road, Enola, PA 17025. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Sears Run in Watershed 7-B.

**WQM Permit No. 6702201**, Stormwater, **York County Solid Waste and Refuse Authority**, 2700 Blackbridge Road, York, PA 17402. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Construction of stormwater retention basin to retain runoff and direct precipitation from a 25-year, 24-hour storm event and during frozen ground conditions resulting from operation of a 7.35 acre leaf and yard waste composting facility. Stormwater will be land applied at approved agronomic rates on an adjacent 19-acre field.

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

**WQM Permit No. 4102405**, Sewerage, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701. The proposed facilities will be located in the City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: The Williamsport Sanitary Authority proposes the construction of sewer replacements and additions in the East End area of Williamsport.

**NPDES Permit No. PA0114081**, Sewerage, SIC 4952, **Clear-Run, Inc., Woods-Edge Estates**, 181 Draketown Rd., Bloomsburg, PA 17815. The existing facilities are located in Orange Township, **Columbia County**.

Description of Proposed Activity: Renewal of an NPDES permit for the Woods-Edge Estates wastewater treatment plant. Discharge is to an unnamed tributary to Fishing Creek (CWF).

**WQM Permit No. 4902406**, Sewerage 4952, **Municipal Authority of Sunnyside/Overlook**, 30 South Market Street, Elysburg, PA 17824. This proposed facility will be located in Ralpho Township, **Northumberland County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management permit for construction of approximately 22,000 LF of gravity sewer lines and appurtenances that will collect the wastewater from the Sunnyside/Overlook area and two pump stations to convey the wastewater to the Municipal Authority of Ralpho Township.

**WQM Permit No. 1702403**, Sewerage, **Sandy Township Board of Supervisors**, 12th Street and Chestnut Avenue, DuBois, PA 15801.

Description of Proposed Action/Activity: This permit covers two projects. The first is a proposed collection facility to be located in the West Liberty area of Sandy Township, **Clearfield County**, with an interceptor sewer passing through Brady Township, Clearfield County and Winslow Township, Jefferson County along US 119 to the Sykesville wastewater treatment plant. This permit also covers the replacement of some existing 8 and 12 inch sewers southwest of the City of DuBois near US 219.

**NPDES Permit No. PA0113727**, Sewerage, SIC 4952, **Larry Reed, Country Place MHP**, R. R. 2, Box 71, DuBois, PA 15801. The existing facilities are located in Sandy Township, **Clearfield County**.

Description of Proposed Activity: Renewal of an NPDES permit for Country Place MHP wastewater treatment plant. Discharge is to Muddy Run (CWF).

**NPDES Permit No. PA0111716**, Sewerage 4952, **Clyde E. Yohey, Wonderview Development**, 560 Montour Boulevard, Bloomsburg, PA 17815. This existing facility is located in Main Township, **Columbia County**.

Description of Action/Activity: Renewal of NPDES permit for nonmunicipal wastewater treatment facilities. Discharge is to the Susquehanna River (WWF).

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

**NPDES Permit No. PA0034789**, Industrial Waste, **St. Marys Area Water Authority**, 429 Ridgeway Road, P. O. Box 33, St. Marys, PA 15857. This proposed facility is located in City of St. Marys, **Elk County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Laurel Run.

**NPDES Permit No. PA0005061**, Industrial Waste, Amendment No. 2, **Orion Power Midwest, L.P.—New Castle Power Plant**, P. O. Box 325, West Pittsburgh, PA 16160-0325. This proposed facility is located in Taylor Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Beaver Run and McKee Run.

The Department is extending the Part C, Special Condition I, Schedule of Compliance, milestone 7 final Compliance date (for numerical thermal effluent limitations) by an additional 6 months, now effective 3.5 years from the permit issuance date. Orion Power Midwest requested this additional time through a September 16, 2002, letter to resolve outstanding issues with the Department and the Fish and Boat Commission regarding renewal of their existing Clean Water Act section 316(a) thermal variance and/or to design/permit/install treatment facilities to comply with the final thermal effluent limits on pages 2 and 2a of their November 29, 1999, NPDES permit (if determined necessary).

**NPDES Permit No. PA0238929**, Sewage, **Connie A. Wakeman**, 7918 SR 28, Frankfort, OH 45628. This proposed facility is located in North East Township, **Erie County**.

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

**WQM Permit No. 4302417**, Sewerage, **Kimberly A. Burns**, 680 Stockbridge Drive, Erie, PA 16505. This proposed facility is located in Liberty Township, **Mercer County**.

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

**WQM Permit No. 2502425**, Sewerage, **Donna M. Steinle**, 10046 Railroad Street, Lake City, PA 16423. This proposed facility is located in Elk Creek Township, **Erie County**.

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

**WQM Permit No. 2002431**, Sewerage, **Edward M. and Elaine V. Bercik**, 19379 Irish Road, Edinboro, PA 16412. This proposed facility is located in Cussewago Township, **Crawford County**.

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

**WQM Permit No. 2502422**, Sewerage, **Brian Sherman**, 265 Hidden Lane, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

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

**WQM Permit No. 2502419**, Sewerage, **Brandon T. Sherwood**, 1505 Lane Road, Waterford, PA 16441. This proposed facility is located in Waterford Township, **Erie County**.

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

**WQM Permit No. 2502415**, Sewerage, **Connie A. Wakeman**, 7918 SR 28, Frankfort, OH 45628. This proposed facility is located in North East Township, **Erie County**.

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

**NPDES STORMWATER INDIVIDUAL PERMITS—(PAI OR 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>
PAS10G556	The Conrad Pyle Company, Inc. 372 Rose Hill Road West Grove, PA 19390	Chester	Penn Township	Unnamed tributary Big Elk Creek HQ
PAS10D131	Harry and Marian Hottle 2135 Route 212 Coopersburg, PA 18036	Bucks	Springfield Township	Unnamed tributary to Cooks Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S051-1	Skytop Lodges, Inc. One Skytop Skytop, PA 18357	Monroe	Barrett Township	Leavitt Branch and Brodhead Creek HQ-CWF
PAS10U184	Nic Zawarski & Sons, Developers, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAS10U186	Brian S. Arthofer P. O. Box 4361 Bethlehem, PA 18018	Northampton	Moore Township	Monocacy Creek HQ-CWF
PAS10U188	Bushkill Township 1055 Bushkill Center Rd. Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

**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)

*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>
East Marlborough Township Chester County	PAR10G524	John Becker 901 Harvey Road Chadds Ford, PA 19317	Unnamed tributary to Red Clay Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Marlborough Township Chester County	PAG2001502001	Wolfson-Verrichia Group 1240 Germantown Pike Suite 305 Plymouth Meeting, PA 19462	East Branch Red Clay Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Gwynedd Township Montgomery County	PAR10T893	The Clemrock Realty Group 528 Main St., Suite 100 Harleysville, PA 19436	North Branch Zacharius Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAR105313-R	City of Philadelphia Department of Streets Municipal Services Building JFK Boulevard Philadelphia, PA 19102-1676	Schuylkill River and Delaware River Watershed WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County N. Whitehall Township	PAR10Q174	North Whitehall Township 3256 Levans Rd. Coplay, PA 18037	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Schuylkill County Norwegian Township	PAG2025403001	Eastwood Estates Glunz Brothers 1425 Long Run Road Fridensburg, PA 17933	Tributary to West Branch Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742

<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>
Schuylkill County Blythe Township	PAG2025403002	Silver Creek Dam Upgrade Municipal Authority of the Township of Blythe 375 Valley St. New Philadelphia, PA 17959	Silver Creek to Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Lower Heidelberg Township Berks County	PAR10C454	Anthony Forino LNT Forino Properties LP 555 Mt. Home Rd. Sinking Spring, PA 19608	Unnamed tributary/Spring Creek TSF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Colebrookdale Township Berks County	PAR10C450	Timothy Specht Specht Construction Services Inc. P. O. Box 300 Boyertown, PA 19512	Ironstone Creek TSF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
East Cocalico Township Lancaster County	PAG2003603001	WICU Inc. 25 Main St. Denver, PA 17517	Stony Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Erie County North East Township	PAG2002503001	Wayne Miller 9451 Page Road Wattsburg, PA 16442	Sixteen Mile Creek CWF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002503002	Joseph Benacci 5650 Wattsburg Road Erie, PA 16509	Mill Creek WWF; MF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002503003	Matt Baldwin 5 West 10th St. Erie, PA 16501	Mill Creek WWF; MF	Erie County Conservation District (814) 825-6403
Mercer County City of Hermitage	PAR104382	City of Hermitage 800 North Hermitage Road Hermitage, PA 16148	Bobby Run Tributary Hogback Run Tributary WWF	Mercer County Conservation District (724) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Sunbury Northumberland County	PAR224830	JELD-WEN, Inc. P. O. Box 1329 Klamath Falls, OR 97601	Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Sandy Township Clearfield County	PAR324805	American Rock Salt Co., LLC P. O. Box 190 Mount Morris, NY 14510	Unnamed tributary to Sandy Lick Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666



<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>
City of Williamsport Lycoming County	PAR504809	Lycoming County Commissioners 48 W. Third Street Williamsport, PA 17701	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Annin Township McKean County	PAR708307	Glenn O. Hawbaker, Inc. 711 East College Avenue Bellefonte, PA 16823	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Butler Butler County	PAR808326	Transflo Terminal Services, Inc.—Butler Bids Terminal 6735 Southpoint Drive South Jacksonville, FL 32216-6177	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Butler County	PAR208303	Berry Metal Company 2408 Evans City Road Harmony, PA 16037-7799	Unnamed tributary to Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Main Township Columbia County	PAG045008	Joan Wench 1135-A Mainville Rd. Bloomsburg, PA 17815	Scotch Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Hayfield Township Crawford County	PAG048516	Dwight R. and Yolanda E. Williams 17364 Townhouse Road Saegertown, PA 16433	Unnamed tributary of Kerns Road	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048505	Carol Ann Engel-Henderson 12878 Hood Road Waterford, PA 16441-9660	Unnamed tributary of LeBoeuf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Liberty Township Mercer County	PAG048840	Kimberly A. Burns 680 Stockbridge Drive Erie, PA 16505	Unnamed tributary to Black Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Elk Creek Township Erie County	PAG048862	Donna M. Steinle 10046 Railroad Street Lake City, PA 16423	Unnamed tributary of East Branch of Conneaut Creek	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>
Cussewago Township Crawford County	PAG048865	Edward M. and Elaine V. Bercik 19379 Irish Road Edinboro, PA 16412	Unnamed tributary to Boles Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North East Township Erie County	PAG048855	Brian Sherman 265 Hidden Lane North East, PA 16428	Unnamed tributary to Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048843	Brandon T. Sherwood 1505 Lane Road Waterford, PA 16441	Unnamed tributary to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048520	Mr. and Mrs. David L. Kralj, Jr. 15621 Valley Road Meadville, PA 16335	Unnamed tributary to Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jefferson Township Mercer County	PAG048494	Mr. and Mrs. Terrence Collins 206 McCullough Road Sharpsville, PA 16150	Tributary to Shenango Reservoir	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-7</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>
Syracuse, NY	PAG079912	WeCare Organics, LLC 9289 Bonta Bridge Road Jordan, NY 13080	Metropolitan Syracuse WWTP—Onodaga County 650 Hiawatha Boulevard West Syracuse, NY 13204	BWSWM (717) 787-8184
<i>General Permit Type—PAG-8</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>
Manor Township Lancaster County	PAG083556	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603	Anchor Road Farm (Farm 21) Manor Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
<i>General Permit Type—PAG-9</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>
Fayette Township Juniata County	PAG093523	William Kemp Septic Tank Service R. R. 1 Box 2930 McAllisterville, PA 17049	Lawrence and William Frank Farm Fayette Township Juniata County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-12*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Blair County Catharine Township	PAG123568	Fred and Cindy England R. D. 1, Box 152 Williamsburg, PA 16693	UNT Frankstown Branch Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**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).**

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

**Operations Permit** issued to **Borough of Emmaus**, 28 South Fourth Street, Emmaus, PA 18049, PWS ID 3390032, Emmaus Borough, **Lehigh County**, on December 12, 2002, for the operation of facilities approved under Construction Permit Minor Amendment.

**Operations Permit** issued to **Lehigh County Authority—Central Division**, P. O. Box 3348, Allentown, PA 18106, PWS ID 3390073, Upper Macungie Township, **Lehigh County**, on December 20, 2002, for the operation of facilities approved under Construction Permit 3901506 and Minor Amendment.

**Operations Permit** issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID 2520062, Lehman Township, **Pike County**, on December 30, 2002, for the operation of facilities approved under Construction Permit 2520062 and Transfer.

**Operations Permit** issued to **Pocono Creek Park Water Company**, 816 North Ninth Street, Stroudsburg, PA 18360, PWS ID 2450123, Hamilton Township, **Monroe County**, on December 30, 2002, for the operation of facilities approved under Construction Permits 2450123, 4592502 and 4592502-A1.

**Operations Permit** issued to **M. B. Boyle's Enterprises, LLC**, 1284 Seidersville Road, Bethlehem, PA 18015, PWS ID 2450097, Tunkhannock Township, **Monroe County**, on January 2, 2003, for the operation of facilities approved under Construction Permit 4500503.

**Operations Permit** issued to **Wheatfield Village, Northern Equity Investors Group, Inc.**, 110 Broad Street, Milford, PA 18337, PWS ID 2520087, Milford Township, **Pike County**, on January 14, 2003, for the operation of facilities approved under Construction Permit 2520087 and 5296502.

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

**Operations Permit** issued to **Brookhaven Mobile Home Park**, 7670098, Hellam Township, **York County** on January 21, 2003, for the operation of facilities approved under Construction Permit No. 6702515.

**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.*

**WA15-1001**, Water Allocations, **North Coventry Water Authority**, North Coventry Township, **Chester County**, has been granted the right to purchase up to 760,000 gallons per day, base on a 30-day average from Pottstown Borough Water Authority.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Frenchcreek Township	4507 Georgetown Road Franklin, PA 16323	Venango

Plan Description: The approved plan provides for the construction of sanitary sewers to serve the Nicklin/Mapledale/Route 62 area of Frenchcreek Township, Venango County and an agreement with the Department

of Public Welfare for the transfer of ownership of the Polk Center WWTP to Frenchcreek Township. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pine Grove Township	P. O. Box 125 Russell, PA 16345	Warren

Plan Description: The approved plan provides for the construction of sanitary sewers to serve the North Russell/Akeley/Rout 957 areas of Pine Grove Township, Warren County. 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.

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

### **Proposed Consent Order and Agreement**

#### **Furlong Manufacturing Site Doylestown and Buckingham Townships, Bucks County**

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (CO&A) with Leon J. Mendelson and the Furlong Manufacturing Company concerning the cleanup of the Furlong Site (Site).

In the past, trichloroethylene had been improperly disposed of at the Site and contaminated the environment. Response actions by the Department included the removal of approximately 2,656 tons of contaminated soil and more than 17 tons of solid waste from the site septic system. Leon J. Mendelson, past owner and operator, and the Furlong Manufacturing Company are "responsible parties" as defined in section 103 of HSCA. Under the terms of the CO&A, Mendelson and the Furlong Manufacturing Company shall pay a total of \$100,000 to the Department's Hazardous Sites Cleanup Fund.

The specific terms of this settlement are set forth in the CO&A between the Department, Mendelson and the Furlong Manufacturing Company. The Department will receive and consider comments relating to the CO&A for 60 days from the date of this notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with Mendelson and the Furlong Manufacturing Company shall be effective upon the date that the Department notifies the parties in writing.

Copies of the CO&A are maintained at the Department's Southeast Regional Office, Lee Park, Suite 6015, 555 North Lane, Conshohocken, PA 19428 and may be inspected or obtained by contacting William Blasberg, (610) 832-6300 during normal business hours. Interested parties may submit comments in writing to David Ewald at the Department's Southeast Regional Office.

## **Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act North Front Associates/Container Recyclers Site Philadelphia County**

The Department, under the authority of the HSCA and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with Mobil Oil Corporation, Exxon Mobil Corporation, Mobil Chemical Company, Laney Oil Co., White Oil Co., Hagan-Kennington Oil Co., Inc., Guttman Oil Co., Rex Oil, Mauger & Co., Inc., Schuchart, Inc. and Mobil Research and Development Corporation, Inc. (Mobil defendants) concerning the cleanup of the North Front Associates (former Container Recyclers Ltd.) site in Philadelphia County. Under the terms of the proposed Consent Decree, Exxon Mobil Corporation, on behalf of Mobil defendants, will pay into the Pennsylvania Hazardous Sites Cleanup Fund the sum of \$110,000. In the mid 1990s, the Department implemented an Interim Response and a Prompt Interim Response to mitigate the threat to human health and the environment posed by the hazardous substances released there.

The specific terms of this settlement are set forth in the proposed Consent Decree between the Department and Mobil defendants. The Department will receive and consider comments relating to the proposed Consent Decree for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the proposed Consent Decree if the comments concerning the proposed Consent Decree disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with Mobil defendants shall be effective on the date on which, if the Department has notified the United States District Court for the Eastern District of Pennsylvania in writing that no significant comments were received or that a response to significant written comments has been filed, the Court issues an Order entering the Consent Decree.

Copies of the proposed Consent Decree are available for inspection at the Department's Southeast Regional Office, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Comments may be submitted in writing to Thomas Sheehan, Project Manager, Hazardous Sites Cleanup Program, Department of Environmental Protection, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Further information may be obtained by contacting Thomas Sheehan at (610) 832-6000 during business hours. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995**

#### **PREAMBLE 2**

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of

submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office 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.*

**Stanley Marvel, Inc.**, Bensalem Township, **Bucks County**. John M. Ash, URS Corp., 2325 Maryland Rd., 2nd Fl., Willow Grove, PA 19090, on behalf of Stanley Marvel, Inc., 1221 Ford Rd., Bensalem, PA, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**PECO Energy Company—Former Darby MGP Plant**, Darby and Sharon Hills Borough, **Delaware County**. Ronald F. Carper, Jr., P. G., ENSR International, 2005 Cabot Blvd., Suite 100, Langhorne, PA 19047, on behalf of PECO Energy Co., Attn: Jennifer Sowers, 300 Front St., Bldg. 1, West Conshohocken, PA 19428, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics, other organics and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**The Reserves at Gwynedd (Soil)**, Upper Gwynedd Township, **Montgomery County**. Paul Martino, P. G., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Carmen Danella, Danella Companies, 470 E. Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents and inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**JECA Corporation**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of JECA Corp., 3375 Richmond St., Philadelphia, PA 19134, has submitted a Final Report concerning remediation of site soil contaminated with lead and BTEX. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Bethlehem Corporation and Young Volkswagen Mazda**, Palmer Township, **Northampton County**. Jim LaRegina, P. G., HRP Associates, Inc., 4807 Jonestown Road, Harrisburg, PA 17109 submitted a Remedial Investigation Report (on behalf of Easton Center LLC, 18202 Minnetonka Boulevard, Suite 1, Wayzata, MN 55391) concerning the characterization of site soils and groundwater found or suspected to be contaminated with lead and other inorganics, no. 2 fuel oil, leaded gasoline, chlorinated solvents and other organics, polycyclic aromatic hydrocarbons and polychlorinated biphenyls. The report was submitted in partial fulfillment of a combination of the nonresidential Statewide Health and Site-Specific Standards.

**Raub and Romond Properties**, Gibson Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 has submitted a Final Report (on behalf of Helen Raub and Lee Romond, R. R. 1, Susquehanna, PA) concerning the remediation of soils and groundwater contaminated with no. 2 fuel oil as the result of an accidental release. The report was submitted to document remediation of the site to meet the residential Statewide Health Standard.

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

**Former United Piece Dye Works**, Spring Garden and Springettsbury Townships, **York County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Spring Garden Township, 558 South Ogontz Street, York, PA 17403-5709, submitted a Remedial Investigation report concerning remediation of site soils, groundwater, surface water and sediment contaminated with PCBs, lead, heavy metals, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet a combination of the requirements for the Site-Specific and Statewide Health Standards

**Eric and Holly Stokes Residence**, Myerstown Borough, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Eric and Holly Stokes, 242 East Main Street, Myerstown, PA 17067 submitted a Final Report concerning remediation of site soils contaminated with fuel oil No. 2. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco Station 0003-7382**, Susquehanna Township, **Dauphin County**. GES, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Gelder Realty, 2456 Mercedes Court, Harrisburg, PA 17112 and Sunoco, Inc., Automotive Laboratory, P. O. Box 1135, Post Road and Blue Ball Avenue, Marcus Hook, PA 19061, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with BTEX, MTBE, Isopropylbenzene and Naphthalene. The report is intended to document remediation of the site to a combination of the Site-Specific and Statewide Health Standards.

**Sun Pipe Line Company Stutzman Farm**, South Heidelberg Township, **Berks County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381, on behalf of Sun Pipeline Line Company, Post Road and Blue Ball Avenue, Marcus Hook, PA 19061, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2 and unleaded gas. The report is intended to document remediation of the site to a combination of the Site-Specific and Statewide Health Standards.

**Brewery Products**, Springettsbury Township, **York County**. React Environmental Services, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Stover Fuel Oil Company, P. O. Box 117, Hershey, PA 17033, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX. The report is intended to document remediation of the site to a combination of the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, 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 reuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the Act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office 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.*

**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 the remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 8, 2003.

**Pleasant Valley Business Center, 10 Oak Street Site**, Conshohocken Borough, **Montgomery County**. Tracy B. Greer, Keating Development Co., One Bala Ave., Bala Cynwyd, PA 19004, has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with inorganics and PAH; and groundwater contaminated with inorganics and other organics. The report was approved by the Department of January 15, 2003.

**Sears Logistics Services, Inc., Option A, Former Bridge Street Warehouse**, City of Philadelphia, **Philadelphia County**. Tom Farrell, Resource Control Corp., 1274 N. Church St., Moorestown, NJ 08057, has submitted a revised Final Report concerning remediation of site groundwater contaminated with solvents, BTEX and PAH. The revised report demonstrated attainment of Site-Specific Standards and was approved by the Department on January 10, 2003.

**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 19406, has submitted a Final Report concerning remediation of site soil contaminated with BTEX. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 14, 2003.

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

**Remp Group Property**, Cumru Township, **Berks County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of the Remp Group, 64 Sycamore Lane, Reading, PA 19606, submitted a final report concerning remediation of site soils contaminated with inorganics and lead. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 16, 2003.

**William Moul Residence**, Conewago Township, **York County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of William Moul, 830 Bremer Road, Dover, PA 17315, submitted a Final Report concerning remediation of site soils contaminated with benzene, cumene, ethyl benzene, fluorene, naphthalene, phenanthrene and toluene. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 31, 2002.

**Eric Coomes Residence**, North Hopewell Township, **York County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Eric Coomes, 5828 Spruce Road, Felton, PA 17356, submitted a Final Report concerning

remediation of site soils contaminated with benzene, cumene, ethyl benzene, fluorene, naphthalene, phenanthrene and toluene. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 2, 2003.

**Sun Pipe Line Company Stutzman Farm**, South Heidelberg Township, **Berks County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381, on behalf of Sun Pipeline Line Company, Post Road and Blue Ball Avenue, Marcus Hook, PA 19061, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2 and unleaded gas. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 17, 2002.

**Defense Distribution Depot, Susquehanna, PA, IRP Site 62, Building 251**, Fairview Township, **York County**. Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070 submitted a Final Report concerning remediation of site soils contaminated with hydraulic oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 23, 2002.

**Berkshire Court Lots 2 and 3**, Wyomissing Borough, **Berks County**. ARM Group Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033, on behalf of Thun Partnership, 17 East Meadow Avenue, Robesonia, PA 19551 and Rockwell Automation Inc., 777 East Wisconsin Avenue, Suite 1400, Milwaukee, WI 53202, has submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and other organics. The final report demonstrated attainment of a combination of the Statewide Health and Site-Specific Standards and the combined Remedial Investigation and Final Report were approved by the Department on December 20, 2002.

**Defense Distribution Depot Susquehanna PA, SWMU No. 6**, Fairview Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002 and Weston Solutions, Inc., 1400 Weston Way, West Chester, PA submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site groundwater contaminated with solvents. The Remedial Investigation Report and Cleanup Plan were disapproved by the Department on January 23, 2003. The applicant proposes to remediate the site to meet the Site-Specific Standard.

**Deanna Murray Residence**, Silver Spring Township, **Cumberland County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Deanna Murray, 33 Millers Gap Road, Enola, PA 17025, submitted a final report concerning remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 23, 2003.

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

**Costy's Used Truck & Auto Parts, Inc.**, Richmond Township, **Tioga County**. Mountain Research, Inc., on behalf of David and Daniel Kurzejewski, 2395 S. Main Street, Mansfield, PA 16933, has submitted a Risk Assessment Report and a Cleanup Plan concerning groundwater contaminated with BTEX, naphthalene, cumene and MTBE. The applicant is proposing to remediate the site

to meet a combination of the Statewide Health Standard and/or Site-Specific Standard. The report was approved by the Department on January 28, 2003.

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

**Permit modification 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. 301316. Keystone Environmental Services, Inc.**, P. O. Box 127, Shoemakersville, PA 19555-0127, Perry Township, **Berks County**. The permit modification is for the Keystone Environmental Services Inc. Residual Waste Transfer Station's Radiation Protection Action and Monitoring Plan. The permit was approved by the Southcentral Regional Office on January 27, 2003.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 100434. Evergreen Landfill, Inc.**, P. O. Box 195, Coral, PA 15731. Operation of a municipal waste landfill in Center and Brush Valley Townships, **Indiana County**. Major permit modification to monitor waste for the presence of radioactive materials, incorporate a geosynthetic liner element into the permitted liner system, monitor meteorological conditions at the site and other design and operational revisions was issued in the Regional Office on January 21, 2003.

Persons interested in reviewing the permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000; TDD users may contact the Department through the Pennsylvania Relay Service at 800-654-5984.

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

**Denied applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S.A. §§ 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.*

**Wilbert Chacon**, 421 Plainfield Avenue, Apt. 2, Berkeley Heights, NJ 07922. Authorization No. WH0849. Effective January 17, 2003.

**Paulo S. Souza**, 26 Fillmore Street, 1st Floor, Newark, NJ 07105. Authorization No. WH0844. Effective January 17, 2003.

**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.*

**James M. Pine**, 234 Twin Lakes Drive, Mantua, NJ 08051. Authorization No. WH3786. Effective January 24, 2003.

**Todd Berguson Trucking**, P. O. Box 34, Arnot, PA 16911-0034. Authorization No. WH1525. Effective January 24, 2003.

**John Johnston**, 1898 Oregon Hill Road, Morris, PA 16938. Authorization No. WH2740. Effective January 24, 2003.

**Curtis H. Abplanalp**, 172 Bellwood Ave., Wellsboro, PA 16901. Authorization No. WH2741. Effective January 24, 2003.

**Triple E Trucking**, P. O. Box 81, Jennerstown, PA 15547. Authorization No. WH1684. Effective January 24, 2003.

**Arbustini Transport**, 2636 Muhlfeld St., Philadelphia, PA 19142. Authorization No. WH1735. Effective January 24, 2003.

**Robert Passariello Sanitation**, 999 S. Keyser Ave., Taylor, PA 18517. Authorization No. WH1822. Effective January 24, 2003.

**Diianni Frank**, 14 Mill Court, Erial, NJ 08081. Authorization No. WH1834. Effective January 24, 2003.

**Julio C. Bosso**, 1, 84 Somme St., Newark, NJ 07105. Authorization No. WH1838. Effective January 24, 2003.

**Freys Disposal Inc.**, R. R. 3 Box 385, Watsontown, PA 17777-9406. Authorization No. WH1839. Effective January 24, 2003.

**ICR Specialties**, 3230 Souderton Pike, Hatfield, PA 19440. Authorization No. WH1840. Effective January 24, 2003.

**L W Clearing Co.**, 127 Cussman Road, Telford, PA 18969. Authorization No. WH1841. Effective January 24, 2003.

**Maazullah Popal**, 1415 Country Club Road, Harrisonburg, VA 22802. Authorization No. WH1842. Effective January 24, 2003.

**Ace Contract Carriers Inc.**, 520 York Street, Elizabeth, NJ 07201. Authorization No. WH1843. Effective January 24, 2003.

**Michaels Industrial Disposal Service Inc.**, 429 Frelinghuysen Ave., Newark, NJ 07114. Authorization No. WH1844. Effective January 24, 2003.

**Elk Transportation Inc.**, 1420 Clarion St., Reading, PA 19601. Authorization No. WH1845. Effective January 24, 2003.

**YNS Transport**, 817 Bound Brook, P. O. Box 56, Raritan, NJ 08869. Authorization No. WH1846. Effective January 24, 2003.

**Emery B. Freeman**, R. R. 1, P. O. Box 15, Adrian, PA 16210. Authorization No. WH1847. Effective January 24, 2003.

**John L. Blosenski & Sons Inc.**, 386 Parkmount Road, P. O. Box 33, Glen Riddle, PA 19037-0033. Authorization No. WH1848. Effective January 24, 2003.

**Intergrated Waste Systems Inc.**, Building G, 900 Chestnut Street, Somerdale, NJ 08083. Authorization No. WH1851. Effective January 24, 2003.

**Penn State University**, 186B Physical Plant Building, University Park, PA 16802-1119. Authorization No. WH1852. Effective January 24, 2003.

**Walter T. Buchinsky**, 426 Robinson Road, R. R. 3 Box 94A, Saltsburg, PA 15681-9107. Authorization No. WH1853. Effective January 24, 2003.

**ABF Freight System Inc.**, 3801 Old Greenwood Road, P. O. Box 10048, Fort Smith, AR 72903. Authorization No. WH1854. Effective January 24, 2003.

**Gracie Corporation of New Jersey**, 4000 Pulaski Avenue, Philadelphia, PA 19140. Authorization No. WH1800. Effective January 23, 2003.

**Harrisburg Advanced Wastewater Treatment Facility**, 1662 South Cameron and Franklin Streets, Harrisburg, PA 17104. Authorization No. WH1801. Effective January 23, 2003.

**Erwin R. Smith**, 496 Fifteenth Avenue, Paterson, NJ 07514. Authorization No. WH1803. Effective January 23, 2003.

**Geppert Brothers, Inc.**, 3101 Trewigtown Road, Colmar, PA 18915. Authorization No. WH1804. Effective January 23, 2003.

**Erquin Vargas**, 107 Elm Street, Newark, NJ 07105. Authorization No. WH1805. Effective January 23, 2003.

**KDL Transport Corporation**, 841 Maywood Avenue, Maywood, NJ 07607. Authorization No. WH1806. Effective January 23, 2003.

**On Site Developers, Inc.**, Suite 69, 61 Poland Brook Road, Terryville, CT 06786. Authorization No. WH1809. Effective January 23, 2003.

**Roberto Nascimento**, 246 Cortland Street, Belleville, NJ 07109. Authorization No. WH1810. Effective January 23, 2003.

**AFI & Co.**, P. O. Box 20099, York, PA 17402-9998. Authorization No. WH1074. Effective January 17, 2003.

**Joao P. Furtado**, 1900 Emerson Street, Philadelphia, PA 19152. Authorization No. WH1270. Effective January 17, 2003.

**Paulo S. Santos**, Apt. 1, 13034 A Blakeslee Drive, Philadelphia, PA 19116. Authorization No. WH1271. Effective January 17, 2002.

**McCusker & Sons Inc.**, 706 Marple Drive, West Chester, PA 19382. Authorization No. WH1273. Effective January 17, 2003.

**John F. Rosenbaum**, 184 New Garden Road, Avondale, PA 19311. Authorization No. WH1274. Effective January 17, 2003.

**JGM Transportation Corporation**, Apartment 1, 948 Kenneth Avenue, Elizabeth, NJ 07202. Authorization No. WH1327. Effective January 17, 2003.

**CAAP Transportation Inc.**, 1932 Crescent Parkway, Linden, NJ 07036. Authorization No. WH1342. Effective January 17, 2003.



**Troy A. Chin**, 1451 McCrea Place, Plainfield, NJ 07062. Authorization No. WH1345. Effective January 17, 2003.

**Jose A. Alves**, 1011 Louisa Street, Elizabeth, NJ 07201. Authorization No. WH1346. Effective January 17, 2003.

**Valdir P. Dasilva**, Apt. 168, 245 Atlantic Avenue, Long Beach, NJ 07740. Authorization No. WH1347. Effective January 17, 2003.

**Nicholas S. Fisher**, 548 E. 24th Street, Paterson, NJ 07514. Authorization No. WH1348. Effective January 17, 2003.

**Hugos Trucking Company**, 1st Floor, 7100 Adams Street, North Bergen, NJ 07047. Authorization No. WH1349. Effective January 17, 2003.

**CJR Industries LLC**, 372 Beech Street, Teaneck, NJ 07666. Authorization No. WH1350. Effective January 17, 2003.

**Sukhbir Singh**, R. R. 4 Box 4003, Hazleton, PA 18202. Authorization No. WH1378. Effective January 17, 2003.

**Lloyd Diehl**, 11301 Eastman Road, Cumberland, MD 21502. Authorization No. WH1379. Effective January 17, 2003.

**Sukhwinder Singh**, 6503 West Minster Boulevard, Parlin, NJ 08859. Authorization No. WH1380. Effective January 17, 2003.

**AC Transport Corporation**, 71 Ackerman Avenue, Box 409, Clifton, NJ 07011. Authorization No. WH1368. Effective January 23, 2003.

**Nitterhouse Masonry Products, LLC**, P. O. Box 692, Chambersburg, PA 17201-0692. Authorization No. WH1675. Effective January 23, 2003.

**Benton Foundry, Inc.**, 5297 SR 487, Benton, PA 17814-7641. Authorization No. WH1976. Effective January 23, 2003.

**R & D Enterprises**, Road 1, Box 228, Liverpool, PA 17045-9529. Authorization No. WH1977. Effective January 23, 2003.

**Robin Gilligan Construction**, 1810 Montour Street, Coraopolis, PA 15108. Authorization No. WH1978. Effective January 23, 2003.

**Stutzman Trucking**, 157 Pyle Drive, Somerset, PA 15501. Authorization No. WH1979. Effective January 23, 2003.

**JBS Hauling**, 252 Harristown Road, Kinzers, PA 17535. Authorization No. WH1980. Effective January 23, 2003.

**Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603-4007. Authorization No. WH1981. Effective January 23, 2003.

**Haggerty Farms**, 427 Montana Road, Washington, NJ 07882-3707. Authorization No. WH1982. Effective January 23, 2003.

**GNBT, LLC**, 174 Carter Lane, Southington, CT 06489-3607. Authorization No. WH1983. Effective January 23, 2003.

**Mariotti Building Products**, 1 Louis Industrial Drive, Old Forge, PA 18518. Authorization No. WH1984. Effective January 23, 2003.

**Joese Building & Plumbing Supply, Inc.**, 35 Engle Street, Chester, PA 19013-2798. Authorization No. WH1985. Effective January 23, 2003.

**Joseph & Son Tri Axle Service, Inc.**, 1625 Hampton Road, Havertown, PA 19083. Authorization No. WH1986. Effective January 23, 2003.

**Sayre Borough**, P. O. Box 39, 110 W. Packer Avenue, Sayre, PA 18840-0039. Authorization No. WH1987. Effective January 23, 2003.

**KBS, Inc.**, P. O. Box 7, Route 30 and KBS Road, Thomasville, PA 17364-0007. Authorization No. WH1989. Effective January 23, 2003.

**Silver King Hauling**, 315 Payday Drive, Elizabeth, PA 15037-9442. Authorization No. WH2056. Effective January 23, 2003.

**B. J. & J. Landservices**, 16848 Route 403 North, Clymer, PA 15728. Authorization No. WH1678. Effective January 23, 2003.

**Pikes Creek Asphalt & Crushed Stone**, P. O. Box 1467, Skippack, PA 19474. Authorization No. WH1816. Effective January 23, 2003.

**William M. E. Yeakel & Sons, Inc.**, 29 Ridge Street, Emmaus, PA 18049. Authorization No. WH1970. Effective January 23, 2003.

**Edward Forry & Sons Builders**, 5 Forry Court Road, Lewisberry, PA 17339-9797. Authorization No. WH1971. Effective January 23, 2003.

**Muricio DeJesus**, 10226 B Bustleton Avenue, Philadelphia, PA 19116. Authorization No. WH1972. Effective January 23, 2003.

**John H. Green**, P. O. Box 8535, Reading, PA 19603-8535. Authorization No. WH1974. Effective January 23, 2003.

**Lohr Trucking, Inc.**, 636 Beaver Dam Road, Friedens, PA 15541. Authorization No. WH2059. Effective January 23, 2003.

**McCurdy's Sewage Disposal**, P. O. Box 247, Richlandtown, PA 18955. Authorization No. WH2057. Effective January 23, 2003.

**Tri-State Waste & Recycling, Inc.**, P. O. Box 20333, Philadelphia, PA 19137-0033. Authorization No. WH2062. Effective January 23, 2003.

**Shaffer's Roll-Off Service**, P. O. Box 107, Adrian, PA 16210-0107. Authorization No. WH2065. Effective January 23, 2003.

**Shannon A. Smith, Inc.**, 420 South Cherry Street, Myerstown, PA 17067-1547. Authorization No. WH2066. Effective January 23, 2003.

**Wade Williams**, 333 West Milne Street, Philadelphia, PA 19144. Authorization No. WH2068. Effective January 23, 2003.

**The Paper Exchange Inc.**, 2701 Miles Avenue, Pittsburgh, PA 15216-2107. Authorization No. WH1884. Effective January 17, 2003.

**Dale E. Townsend**, 1156 Blackshollow Road, Apollo, PA 15613. Authorization No. WH1885. Effective January 17, 2003.

**Texter Mountain Mulch/R. B. Martin Trucking, LLC**, 190 Texter Mountain Road, Reinholds, PA 17569-9408. Authorization No. WH1886. Effective January 17, 2003.

**Lawrenson, Inc.**, P. O. Box 454, Sewell, NJ 08080. Authorization No. WH1887. Effective January 17, 2003.

**Gary S. Hostetter**, 2135 Cloverleaf Road, Mt. Joy, PA 17552. Authorization No. WH1888. Effective January 17, 2003.

**Building Systems, Inc.**, 7335 Old Perry Highway, Erie, PA 16509. Authorization No. WH1889. Effective January 17, 2003.

**Neiderer Sanitation**, 1745 Storms Store Road, New Oxford, PA 17350-9515. Authorization No. WH1890. Effective January 17, 2003.

**South Atlantic Trucking, Inc.**, 40-44 Rome Street, Newark, NJ 07105. Authorization No. WH1891. Effective January 17, 2003.

**Willis E. Righenour**, R. R. 2, Box 1131, Claysburg, PA 16625-9745. Authorization No. WH1892. Effective January 17, 2003.

**Tommy L. Bressler**, 934 E. Main Street, Hegins, PA 17938-9386. Authorization No. WH1893. Effective January 17, 2003.

**Steward Brothers**, 911 Hickory Street, Roaring Spring, PA 16673-2021. Authorization No. WH1894. Effective January 17, 2003.

**Dmitriy I. Trushov**, 1331 S. Finley Road, Lombard, IL 60148. Authorization No. WH1895. Effective January 17, 2003.

**Delta Disposal Service, Inc.**, P. O. Box 58, Pond Eddy, NY 12770. Authorization No. WH1896. Effective January 17, 2003.

**Spence Trucking Inc.**, 5604 Seward Avenue, Baltimore, MD 21206. Authorization No. WH1897. Effective January 17, 2003.

**A. J. Recycling Inc.**, 325 Faile Street, Bronx, NY 10474. Authorization No. WH1898. Effective January 17, 2003.

**C.G. Contractors**, 220 Gold Mine Road, Sellersville, PA 18960-3016. Authorization No. WH1899. Effective January 17, 2003.

**Wadel Construction**, 6850 White Church Road, Shipensburg, PA 17254-9235. Authorization No. WH1778. Effective January 23, 2003.

**Shields Container Service**, 461 Little Walker Road, Shohola, PA 18458-2803. Authorization No. WH2032. Effective January 23, 2003.

**Borough of Pringle**, 89 Evans Street, Pringle, PA 18704-1838. Authorization No. WH2033. Effective January 23, 2003.

**Ron Vrabel Dump Truck Service**, 5672 Lincoln Hills Drive, Gap, PA 17527-9617. Authorization No. WH2034. Effective January 23, 2003.

**Potteiger-Raintree, Inc.**, 342 Commerce Drive, Glen Rock, PA 17327. Authorization No. WH2035. Effective January 23, 2003.

**Harold Adam Refuse Removal, Inc.**, 480 Strausser Road, Hamburg, PA 19526-9441. Authorization No. WH2036. Effective January 23, 2003.

**John A. Bonilla**, 2234 Hoffman Avenue, Elmont, NY 11003. Authorization No. WH2037. Effective January 23, 2003.

**Shimmels Disposal Service, Inc.**, Codorus Furnace Road, P. O. Box 508, Mount Wolf, PA 17347. Authorization No. WH2038. Effective January 23, 2003.

**Ralph W. Miller**, 1069 Bridge Street, Stoystown, PA 15563. Authorization No. WH2039. Effective January 23, 2003.

**Lovett Hauling, Inc.**, 201 Herring Bone Lane, Bensalem, PA 19020. Authorization No. WH2041. Effective January 24, 2003.

**Cappelli Excavating**, P. O. Box 1433, McMurray, PA 15317. Authorization No. WH2044. Effective January 24, 2003.

**Defense Distribution Susquehanna PA**, Suite 1, Building 1-3, 2001 Mission Drive, New Cumberland, PA 17070-5001. Authorization No. WH2045. Effective January 24, 2003.

**Frank J. Sipos, Hauling & Disposal Service**, 37 East Union Boulevard, Bethlehem, PA 18018. Authorization No. WH2046. Effective January 24, 2003.

**J.R. Contracting & Environmental**, 1141 Route 23, Wayne, NJ 07470. Authorization No. WH2049. Effective January 24, 2003.

**Dispose-All Waste Services, LLC**, 96 Central Schoolhouse Lane, Carneys Point, NJ 08069. Authorization No. WH2050. Effective January 24, 2003.

**Dennise Enterprises, Inc.**, 265 Broadway Street, Jersey City, NJ 07306. Authorization No. WH2052. Effective January 24, 2003.

**Alex G. Souza**, 3rd Floor, 35 Courtland Street, Newark, NJ 07105-4409. Authorization No. WH1855. Effective January 24, 2003.

**Tri State Maintenance Inc.**, Box 370 Tank Farm Road, Aliquippa, PA 15001-9803. Authorization No. WH1856. Effective January 24, 2003.

**Ralph Edward McGinnis**, P. O. Box 225, Rutter Road, New Florence, PA 15944. Authorization No. WH1857. Effective January 24, 2003.

**Ulises Peraza**, 208 Harrison Avenue, New Jersey City, NJ. Authorization No. WH1859. Effective January 24, 2003.

**Star Rock Farms LLC**, 37 Chestnut Grove Road, Conestoga, PA 17516. Authorization No. WH1860. Effective January 24, 2003.

**Dart Trucking Co. Inc.**, 61 Railroad St., Canfield, OH 44406-1440. Authorization No. WH1861. Effective January 24, 2003.

**Yanko Bros. Trucking Inc.**, 300 Park Hill Dr., Johnstown, PA 15909. Authorization No. WH1862. Effective January 24, 2003.

**Leindecker Trucking Inc.**, 2838 Hillcrest Drive East, Coplay, PA 18037-2327. Authorization No. WH1863. Effective January 24, 2003.

**James Groll Container Service**, 900 Vine Road, Saint Marys, PA 15857. Authorization No. WH1864. Effective January 24, 2003.

**Grolls Disposal**, 129 Sara Road, Saint Marys, PA 15857. Authorization No. WH1865. Effective January 24, 2003.

**David Brooke Rush Builders**, 732 East Creamery Road, Perkasia, PA 18944. Authorization No. WH1866. Effective January 24, 2003.

**Central Salvage Co. Inc.**, 124 North Narberth Avenue, Narberth, PA 19072-0603. Authorization No. WH1867. Effective January 24, 2003.

**Timothy Schaffer Inc.**, 1273 Route 113, P. O. Box 43, Blooming Glen, PA 18911. Authorization No. WH1868. Effective January 24, 2003.

**Ramp Construction Company Inc.**, 1300 Island Avenue, McKees Rocks, PA 15136. Authorization No. WH1869. Effective January 24, 2003.

**Matthews Trucking**, 224 Dague Hollow Road, Scenery Hill, PA 15360-1843. Authorization No. WH1882. Effective January 27, 2003.

**Pennridge Roofing & Siding Inc.**, 1035 North Ridge Road, Perkasio, PA 18944-1747. Authorization No. WH1881. Effective January 27, 2003.

**Copneys Disposal System Inc.**, 227 Kochka Drive, Apollo, PA 15613. Authorization No. WH1880. Effective January 27, 2003.

**PLC Trucking**, P. O. Box 1743, South Hackensack, NJ 07606. Authorization No. WH1878. Effective January 27, 2003.

**Best Roofing Technology Inc.**, 1462 Trindle Road, Carlisle, PA 17013. Authorization No. WH1876. Effective January 27, 2003.

**Berks Fire & Water Restorations Inc.**, 350 Bern Street, Reading, PA 19601-1242. Authorization No. WH1875. Effective January 27, 2003.

**Kelly Roofing & Insulating Inc.**, 1877 Philadelphia Avenue, Chambersburg, PA 17201-1433. Authorization No. WH1874. Effective January 27, 2003.

**Sheila R. Klein**, 311 North Main Street, Harrisville, PA 16038. Authorization No. WH1873. Effective January 27, 2003.

**Sigleys Sanitation Service**, 1656 2nd Street, Bethlehem, PA 18020-6428. Authorization No. WH1872. Effective January 27, 2003.

**Pichak Caputo Trucking Inc.**, 5 Blue Ridge Drive, Levittown, PA 19057-3001. Authorization No. WH1700. Effective January 27, 2003.

**SEA Trucking Inc.**, 409 McGuigan Place, Harrison, NJ 07029. Authorization No. WH1654. Effective January 27, 2003.

**Secured Destruction Systems**, P. O. Box 850, Lansdale, PA 19446. Authorization No. WH1871. Effective January 27, 2003.

## AIR QUALITY

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

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

**GP1-06-03014: Berks Packing Co., Inc.** (307 Bingham Street, P. O. Box 5919, Reading, PA 19610-5919) on January 24, 2003, was authorized to operate a small gas and No. 2 oil fired combustion unit under GP1 in the City of Reading, **Berks County**.

**GP3-44-03013: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on January 1, 2003,

was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Armagh Township, **Mifflin County**.

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

**GP5-65-00872: Equitable Gas Co.** (200 Allegheny Center Mall, Pittsburgh, PA 15212) on January 16, 2003, for installation of one 115 Bhp AJAX model DPC 115 compressor engine. The engine is equipped with a glycol dehydration unit that is controlled by a Hanover .5 mmBtu/hr oxidizing Flare at the Hill Compressor Station facility, Washington Township, **Westmoreland 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.*

**46-0048: Wyeth-Ayerst Pharmaceuticals, Inc.** (500 Arcola Road, Collegeville, PA 19426) on January 27, 2003, for operation of three boilers in Upper Providence Township, **Montgomery County**.

**09-0050C: Better Materials Corp.** (852 Swamp Road, Penns Park, PA 18943) on January 24, 2003, for operation of an asphalt batch plant in Wrightstown Township, **Bucks County**.

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

**48-318-134: Bethlehem Contracting Co.** (P. O. Box 40, Bath, PA 18014) on January 16, 2003, for modification of a paint spraying operation and associated air cleaning device at their facility at 7230 Beth-Bath Pike, East Allen Township, **Northampton County**.

**48-399-052: Bethlehem Contracting Co.** (P. O. Box 40, Bath, PA 18014) on January 16, 2003, for construction of a steel shot blast booth and associated air cleaning device at their facility at 7230 Beth-Bath Pike, East Allen Township, **Northampton County**.

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

**06-03113A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on January 21, 2003, for construction of a nonmetallic mineral crushing plant with wet suppression at its Birdsboro Quarry in Robeson Township, **Berks County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**44-05002B: New Holland North America, Inc.** (P. O. Box 868, Belleville, PA 17004-0868) on January 22, 2003, for modification of the existing surface coating system in Union Township, **Mifflin County**.

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

**43-152A: Sharon Tube Co.** (134 Mill Street, Sharon, PA 16146) on January 21, 2003, for installation of a baghouse in Sharon, **Mercer County**.

**62-141E: National Fuel Gas Supply Corp.—Roystone Station** (HC 1, Sheffield, PA 16347) on January 10, 2003, for installation of VOC controls on the dehydration system in Sheffield Township, **Warren County**.

**42-197A: M and M Royalty, Ltd.—Irishtown Plant** (Route 307, Lewis Run, PA 16738) on January 9, 2003, for installation of two engines in Lafayette Township, **McKean County**.

**16-142A: TDK Coal Sales, Inc.—Weaver II Mine** (Tar Kiln Hill Road, Miola, PA 16214 ) on January 10, 2003, for operation of a coal processing equipment in Highland Township, **Clarion County**.

**25-069H: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) on January 17, 2003, for installation of a dust collector in Erie, **Erie County**.

**33-033B: Owens Brockway Glass Containers—Plant 18** (R. R. 2, Cherry Street, Brockport, PA 15823) on January 22, 2003, for construction of an applied ceramic labeling process in Brockway, **Jefferson County**.

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

**AMS 02162: Defense Energy Support Center** (8725 John J. King Road, Fort Belvoir, VA 22060) was authorized to operate a soil vapor treatment system at 2800 South 20th Street in Philadelphia, **Philadelphia County**.

**AMS 02049 and 2135: Kvaerner Philadelphia Shipyard, Inc.** (2100 Kitty Hawk Avenue Philadelphia Naval Business Center, Philadelphia, PA 19112) was authorized to operate several combustion sources under a Plantwide Applicability Limit for NO<sub>x</sub> in Philadelphia, **Philadelphia 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.*

**23-0001S: Sunoco, Inc. (R and M)** (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) on January 16, 2003, for operation of a boiler and heater in Marcus Hook Borough, **Delaware County**.

**09-0123: Better Materials Corp.** (262 Quarry Road, Ottsville, PA 18942) on January 16, 2003, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

**09-0131: Pyramid Graphics, Inc.** (1021 Washington Avenue, Croydon, PA 19021) on January 16, 2003, for operation of a heatset web offset printing line in Bristol Township, **Bucks County**.

**09-0028C: Fibermark, Inc.** (45 North Fourth Street, Quakertown, PA 18951) for operation of a surface coater No. 11 in Quakertown Borough, **Bucks County**. This was amended on January 22, 2003.

**46-313-146: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on January 22, 2003, for operation of a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

**46-0060A: Department of Public Welfare** (1001 East Sterigere Street, Norristown, PA 19401) on January 22, 2003, for operation of two natural gas No. 2 oil fired boilers in Norristown Borough, **Montgomery County**.

**23-0027: Dyneon LLC** (50 Milton Drive, Aston, PA 19014) on January 22, 2003, for operation of a thermal oxidizer in Chester Township, **Delaware County**.

**46-0025C: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on January 22, 2003, for operation of a waste incinerator in Upper Merion Township, **Montgomery County**.

**23-0063A: Department of Corrections—SCI Chester** (500 East 4th Street, Chester, PA 19013) on January 27, 2003, for operation of a boiler in the City of Chester, **Delaware County**.

**46-0203: Limerick Partners, LLC** (3298 Sanatoga Road, Pottstown, PA 19464) revoked January 24, 2003, for operation of a 500-mW combined cycle power plant in Limerick Township, **Montgomery County**.

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

**53-00004B: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) on January 14, 2003, for operation of three 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engines (Engines 2, 4 and 5) on a temporary basis, until May 14, 2003, at the Harrison Compressor Station in Harrison Township, Potter County. The plan approval was extended.

**47-303-003A: HRI, Inc.** (P. O. Box 155, State College, PA 16804) on January 17, 2003, for operation of a reprocessed oil-fired drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis, until May 17, 2003, in Liberty Township, **Montour County**. The plan approval was extended.

**19-320-005: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on January 16, 2003, to extend the deadline for the performance of VOC stack testing on a heatset web offset lithographic printing press and associated air cleaning device (a regenerative thermal oxidizer) to February 28, 2003, in Scott Township, **Columbia County**.

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

**10-001D: AK Steel Butler Works** (Route 8 South, Butler, PA 16003) on January 31, 2003, for no. 23 continuous shotblast in Butler, **Butler 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.**

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

**15-00014: Saint Gobain Performance Plastics/Malvern** (57 Morehall Road Malvern, PA 19355) on January 17, 2003, the Title V Operating Permit was

issued as an Administrative Amendment to incorporate two typographical errors in the permit for their facility in East Whiteland Township, **Chester County**. The VOC limit for Source 101 was corrected from 8 tons per year to 15 tons per year and the contact person on the title page was amended. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The initial permit was issued April 30, 2001.

**15-00010: Bethlehem Steel Corp.—Coatesville** (139 Modena Road, Coatesville, PA 19320) for operation of a steel making, ingot and slab conditioning, rolling mills, heat treating and plate finishing facility in Coatesville City, **Chester County**. The issued Title V Operating Permit has been amended to resolve issues pertaining to an appeal. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The permit is being amended to incorporate following changes:

- Section A, Site Inventory List, Source 181—corrected typographical error under source map to change the stack labeled Z101 to Z100.

- Section A, Site Inventory List, Source 035—added source map.

- Section C, Site Level Requirements, Condition No. 019—amended condition to refer to Section A and G.

- Section C, Site Level Requirements, Subsection VIII (Compliance Certification)—revised the deadline date for submission to October 15, 2002.

- Section D, Source Level Requirement, Source 146A—incorporated the monitoring requirement of Condition No. 003, Source 146B, requiring monitoring of the fuel usage or the hours of operation on a monthly basis.

- Section D, Source Level Requirement, Source 180, Condition No. 002—corrected the typographical error to the term “2002.”

This Administrative Amendment of the Title V Operating Permit is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**46-00011: Bethlehem Steel Corp.—Conshohocken** (Conshohocken Road, Conshohocken, PA 19428) for operation of steel heating furnaces, annealing furnace, rolling mills, temper furnace, cutting and shot blasting facility in Plymouth Township, **Montgomery County**. The previously issued Title V Operating Permit has been amended to resolve issues pertaining to an appeal. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The permit is being amended to incorporate following changes:

- Section D, Source Level Requirements, Source 107, Conditions No. 001 and No. 004—included monitoring and work practice standard conditions per the regulatory language for Surface Coating Processes per 25 Pa. Code § 129.52.

- Section D, Source Level Requirements, Source 107, Conditions No. 002—included the term “Material Data Safety Sheets (MSDS)” per Department approved methods.

- Section D, Source Level Requirements, Source 107, Conditions No. 005—revised the limit for the VOC content of the applied coating to 6.67 lbs of VOC per gallon of coating solids.

- Included Appendix at the end of the permit containing Table 1 from 25 Pa. Code § 129.52.

This Administrative Amendment of the Title V Operating Permit is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**15-00037: Oberthur Card System—Exton** (523 James Hance Court, Exton, PA 19341) on January 22, 2003, the Title V Operating Permit was issued as an Administrative Amendment to incorporate plan approval PA-15-0037 for Source 110 in West Whiteland Township, **Chester County**. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The initial permit was issued December 10, 1999.

**23-00001: Sunoco, Inc. (R and M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on January 22, 2003, for operation of a Facility Title V Operating Permit in Marcus Hook Borough, **Delaware County**.

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

**05-05006: Columbia Gas Transmission Corp.** (P. O. Box 1273, Charleston, WV 25325-1273) on January 23, 2003, for operation of a natural gas compressor station at its Artemas Compressor Station in Mann Township, **Bedford County**. This is a Renewal No. 1 of the operating permit.

**06-05044: Department of Public Welfare** (P. O. Box 300, Wernersville, PA 19565) on January 16, 2003, for operation of its Wernersville State Hospital in South Heidelberg Township, **Berks County**. This is Renewal No. 1 of the operating permit.

**36-05046: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue South East, Charleston, WV 25325-1273) for operation of a natural gas compressor station at its Marietta Compressor Station in East Donegal Township, **Lancaster County**. This is Renewal No. 1 of the operating permit.

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

**25-00316: Ethan Allen, Inc.—A Cherry Hill Division** (77 South Main Street, Union City, PA 16438) for reissuance of a Title V permit issued on May 21, 1998, and revised on the following dates: November 10, 1998, August 16, 1999, and March 31, 2000, on January 22, 2003, in Union City Borough, **Erie County**. The reissued permit expires on December 31, 2007. Ethan Allen Inc.—A Cherry Hill Division is air emission sources with a wood-fired boiler, a gas-fired boiler, the chair plant and table plant woodworking areas, a parts cleaners and several wood furniture manufacturing spray booths. The facility, because it is a major source of VOC emissions, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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

The City of Philadelphia, Air Management Services (AMS) administratively amended an operating permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, re-

activate or operate air contamination sources and associated air cleaning devices for the following facilities:

**V95-019: ExxonMobil Corp.** (6850 Essington Avenue, Philadelphia, PA 19153) administratively amended on January 23, 2003, to change contact information. The Synthetic Minor operating permit was originally issued on December 28, 2000.

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**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.**

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

**46-00224: Harleysville Mutual Insurance Co.** (355 Maple Avenue, Harleysville, PA 19438) on January 17, 2003, for operation of a Synthetic Minor Operating Permit in Lower Salford Township, **Montgomery County**.

**09-00085: A.E. Staley Manufacturing Co.** (East Post Road, Morrisville, PA 19067) on January 17, 2003, for operation of a Natural Minor Operating Permit in Morrisville Borough, **Bucks County**.

**46-00054: Abington Memorial Hospital** (1200 Old York Road, Abington, PA 19001) on January 21, 2003, for operation of a Synthetic Minor Operating Permit in Abington Township, **Montgomery County**.

**09-00142: Qwest Communications Corp.** (35 Runway Road, Levittown, PA 19057) on January 23, 2003, for operation of a Synthetic Minor Operating Permit in Bristol Township, **Bucks County**.

**46-00121: Main Line Hospitals, Inc.** (100 Lancaster Avenue, Wynnewood, PA 19096) on January 27, 2003, for operation of a Synthetic Minor Operating Permit in Lower Merion Township, **Montgomery County**.

**46-00053: Superior Metal Products Co., Inc.** (116 Berks Street, Pottstown, PA 19464) on January 28, 2003, for operation of a Synthetic Minor Operating Permit in Pottstown Borough, **Montgomery County**.

**09-00135: Met-Pro Corp.—Fybroc Division** (700 Emlen Way, Telford, PA 18969) on January 28, 2003, for operation of a Natural Minor Operating Permit in Hilltown Township, **Bucks County**.

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

**54-00017: Lehigh Asphalt and Paving Construction Co.** (P. O. Box 549, Tamaqua, PA 18252) for an administrative amendment to State-only Operating Permit 54-00017 for their facility in West Penn Township, **Schuylkill County**. The permit is being amended to incorporate changes based on plan approval No. 54-310-028, which entails the installation of a new cone crusher and conveyors.

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

**05-03002: Tussey Mountain School District** (199 Front Street, Saxton, PA 16678) on January 15, 2003, for operation of a bituminous coal/No. 2 oil fired boiler at the Tussey Mountain Junior/Senior High School in Liberty Township, **Bedford County**.

**22-03031: Cremation Society of PA** (4100 Jonestown Road, Harrisburg, PA 17109) on January 23, 2003, for operation of a crematory in Lower Paxton Township, **Dauphin County**.

**36-05125: Department of Corrections** (1451 North Market Street, Elizabethtown, PA 17022) on January 21, 2003, for operation of their Training Academy in Mount Joy Township, **Lancaster County**.

**38-03036: Cargill, Inc.** (320 North 16th Street, Lebanon, PA 17046) on January 15, 2003, for operation of an animal feed mill in the City of Lebanon, **Lebanon County**.

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

**63-00096: Union Electric Steel Corp.** (726 Bell Avenue, Carnegie, PA 15106) on January 23, 2003, for their Harmon Creek facility in South Township, **Washington County**.

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

**25-00397: APW Erie** (4000 West Ridge Road, Erie, PA 16505) on January 22, 2003, for the operation of a Natural Minor Operating Permit for their facility's air contamination sources consisting of several gas-fired heaters and boilers, a surface coating operation and a parts washer in Millcreek Township, **Erie County**.

**20-00281: Channellock, Inc.—Plant No. 1** (1306 South Main Street, Meadville, PA 16335) for operation of a Natural Minor operating permit for emissions from the manufacturing of metal hand tools in the City of Meadville, **Crawford County**.

**24-00079: Osram Sylvania, Inc.** (835 Washington Road, St. Marys, PA 15857) for operation of a Natural Minor operating permit for emissions from the assembly of light bulbs in the Borough of St. Marys, **Elk County**.

**37-000-023: Orion Power Midwest—New Castle Power Plant** (Washington Street, New Castle, PA 16103) on January 23, 2003, for reissuance of an Acid Rain permit which was issued on December 24, 1997, and revised on January 13, 1999, in Taylor Township, **Lawrence County**. The reissued permit expires on December 31, 2007. Orion Power Midwest—New Castle Power Plant air emission sources are three 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.

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**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.**

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

**15-00053: The Chester County Hospital** (701 East Marshall Street, West Chester, PA 19380) for operation of a non-Title V, Synthetic Minor facility in West Chester Borough, **Chester County**. The State-only Operating permit was revised to incorporate an emergency fire pump from a Request for Determination that was completed on October 9, 2002. Changes to the State-only Operating Permit were made under 25 Pa. Code § 127.450. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**40-00007: Bemis Co., Inc.** (P. O. Box 557, West Hazleton, PA 18201) on January 8, 2003, for the administrative amendment to the Title V Operating Permit 40-00007 at their facility in Hazle Township, **Luzerne County**. The permit is being amended to incorporate changes based on plan approvals 40-313-044, 40-399-046, 40-399-047 and 40-320-013, which entail the installation of an ink blending system, two laser plate making systems, one photopolymer plate making system and two flexographic printing presses respectively. This is an Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act and 25 Pa. Code § 127.450. The amended Title V Operating Permit contains additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

**08-302-042: Oak Hill Veneer, Inc.** (Route 14 North, Troy, PA 16947) on January 23, 2003, to incorporate conditions established for a 14.7 mBtu per hour natural gas-fired boiler in Troy Township, **Bradford County**.

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

**10-00087: Du Co Ceramics Co.** (155 South Rebecca Street, Saxonburg, PA 16056) for an administrative amendment to a Natural Minor operating permit to incorporate a new tunnel kiln authorized by plan approval 10-0087A in Saxonburg Borough, **Butler County**.

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

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

**10-00001: AK Steel Corp.** (Route 8 South, P. O. Box 832, Butler, PA 16003) for their facility in Butler Township, **Butler County**. The de minimis increase is the result of the replacement of gear boxes with lower ratios to allow the no. 20 Carlite line (Source 161) to increase line speed from 290 to 330 feet per minute, resulting in a potential 14% increase in line capacity (approximately 11,000 ship tons). This facility states that this modification will not affect upstream sources at the facility and there are no downstream sources. The only increases in air emissions are from the combustion of natural gas from the no. 20 Carlite Line Drying Furnace. This is a list of the de minimis increases as required by 25 Pa. Code § 127.449(i).

Date	Source	PM10 (tons)	NOx (tons)	CO (tons)	SOx (tons)	VOC (tons)
3/12/1999	Parts Washer	Negligible	Negligible	Negligible	Negligible	Negligible
9/7/2000	Four EBA Furnaces		0.50			
8/6/2001	No. 20 Carlite Line	0.02	0.24	0.2	0.001	0.01
12/19/2001	EBA Furnace		0.126			
5/1/2002	No. 26 Carlite Line	0.05	0.64	0.54	0.004	0.04
1/15/2003	No. 20 Carlite Line	0.032	0.42	0.35	0.0025	0.023
Total Reported Increases		0.102	1.926	1.09	0.0075	0.073
Allowable		0.6 ton/source 3 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact:*

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

**46-0197: Hershey Foods Corp.** (2452 Quakertown Road, Pennsburg, PA 18073) revoked January 27, 2003, for corn starch deduster, starch dryer in Upper Hanover Township, **Montgomery County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); 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.*

**17010104 and NPDES Permit No. PA0243060. Larson Enterprises, Inc.,** P. O. Box 96, Kylertown, PA 16847. Commencement, operation and restoration of a bituminous surface mine permit in Morris Township, **Clearfield County** affecting 55.9 acres. Receiving streams: unnamed tributaries to Moshannon Creek to Moshannon Creek. Application received June 13, 2001. Permit issued January 13, 2003.

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

**65-01-07 and NPDES Permit No. PA0250155. Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658). Government Financed Construction Contract issued for reclamation of approximately 43.1 acres of abandoned mine lands located in Unity Township, **Westmoreland County**. Receiving streams: unnamed tributary to Sewickley Creek. Application received May 29, 2002. Contract issued January 17, 2003.

**03020110 and NPDES Permit No. PA0250244. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Redbank Township, **Armstrong County**, affecting 73.0 acres. Receiving streams: unnamed tributaries to Redbank Creek to Redbank Creek. Application received August 19, 2002. Permit issued January 17, 2003.

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

**32980101 and NPDES Permit No. PA0234656. M. B. Energy, Inc.,** 175 McKnight Road, Blairsville, PA 15717-7961, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Brushvalley and Center Townships, **Indiana County**, affecting 140.0 acres. Receiving streams: unnamed tributary to Brush Creek and unnamed tributary to Yellow Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is Indiana County Water Authority Yellow Creek water intake. Application received December 18, 2002. Permit issued January 21, 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. Permit issued January 21, 2003.

**11920102 and NPDES Permit No. PA0599425. L & J Energy Company, Inc.,** P. O. Box I, Gramplan, PA 16838, permit renewal for reclamation only and continued restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Susquehanna Township, **Cambria County**, affecting 113.3 acres. Receiving streams: unnamed tributaries to Moss Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 17, 2002. Permit issued January 21, 2003.

**32980103 and NPDES Permit No. PA0234702. Alverda Enterprises, Inc.,** P. O. Box 87, Alverda, PA 15710, permit renewal for continued operation of a bituminous surface mine and for discharge of treated mine drainage in Pine Township, **Indiana County**, affecting 15.2 acres. Receiving streams: unnamed tributary to Yellow Creek and Yellow Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 21, 2002. Permit issued January 21, 2003.

**32020102 and NPDES Permit No. PA0249173. Big Mack Leasing Company, Inc.,** R. D. 6, Box 231, Kittanning, PA 16201. Commencement, operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 46.0 acres. Receiving streams: Neal Run and Reeds Run and their unnamed tributaries classified for TSF. There are no potable water supply intakes within 10 miles downstream. Application received March 8, 2002. Permit issued January 22, 2003.

### Noncoal Permits Actions

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

**64910301T. Lackawaxen-Honesdale Shippers Association** (c/o Shepstone Management, 100 4th Street, Honesdale, PA 18431), transfer of an existing quarry operation in Palmyra Township, **Wayne County** affecting 15.3 acres, receiving stream: none. Application received April 1, 2002. Transfer issued January 17, 2003.

**58000846. Norman J. Holzman, Jr.** (R. R. 2 Box 240, Kingsley, PA 18826-9515), commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 2.0 acres, receiving stream: Martins Creek. Application received September 5, 2000. Permit issued January 17, 2003.

**58910301C2 and NPDES Permit PA0595454. F.S. Lopke Contracting, Inc.** (3430 SR 434, Apalachin, NY 13732), renewal of NPDES Permit for discharge of treated mine drainage in Forest Lake Township, **Susquehanna County**, receiving stream: unnamed tributary to Middle Branch Wyalusing Creek. Application received November 27, 2002. Renewal issued January 21, 2003.

**7974SM1C4 and NPDES Permit PA0594121. Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231), renewal of



NPDES Permit for discharge of treated mine drainage in East Rockhill Township, **Bucks County**, receiving stream: unnamed tributary to Tomhickon Creek. Application received December 3, 2002. Renewal issued January 21, 2003.

**5273SM2C10 and NPDES Permit PA0594130. Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231), renewal of NPDES Permit for discharge of treated mine drainage in Thornbury and Middletown Townships, **Delaware County**, receiving stream: Chester Creek and unnamed tributary to Chester Creek. Application received December 5, 2002. Renewal issued January 23, 2003.

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

**08020813. Jean J. Fink**, R. R. 1, Box 189, Wyalusing, PA 18853. Commencement, operation and restoration of a Small Industrial Minerals (Stone) permit in Wilmot Township, **Bradford County** affecting 3 acres. Receiving streams: unnamed tributary, tributary to Susquehanna River. Application received October 10, 2002. Permit issued January 17, 2003.

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

**37960304. Essroc Cement Corp.** (P. O. Box 779, Bessemer, PA 16112-8928). Renewal of NPDES Permit No. PA0227307, Bessemer Borough and North Beaver Townships, **Lawrence County**. Receiving streams: Hickory Run Creek. Application received November 22, 2002. Renewal issued January 22, 2003.

*Small Noncoal Permit—Final Bond Release*

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

**41021001. Glenn O. Hawbaker, Inc.**, P. O. Box 135, State College, PA 16840. Final bond release for a small noncoal mining operation in McIntyre Township, **Lycoming County**. Restoration of 2 acres completed. Application for final bond release received January 21, 2003. Final bond release approved January 21, 2003.

#### ABANDONED MINE RECLAMATION

*Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.*

Bond Forfeiture Contract Awarded	BF 406-101.1
Location	Pengrove Coal Company—Haney Site
Description	Abandoned Mine Land Reclamation
Contractor	Joseph C. Puryear Trucking and Excavating West Sunbury, PA
Amount	\$232,500
Date of Award	January 13, 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 (relating to blasting activity permits). 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.*

**35034002. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Dickson City, **Lackawanna County** with an expiration date of December 31, 2004. Permit issued January 21, 2003.

**38034001. Liberty Excavation** (P. O. Box 517, Camp Hill, PA 17001), construction blasting in Lebanon, **Lebanon County** with an expiration date of December 31, 2003. Permit issued January 21, 2003.

**36034006. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Rapho Township, **Lancaster County** with an expiration date of February 16, 2006. Permit issued January 21, 2003.

**22034001. Cumberland Valley Drilling & Blasting, Inc.** (6820 Wertzville Road, Enola, PA 17025), construction blasting in West Hanover Township, **Dauphin County** with an expiration date of February 16, 2004. Permit issued January 21, 2003.

**21034004. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting in Carlisle Borough, **Cumberland County** with an expiration date of May 16, 2003. Permit issued January 21, 2003.

**28034001. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting in Greene Township, **Franklin County** with an expiration date of February 16, 2011. Permit issued January 21, 2003.

**21034003. Brubacher Excavating, Inc.** (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Middlesex and North Middleton Township, **Cumberland County** with an expiration date of February 16, 2004. Permit issued January 21, 2003.

**64034001. Leeward Construction, Inc.** (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting in Canaan Township, **Wayne County** with an expiration date of February 22, 2004. Permit issued January 22, 2003.

**48034002. Northampton Borough Municipal Authority** (1 Clear Springs Drive, Northampton, PA 18067) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting in Northampton Borough, **Northampton County** with an expiration date of April 21, 2003. Permit issued January 22, 2003.

**45034002. Rick Rufe Drilling & Blasting** (R. R. 6 Box 6360B, Saylorsburg, PA 18353) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting in Stroud Township, **Monroe County** with an expiration date of April 23, 2003. Permit issued January 22, 2003.

**35034003. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construc-

tion blasting in Moosic Borough, **Lackawanna County** with an expiration date of July 29, 2003. Permit issued January 22, 2003.

**45034004. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Pocono Township, **Monroe County** with an expiration date of January 11, 2004. Permit issued January 22, 2003.

**45034003. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of January 10, 2004. Permit issued January 22, 2003.

**67034002. Fitz & Smith, Inc.** (483 East Locust Street, Dallastown, PA 17313), construction blasting in East Manchester Township, **York County** with an expiration date of May 21, 2003. Permit issued January 22, 2003.

**21034005. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Hampden Township, **Cumberland County** with an expiration date of August 21, 2003. Permit issued January 22, 2003.

**21034006. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Hampden Township, **Cumberland County** with an expiration date of July 21, 2003. Permit issued January 22, 2003.

**21034007. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Silver Springs Township, **Cumberland County** with an expiration date of February 21, 2004. Permit issued January 22, 2003.

**40034004. Kaminski Brothers** (303 New Boston Road, Pittston, PA 18640) and **Maurer & Scott, Inc.** (P. O. Box 20843, Lehigh Valley, PA 18002), construction blasting in Newport Township, **Luzerne County** with an expiration date of July 31, 2003. Permit issued January 22, 2003.

**09034001. Eastern Blasting Company** (1292 Street Road, New Hope, PA 18938), construction blasting in Warrington Township, **Bucks County** with an expiration date of July 27, 2003. Permit issued January 23, 2003.

**40034005. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Hazle Township, **Luzerne County** with an expiration date of January 13, 2004. Permit issued January 23, 2003.

**46034001. Appaloosa Development Corporation** (P. O. Box 126, 1501 Conshohocken Street Road, Gladwyne, PA 19035), construction blasting in Lower Merion Township, **Montgomery County** with an expiration date of December 31, 2004. Permit issued January 23, 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 P. S. §§ 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.*

**E09-846. USS Real Estate**, Fairless Works, One Ben Fairless Drive, Morrisville, PA 19067-3614, Falls Township, **Bucks County**, ACOE Philadelphia District.

To place fill in 0.08 acre of wetland (PEM) for the purpose of expanding the existing National Can Building and to construct and maintain 320 linear feet of 8-inch DIP sanitary sewer line across wetlands. The site is located approximately 2,400 feet north of the intersection of Borden Town Road and New Ford Mill Road (Trenton West NJ-PA N: 6.3 inches, W: 2.5 inches).

**E15-688. Phoenixville Area Economic Development Corporation**, 171 East Bridge Street, Phoenixville, PA 19460, Phoenixville Borough, **Chester County**, ACOE Philadelphia District.

To rehabilitate and maintain an existing 15.5-foot wide truss Railway Bridge consisting of a 102-foot span across French Creek (TSF-MF) and to convert it into a pedestrian bridge. The project site is located approximately 400 feet east of the Phoenixville Route 113/Gay Street Bridge (Phoenixville, PA Quadrangle N: 1.90 inches; W: 2.50 inches).

**E46-917. Lower Merion Township, Board of Commissioners**, 75 East Lancaster Avenue, Ardmore, PA 19003, Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

To replace and maintain the River Road Bridge across approximately 50 feet of Mill Creek (TSF) and to perform associated roadway improvements. The existing structure is a concrete bridge consisting of twin 12-meter (39.37-foot) spans with a skew of 81 degrees. The proposed structure is a prestressed concrete spread box beam bridge with a single clear span of approximately 25.31 meters (83.04 feet) and an underclearance of approximately 1.24 meters (4.07 feet). Work will also include three stormwater outfalls and a temporary road crossing to facilitate construction of the permanent bridge, which shall be done in accordance with the conditions of General Permit No. 5 and No. 8, respectively. The crossing is located along Mill Creek at River Road approximately 150 feet downstream from the Schuylkill Expressway (I-76) Crossing (Norristown, PA Quadrangle N: 8.2 inches, W: 0.9 inch).

**E51-176. City of Philadelphia**, Capital Programs Office, 1515 Arch Street, 11th Floor, One Parkway Building, Philadelphia, PA, City and **County of Philadelphia**, ACOE Philadelphia District.

To amend permit no. E51-176 to include the following additional activities along an approximately 5,500 linear-foot section of the Manayunk Canal (WWF) situated

within the 100-year floodplain of the Schuylkill River and associated with Phase III of the Manayunk Canal Restoration Project:

1. To remove approximately 5,500 linear feet of deteriorated timber, stone and steel sheet piling retaining wall along the northern and southern banks of the canal and to construct and maintain, in its place, new steel soldier pile and timber lagging retaining wall.

2. To repair, reconstruct and maintain a section of an existing timber boardwalk located between Leverington Street and Fountain Street.

3. To repair, reconstruct and maintain the existing stormwater outfall structures and associated retaining walls at Leverington Street.

4. To dredge and maintain approximately 7,000 cubic yards of accumulated sediment from various sections of the canal located in the vicinity of Fountain Street and Leverington Street.

5. To install and maintain towpath amenities including landscaping, lighting, benches and trash receptacles from Lock Street to Fountain Street.

6. To install and maintain water flow improvements including the installation of piping and valves at the Sluice House No. 68.

This portion of the project also includes the installation and maintenance of temporary cofferdam structures. The site is located adjacent to the Schuylkill River starting at Lock Street (Germantown, PA USGS Quadrangle N: 4.5 inches; W: 13.8 inches) and terminates west of Parker Avenue (Germantown, PA USGS Quadrangle N: 5.7 inches; W: 15.3 inches).

The activities authorized under the original permit, issued on August 3, 1999, shall be operated and maintained in accordance with that permit. The conditions specified in the original permit remain in effect and are to be complied with as part of this amendment.

**E15-689. Raymour and Flanigan Furniture**, 7248 Morgan Road, Liverpool, NY 13088, West Whiteland Township, **Chester County**, ACOE Philadelphia District.

To place and maintain fill within 0.11 acre of wetland (PEM) and along 290 linear feet of an unnamed tributary to West Valley Creek (CWF-MF) to facilitate the construction of an access road, parking area and associated stormwater facilities for a proposed Raymour and Flanigan Furniture store. This site is located on the southeast corner of Route 100 and Route 30 (Downingtown, PA Quadrangle N: 5.0 inches; W: 0.2 inch). The permittee is required to provide a minimum of 0.2 acre of replacement wetlands. This permit will replace permit E15-586 which had previously been issued for this site to RCT Associates on December 15, 1998.

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

**E40-610. Four Seasons Golf Club, LLC c/o Gotham Golf Partners**, 575 East Chocolate Avenue, Hershey, PA 17033, Exeter Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain three single-span golf cart bridges across Hicks Creek, for the purpose of replacing structures removed for the construction of the Exeter Borough Flood Protection Project (DGS 182-5). Two of the bridges will have a span of 48 feet and one will have a span of 52 feet. Each bridge will have an underclearance of 8 feet. The project is located at the Four Seasons Golf Club, upstream of Sturmer Street (Pittston, PA Quadrangle N: 13.8 inches; W: 11.0 inches).

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

**E07-362. PSU—Altoona Campus**, 3000 Ivyside Park, Altoona, PA 16601 in Logan Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a 69 lot parking area in 0.04 acre of emergent wetlands outside of the floodplain of Spring Run (WWF) on the PSU—Altoona Campus (Altoona, PA Quadrangle N: 7.38 inches; W: 5.38 inches) in Logan Township, Blair County. The amount of wetland impact is considered a de minimis impact of 0.04 acre and wetland mitigation is not required.

**E07-363. Allegheny Township**, 3131 Old Sixth Avenue Road North, Duncansville, PA 16635 in Allegheny Township, **Blair County**, ACOE Baltimore District.

To remove the existing bridge and to construct and maintain a single span concrete bridge having a normal span of 35 feet with an underclearance of three feet on T-406 (Willowbrooke Road) across Gillans Run (CWF), provide 340 feet long revetment along the banks and to fill in 0.007 acre of de minimis wetlands (Hollidaysburg, PA Quadrangle N: 10.4 inches; W: 10.3 inches) in Allegheny Township, Blair County. The amount of wetland impact is considered a de minimis impact of 0.007 acre and wetland mitigation is not required.

**E21-336. Shippensburg Township**, 81 Walnut Bottom Road, Shippensburg, PA 17257 in Shippensburg Township, **Cumberland County**, ACOE Baltimore District.

To maintain a previously constructed salt storage shed in the floodway of Burd Run (CWF) located on the north side of Walnut Bottom Road about 800 feet west of its intersection with Cleaversburg Road (L.R.) 21020 (Walnut Bottom, PA Quadrangle N: 10.7 inches; W: 17.4 inches) in Shippensburg Township, Cumberland County.

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

**E02-1402. McKnight Development Corporation**, 249 North Craig Street, Pittsburgh, PA 15213. Ross Township, **Allegheny County**, ACOE Pittsburgh District.

To abandon the existing 72-inch diameter culvert and to construct and maintain a new 72-inch diameter culvert 380 feet in length in the channel of McKnight Run (WWF), for the purpose of replacing an existing deteriorated culvert under the Bed, Bath & Beyond retail store and parking lot. The project is located on the west side of McKnight Road at the intersection of McKnight Road and McKnight Circle (Emsworth, PA Quadrangle N: 70 inches; W: 2.0 inches).

**E02-1406. Joyce Schmiedlin**, P. O. Box 555, Gibsonia, PA 15044. Richland Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a 40 foot by 40 foot commercial building and to maintain existing fill located within the left bank side floodway of Willow Run (CWF). The project is located in the Northwest corner of the intersection of SR 910 and Grubbs Road (Valencia, PA Quadrangle N: 0.9 inch; W: 13.2 inches).

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

**E25-652, James Shaffer**, 9771 Old Route 99, McKean, PA, 16426. Lamson Run Bridge, in McKean Township, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 17.0 inches; W: 2.3 inches).

To fill a de minimis area of PEM wetlands (0.048 acre) and to construct and maintain a single span steel stringer bridge having a clear span of 40 feet and an underclearance of 7.0 feet across Lamson Run adjacent to the west side of Old Edinboro Road, approximately 200 feet north of the intersection of Old Edinboro Road and Golden Road in support of the construction of a private access driveway and single family residence.

**E25-655, Westminster Place Partnership**, 2601 West 26th Street, Erie, PA 16506. Westminster Opportunity Park, in Fairview Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 1.0 inch; W: 16.0 inches).

To fill a total of 0.71 acre of nonexceptional value wetlands and 0.06 acre of exceptional value wetlands for commercial/industrial lots associated with the Westminster Opportunity Industrial Park Development adjacent to and northwest of the intersection of I-90 and SR 98. The project includes the creation of 0.88 acre of onsite replacement wetlands.

**E25-659, Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. SR 4034, Section A60 Erie East Side Access Across Garrison Run, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 0.22 inch; W: 7.5 inches).

To replace approximately 50 feet of the existing 90-inch diameter reinforced concrete pipe stream enclosure carrying Garrison Run associated with relocation of the Norfolk Southern Railway Company rail line and construction of SR 4034, Section A60 Erie East Side Access Highway immediately south of Buffalo Road.

**E62-386, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3010, Section BOO, Segment 0120, Offset 1390 Across Brokenstraw Creek, in Spring Creek Township, **Warren County**, ACOE Pittsburgh District (Columbus, PA Quadrangle N: 0.1 inch; W: 3.7 inches).

To remove the existing structure and to construct and maintain a P/S spread concrete box beam bridge having a clear span of 102.5 feet and an underclearance of 12.2 feet on a 90 degree skew across Brokenstraw Creek on SR 3010, Section BOO, Segment 0120, Offset 1390 approximately 600 feet SW of the intersection of SR 3010 and SR 426.

**STORAGE TANKS**  
**SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03-42-001	Steve L. Sherk American Refining Group Inc. 77 N. Kendall Avenue Bradford, PA 16701	McKean	Bradford	Three ASTs storing new oil	142,500 gallons total

[Pa.B. Doc. No. 03-225. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "January 2003 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2003.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Notice of Intent to Rescind*

DEP ID: 013-2000-002. Title: Policy for Implementing the Pennsylvania Natural Diversity Inventory. Description: This guidance has been superseded by the recently updated PNDI policy (the new document number is 400-0200-001) and will be rescinded. Effective Date: February 8, 2003. Contact: Lori Althoff, (717) 783-7402, [lalthoff@state.pa.us](mailto:lalthoff@state.pa.us).

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-226. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board Subcommittee on Indoor Air Quality Meeting

The Cleanup Standards Scientific Advisory Board Subcommittee on Indoor Air Quality will hold a teleconference meeting on February 11, 2003, to review and discuss information for the draft guidance document on vapor intrusion into buildings. The teleconference will begin at 10 a.m. in the 14th Floor Medium Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Marilyn Wooding, (717) 783-7509, [mwooding@state.pa.us](mailto:mwooding@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 783-7509 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-227. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Wetlands Protection Advisory Committee; Meeting Cancellation

The Wetlands Protection Advisory Committee meeting scheduled for Thursday, February 27, 2003, has been cancelled. The next meeting is scheduled for Thursday, May 22, 2003, at 10 a.m. in the First Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Kelly Heffner, (717) 787-6827, [kheffner@state.pa.us](mailto:kheffner@state.pa.us). The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 787-6827 or through the Pennsylvania AT&T Relay

Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-228. Filed for public inspection February 7, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Elkins Park Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Elkins Park Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for Speech and/or Hearing Impaired Persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-229. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating

to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, Ext. 3273.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, Ext. 3273 or for speech and/or hearing impaired persons V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ALLEG CNTY CORONERS DIV OF LABS-SBSe, CBSe  
542 FORBES AVENUE  
ROOM 10, COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

ANALYTIC BIO-CHEMISTRIES INC-SBSe, CBSe  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

CLINICAL LABORATORIES INC-SBSe, CBSe  
901 KEYSTONE INDUSTRIAL PARK  
THROOP, PA 18512-1534  
570-346-1759

DEPT OF PATHOLOGY AND LAB MED-HUP-SSe, CSe  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6880

DRUGSCAN INC-SBSe, CBSe  
1119 MEARNS RD

PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

GOOD SAMARITAN HOSPITAL-SSe  
4TH AND WALNUT STREETS  
PO BOX 1281  
LEBANON, PA 17042-1218  
717-270-7500

GUTHRIE CLINIC PATH LAB-SSe  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

HEALTH NETWORK LABORATORIES-SBSe, CBSe  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

LABCORP OCCUPATIONAL TESTING SER-SBSe, CBSe  
1904 ALEXANDER DRIVE  
RESRCH TRNGL PARK, NC 27709  
919-572-7465

LANCASTER REGIONAL MED CENTER-SSe  
250 COLLEGE AVENUE  
PO BOX 3434  
LANCASTER, PA 17604  
717-291-8022

MEDTOX LABORATORIES INC-SBSe, CBSe  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
612-636-7466

MERCY HEALTH LAB/MFH-SSe  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262

MERCY HEALTH LAB/MHOP-SSe  
54 AND CEDAR AVENUE  
PHILADELPHIA, PA 19143  
215-748-9181

NATIONAL MED SERVICES INC LAB-SBSe, CBSe  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

PITTSBURGH CRIMINALISTICS-SBSe, CBSe  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118

QUEST DIAGNOSTICS NICHOLS INSTITUTE-SBSe, CBSe  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

QUEST DIAGNOSTICS OF PA INC-SBSe, CBSe  
875 GREENTREE RD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

QUEST DIAGNOSTICS VENTURE LLC-SBSe, CBSe  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

ST JOSEPH QUALITY MEDICAL LAB-SBSe, CBSe  
215 NORTH 12TH STREET, BOX 316  
READING, PA 19603  
610-378-2200

TOXI-CON LABORATORY-SB  
201 SMALLACOMBE DRIVE  
SCRANTON, PA 18508  
570-963-0722

WESTERN RESERVE CARE SYSTEM-SSe, CSe  
500 GYPSY LANE  
YOUNGSTOWN, OH 44504  
216-740-3794

WVHCS HOSP PENNANT LABORATORY-SSe  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
570-829-8111

YORK HOSPITAL-SSe  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
717-851-2345

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-230. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Laboratories Approved to Determine Urine Controlled Substance Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 63a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses

for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. The specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, Ext. 3273.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, Ext. 3273 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

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ALIQUIPPA, PA 15001  
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ROOM 10, COUNTY OFFICE BUILDING  
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SUSQUEHANNA, PA 18847  
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BROWNSVILLE, PA 15417  
724-785-7200

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CANONSBURG, PA 15317  
724-745-6100

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717-249-1212

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1101 SOUTH CEDAR CREST BOULEVARD  
ALLENTOWN, PA 18103  
610-433-4260



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LANSDALE, PA 19446  
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STATE COLLEGE, PA 16803  
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CHAMBERSBURG, PA 17201  
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COUDERSPORT, PA 16915  
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JEANNETTE, PA 15644  
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COLUMBIA, PA 17512  
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717-291-8022

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LATROBE, PA 15650  
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HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
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LOCK HAVEN HOSPITAL-S  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
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MAGEE WOMENS HOSPITAL-S  
FORBES AVE & HALKET ST  
PITTSBURGH, PA 15213  
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130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
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MAIN LINE CLIN LABS LANKENAU CP-S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

MAIN LINE CLIN LABS PAOLI MEM CP-S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
610-648-1000

MARIAN COMMUNITY HOSPITAL-S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
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MEADVILLE, PA 16335  
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MEDICAL COLLEGE OF PA HOSPITAL-S  
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PHILADELPHIA, PA 19129  
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ST PAUL, MN 55112  
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TOWANDA, PA 18848  
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DARBY, PA 19023  
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NORRISTOWN, PA 19401  
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MERCY HEALTH PARTNERS-S  
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SCRANTON, PA 18510  
570-348-7100

MERCY HOSPITAL LABORATORY-S  
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PO BOX 658  
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MONONGAHELA, PA 15063  
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610-270-2173

MUNCY VALLEY HOSPITAL-S  
215 EAST WATER ST  
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570-546-8282

NASON HOSPITAL-S  
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ROARING SPRING, PA 16673  
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WYOMISSING, PA 19610-1699  
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HERSHEY, PA 17033  
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LIONVILLE, PA 19353  
610-280-3464

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FORT WORTH, TX 76118  
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140 NUTT RD DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
610-983-1612

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HARRISBURG, PA 17109  
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PITTSBURGH, PA 15219  
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EAST STROUDSBURG, PA 18301  
570-476-3544

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POTTSTOWN, PA 19464  
610-327-7111

POTTSVILLE HOSP AND WARNE CLINIC-S  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
570-621-5262

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DEPARTMENT OF PATHOLOGY AND LAB  
PHILADELPHIA, PA 19104-2640  
215-662-3435

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BRISTOL, PA 19007  
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CULVER CITY, CA 90230  
800-522-7424

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81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
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VAN NUYS, CA 91405  
818-376-6195

QUEST DIAGNOSTICS CLINICAL LABS INC-S  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300

QUEST DIAGNOSTICS INC-SC  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
610-631-4219

QUEST DIAGNOSTICS NICHOLS INSTITUTE-SC  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

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4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

QUEST DIAGNOSTICS VENTURE LLC-SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

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PARKWAY SUITE 600  
SMYRNA, GA 30082  
770-434-8492

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6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

REDWOOD TOXICOLOGY LABORATORY-SC  
3650 WESTWIND BOULEVARD  
SANTA ROSA, CA 95403  
707-577-7958

RIDDLE MEMORIAL HOSPITAL-S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
610-566-9400

ROTHSVILLE FAMILY PRACTICE-S  
2320 ROTHSVILLE ROAD  
LITITZ, PA 17543  
717-627-1214

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5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
215-487-4394

SACRED HEART HOSPITAL-S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
610-776-4727

SAINT CLAIR MEMORIAL HOSPITAL-S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
412-561-4900

SAINT LUKES HOSPITAL-S  
801 OSTRUM ST  
BETHLEHEM, PA 18015  
610-691-4141

SAINT MARY MEDICAL CENTER-S  
LANGHORNE - NEWTOWN RD  
LANGHORNE, PA 19047  
215-750-2162

SCIENTIFIC TESTING LABS INC-SC  
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RICHMOND, VA 23236  
804-378-9130

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BLACKBURN RD AND FITCH DRIVE  
SEWICKLEY, PA 15143  
412-741-6600

SHARON REGIONAL HEALTH SYSTEM-S  
740 EAST STATE STREET  
SHARON, PA 16146  
724-983-3911

SOLDIERS & SAILORS MEM HOSP-S  
CENTRAL AVE  
WELLSBORO, PA 16901  
570-724-1631

SOMERSET HOSPITAL LAB-S  
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SOMERSET, PA 15501  
814-443-5000

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575 COAL VALLEY ROAD

P. O. BOX 18119  
PITTSBURGH, PA 15236  
412-469-5723

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SANTA MONICA, CA 90404  
310-828-6543

ST JOSEPH QUALITY MEDICAL LAB-SC  
215 NORTH 12TH STREET, BOX 316  
READING, PA 19603  
610-378-2200

ST JOSEPH'S HOSPITAL-DIV NPHS-S  
16TH ST AND GIRARD AVE  
PHILADELPHIA, PA 19130  
215-787-9000

ST LUKES HOSP ALLENTOWN CAMPUS-S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
610-439-4000

SUBURBAN GENERAL HOSPITAL-S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
412-734-6000

SUNBURY COMMUNITY HOSPITAL-S  
350 N 11TH ST  
SUNBURY, PA 17801  
570-286-3333

TAYLOR HOSPITAL DIV OF CCMC-S  
175 E CHESTER PIKE  
RIDLEY PARK, PA 19078  
610-595-6450

TECHNOW INC-S  
31 INDUSTRIAL HIGHWAY  
ESSINGTON, PA 19029  
610-362-0610

TEMPLE EAST INC NE-S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
215-291-3671

TEMPLE LOWER BUCKS HOSPITAL LAB-S  
501 BATH ROAD  
BRISTOL, PA 19007  
215-785-9200

TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS-S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
215-427-7333

TEMPLE UNIVERSITY HOSPITAL-S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
215-707-4353

THE MEDICAL CENTER BEAVER PA-S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
724-728-7000

THOMAS JEFFERSON UNIVERSITY HOSP-S  
125 SOUTH 11TH ST 204 PAVILION  
PHILADELPHIA, PA 19107  
215-955-6374

TITUSVILLE AREA HOSPITAL-S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
814-827-1851

TOXI-CON LABORATORY-SC  
201 SMALLACOMBE DRIVE  
SCRANTON, PA 18508  
570-963-0722

UHS OF FAIRMOUNT INC-S  
561 FAIRTHORNE AVENUE  
PHILADELPHIA, PA 19128  
215-487-4078

UNITED COMMUNITY HOSPITAL-S  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
724-450-7125

UPMC BEDFORD MEMORIAL-S  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
814-623-3506

UPMC BRADDOCK-S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
412-636-5291

UPMC HORIZON GREENVILLE-S  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
724-588-2100

UPMC HORIZON SHENANGO-S  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
724-981-3500

UPMC LEE REGIONAL HOSPITAL-S  
320 MAIN STREET  
JOHNSTOWN, PA 15901  
814-533-0130

UPMC NORTHWEST-S  
1 SPRUCE STREET  
FRANKLIN, PA 16323  
814-437-7000

UPMC PASSAVANT LABORATORY CRANBERRY-S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
724-772-5370

UPMC PRESBYTERIAN SHADYSIDE CP PUH-SC  
ROOM 5929, MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

UPMC PRESBYTERIAN SHADYSIDE LAB SHDY-S  
5230 CENTRE AVENUE  
PITTSBURGH, PA 15232  
412-622-2315

UPMC SAINT MARGARET HOSPITAL-S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
412-784-4000

US DRUG TESTING LABORATORIES INC-SC  
1700 SOUTH MOUNT PROSPECT ROAD  
DES PLAINES, IL 60018  
847-375-0770

VALLEY FORGE MED CTR & HOSP-S  
1033 W GERMANTOWN PIKE  
NORRISTOWN, PA 19403  
610-539-8500

WARMINSTER HOSPITAL-S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
215-441-6700

WARREN GENERAL HOSPITAL-S  
2 CRESCENT PARK  
WARREN, PA 16365  
814-723-3300

WAYNESBORO HOSPITAL-S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
717-765-3403

WESTERN PENNSYLVANIA HOSPITAL-S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
412-578-5779

WESTERN RESERVE CARE SYSTEM-SC  
500 GYPSY LANE  
YOUNGSTOWN, OH 44504  
216-740-3794

WESTMORELAND HOSPITAL-S  
532 W PITTSBURGH ST  
GREENSBURG, PA 15601  
724-832-4365

WILLIAMSPORT HOSP & MED CENTER-S  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
570-321-2300

WVHCS HOSP PENNANT LABORATORY-SC  
575 NORTH RIVER STREET  
WILKES BARRE, PA 18764  
570-829-8111

YORK HOSPITAL-S  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
717-851-2345

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-231. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Prehospital Practitioners Scope of Practice

Under 28 Pa. Code §§ 1003.21(c)(13), 1003.22(e)(3), 1003.23(f), 1003.24(e) and 1003.25b(c), the Department of Health (Department) is publishing the scope of practice for ambulance attendants, first responders, emergency medical technicians (EMTs), EMT-paramedics and prehospital registered nurses (PHRNs) under the Emergency Medical Services Act (35 P. S. §§ 6921—6938).

Skills identified may be performed by a prehospital practitioner at the practitioner's level of certification/recognition only if the practitioner has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skills on adults, children and infants, as appropriate.

A PHRN with medical command authorization may perform, in addition to those services within an EMT-paramedic's scope of practice, other services authorized by The Professional Nursing Law (63 P. S. §§ 211—225.5), when authorized by a medical command physician through either online medical command or standing medical treatment protocols. To administer drugs in addition to those permitted by applicable medical treatment protocols, a PHRN must also have received approval to do so by the advanced life support service medical

director of the advanced life support ambulance service under which the PHRN is functioning.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotope, Braille) should contact Barb Seifert, at the Department of Health, Emergency Medical Services Office, Room 1032,

Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740 or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

Yes—The skill is in the scope of practice for the level of certification.

No—The skill is not in the scope of practice for the level of certification.

- 1 May assist higher level practitioner only when in the physical presence and under the direct supervision of the ALS practitioner.
- 2 Additional training and approval by service medical director required.
- 3 The skill may be performed by BLS personnel in accordance with Statewide BLS protocols or medical command order.
- 4 The skill is not approved for the level of certification regardless if taught in a course approved for that level of certification.
- 5 The acronym is explained following the table.

AA	ambulance attendant
FR	first responder
EMT	emergency medical technician
EMT-P	emergency medical technician paramedic

<i>TOPIC</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Airway/ventilation/oxygenation	Airway—esophageal tracheal—dual lumen CombiTube®	No	No	No	Yes
Airway/ventilation/ oxygenation	Airway—oral and nasal	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Airway—pharyngeal tracheal lumen (PTL)	No	No	No	No <sup>4</sup>
Airway/ventilation/oxygenation	Bag-valve-ETT/CombiTube® ventilation	No	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes
Airway/ventilation/oxygenation	Bag-valve-mask—with in-line small-volume nebulizer	No	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes
Airway/ventilation/oxygenation	Bag-valve-mask ventilation	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Chest decompression—needle	No	No	No	Yes
Airway/ventilation/oxygenation	CPAP/BiPAP <sup>5</sup> —demonstrate application of	No	No	No	Yes
Airway/ventilation/oxygenation	Cricoid pressure (Sellick maneuver)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—needle	No	No	No	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—open/surgical	No	No	No	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—overwire (Seldinger) technique	No	No	No	Yes
Airway/ventilation/oxygenation	End tidal CO <sub>2</sub> monitoring/capnography	No	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes
Airway/ventilation/oxygenation	Esophageal obturator airway (EOA)/esophageal gastric tube airway (EGTA)	No	No	No	No <sup>4</sup>
Airway/ventilation/oxygenation	Extubation	No	No	No	Yes
Airway/ventilation/oxygenation	Flow restricted oxygen powered ventilation device (demand valve)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Gastric decompression—OG <sup>5</sup> and NG <sup>5</sup> tube (suction)	No	No	No	Yes
Airway/ventilation/oxygenation	Gastric tube insertion—nasal and oral	No	No	No	Yes
Airway/ventilation/oxygenation	Head-tilt/chin-lift	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Intubation—digital and lighted stylet	No	No	No	Yes
Airway/ventilation/oxygenation	Intubation—endotracheal tube	No	No	No	Yes
Airway/ventilation/oxygenation	Intubation—medication paralytics assisted (RSI <sup>5</sup> )	No	No	No	No <sup>4</sup>
Airway/ventilation/oxygenation	Intubation—nasotracheal and orotracheal	No	No	No <sup>4</sup>	Yes
Airway/ventilation/oxygenation	Intubation—retrograde	No	No	No	No <sup>4</sup>
Airway/ventilation/oxygenation	Intubation—transillumination/lighted stylet	No	No	No	Yes
Airway/ventilation/oxygenation	Jaw thrust and modified jaw thrust (trauma)	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Laryngeal mask airway (LMA)	No	No	No	No <sup>4</sup>
Airway/ventilation/oxygenation	Mouth-to-mouth, nose, stoma, barrier and pocket mask	Yes	Yes	Yes	Yes

<i>TOPIC</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Airway/ventilation/oxygenation	Obstruction—direct laryngoscopy (remove with forceps)	No	No	No	Yes
Airway/ventilation/oxygenation	Obstruction—manual (Heimlich, finger sweep, chest thrusts) upper airway	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—blow-by delivery	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—humidifiers	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—nasal cannula	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—nonrebreather mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—partial rebreather	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—regulators	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—simple face mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—Venturi mask	No	No	No	Yes
Airway/ventilation/oxygenation	Peak expiratory flow assessment	No	No	No	Yes
Airway/ventilation/oxygenation	Pulse oximetry	Yes <sup>1</sup>	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes
Airway/ventilation/oxygenation	Suctioning—meconium aspiration	No	No	No	Yes
Airway/ventilation/oxygenation	Suctioning—stoma	No	No	Yes	Yes
Airway/ventilation/oxygenation	Suctioning—tracheobronchial	No	No	No	Yes
Airway/ventilation/oxygenation	Suctioning—upper airway (nasal)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Suctioning—upper airway (oral)	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Transtracheal jet ventilation	No	No	No	Yes
Airway/ventilation/oxygenation	Ventilators—automated transport (ATV)	Yes <sup>1</sup>	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes
Assessment of	Glasgow Coma Scale (GCS)	Yes	Yes	Yes	Yes
Assessment of	Level of consciousness (LOC)	Yes	Yes	Yes	Yes
Assessment of	Patient assessment skills identified in the NSC <sup>5</sup>	Yes	Yes	Yes	Yes
Assessment of	Vital sign—body temperature	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pulse	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pupils	Yes	Yes	Yes	Yes
Assessment of	Vital sign—respirations	Yes	Yes	Yes	Yes
Assessment of	Vital sign—skin color/temperature and condition (CTC)	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—auscultation	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—electronic noninvasive	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—palpation	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Cardiac monitoring—apply electrodes	No	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes
Cardiovascular/circulation	Cardiac monitoring—multilead	No	No	No	Yes
Cardiovascular/circulation	Cardiac monitoring—single lead (interpretive)	No	No	No	Yes
Cardiovascular/circulation	Cardiopulmonary resuscitation (CPR) adult, infant, child, one and two person	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Cardioversion—synchronized	No	No	No	Yes
Cardiovascular/circulation	Carotid massage (vagal maneuvers)	No	No	No	Yes
Cardiovascular/circulation	Defibrillation—Counter shock—manual	No	No	No	Yes
Cardiovascular/circulation	Defibrillation—automated external defibrillator (AED)	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes
Cardiovascular/circulation	Hemodynamic monitoring/assist (Swan Ganz, arterial, central venous lines)	No	No	No	No <sup>4</sup>
Cardiovascular/circulation	Intra-aortic balloon pump monitoring/assist	No	No	No	No <sup>4</sup>
Cardiovascular/circulation	Mechanical CPR device	No	No	No	Yes



<i>TOPIC</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Cardiovascular/circulation	Military/Pneumatic Anti-Shock Trousers/Garment PASG/MAST <sup>5</sup> )	No	No	Yes	Yes
Cardiovascular/circulation	Thrombolytic therapy—initiation	No	No	No	No <sup>4</sup>
Cardiovascular/circulation	Thrombolytic therapy—monitoring	No	No	No	No <sup>4</sup>
Cardiovascular/circulation	Transcutaneous pacing	No	No	No	Yes
Communications	Verbal patient report to receiving personnel	No	Yes	Yes	Yes
Communications	Communications with PSAPs, <sup>5</sup> hospitals, medical command facilities	Yes	Yes	Yes	Yes
Documentation	Out-of-Hospital Do-Not-Resuscitate (DNR) orders (Act 59)	Yes	Yes	Yes	Yes
Documentation	Patient Care Report completion	No	Yes	Yes	Yes
Hazardous materials	Contaminated equipment disposal (sharps and PPE <sup>5</sup> )	Yes	Yes	Yes	Yes
Hazardous materials	Decontamination	Yes	Yes	Yes	Yes
Hazardous materials	Disinfection	Yes	Yes	Yes	Yes
Hazardous materials	PPE <sup>5</sup> (personal protection equipment) use	Yes	Yes	Yes	Yes
Immobilization	PASG/MAST <sup>5</sup> —pelvic stabilization	No	No	Yes	Yes
Immobilization	Spinal immobilization—helmet stabilization or removal	No	No	Yes	Yes
Immobilization	Spinal immobilization—long board w/pt supine and standing	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—manual stabilization and cervical collar	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—rapid extrication	No	No	Yes	Yes
Immobilization	Spinal immobilization—seated patient (KED <sup>®</sup> , <sup>5</sup> and the like)	No	No	Yes	Yes
Immobilization	Splinting—manual, ridged, soft, vacuum	Yes	Yes	Yes	Yes
Immobilization	Splinting—traction	Yes	Yes	Yes	Yes
IV Initiation/maintenance/fluids	Central venous cannulation (femoral vein only)	No	No	No	Yes
IV Initiation/maintenance/fluids	Central venous line—access of existing catheters	No	No	No	Yes
IV Initiation/maintenance/fluids	Clean technique	No	No	No	Yes
IV Initiation/maintenance/fluids	External jugular vein cannulation	No	No	No	Yes
IV Initiation/maintenance/fluids	Heparin/saline lock insertions as no-flow IV	No	No	No	Yes
IV Initiation/maintenance/fluids	Indwelling intravenous catheters as described 28 Pa. Code § 1003.23(e)(2)	No	No	Yes	Yes
IV Initiation/maintenance/fluids	Intraosseous—needle placement and infusion—anterior tibia or distal femur	No	No	No	Yes
IV Initiation/maintenance/fluids	Peripheral venous—initiation (cannulation)	No	No	No	Yes
IV Initiation/maintenance/fluids	Subcutaneous indwelling catheters—access of existing catheters	No	No	No	Yes
IV Initiation/maintenance/fluids	Vascular access devices in home healthcare—access of existing catheters	No	No	No	Yes
IV Initiation/maintenance/fluids	Venous (blood sampling)—obtaining	No	No	No	Yes
IV Initiation/maintenance/fluids	Venous central line (blood sampling)—obtaining	No	No	No	No <sup>4</sup>
IV Initiation/maintenance/fluids	Arterial line—capped—transport	No	No	Yes	Yes
IV Initiation/maintenance/fluids	Arterial line—monitoring/assist	No	No	No	No <sup>4</sup>
IV Initiation/maintenance/fluids	Blood/Blood by-products	No	No	No	No <sup>4</sup>
Lifting and moving	Patient lifting, moving and transfers per NSC <sup>5</sup>	Yes	Yes	Yes	Yes
Lifting and moving	Patient restraints on transport devices	Yes	Yes	Yes	Yes

<i>TOPIC</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Medication administration routes	Endotracheal tube (ET)	No	No	No	Yes
Medication administration routes	Inhalation (aerosolized/nebulized)	No	No	No	Yes
Medication administration routes	Intramuscular (IM)	No	No	No	Yes
Medication administration routes	Intraosseous—anterior tibia or distal femur	No	No	No	Yes
Medication administration routes	Intravenous (IV)—bolus	No	No	No	Yes
Medication administration routes	Intravenous (IV) infusion, including by intravenous pump	No	No	No	Yes
Medication administration routes	Nasogastric	No	No	No	Yes
Medication administration routes	Oral	No	No	No	Yes
Medication administration routes	Rectal	No	No	No	Yes
Medication administration routes	Subcutaneous	No	No	No	Yes
Medication administration routes	Sublingual	No	No	No	Yes
Medication administration routes	Topical	No	No	No	Yes
Medications	Activated charcoal	No	No	Yes <sup>3</sup>	Yes
Medications	As published in <i>Pennsylvania Bulletin</i> by the Department	No	No	No	Yes
Medications	Immunizations	No	No	No	No <sup>4</sup>
Medications	Oral glucose	No	No	Yes <sup>3</sup>	Yes
Medications	Over-the-counter medications (OTC)	No	No	No	No <sup>4</sup>
Medications	Oxygen	Yes	Yes	Yes	Yes
Medications—Patient Assisted	Auto-injected epinephrine	No	No	Yes <sup>3</sup>	Yes
Medications—Patient Assisted	Metered dose inhaler (MDI)—bronchodilator	No	No	Yes <sup>3</sup>	Yes
Medications—Patient Assisted	Nitroglycerin	No	No	Yes <sup>3</sup>	Yes
Patient assessment/management	Behavioral—Restrain violent patient	No	No	Yes	Yes
Patient assessment/management	Blood glucose assessment	No	No	No	Yes
Patient assessment/management	Burns—chemical, electrical, inhalation, radiation, thermal	Yes	Yes	Yes	Yes
Patient assessment/management	Childbirth—umbilical cord cutting	No	Yes	Yes	Yes
Patient assessment/management	Childbirth (abnormal/complications)	No	No	Yes	Yes
Patient assessment/management	Childbirth (normal)—cephalic delivery	Yes	Yes	Yes	Yes
Patient assessment/management	Dislocation reduction (shoulder)	No	No	No	No <sup>4</sup>
Patient assessment/management	Eye irrigation/care	Yes	Yes	Yes	Yes
Patient assessment/management	Hemorrhage control—diffuse, direct, pressure point, tourniquet, bandaging	Yes	Yes	Yes	Yes
Patient assessment/management	Intracranial monitoring/assist	No	No	No	No <sup>4</sup>
Patient assessment/management	As outlined in Department approved regional and Statewide TX <sup>5</sup> and transport protocols	Yes	Yes	Yes	Yes
Patient assessment/management	Multiple Casualty Incident (MCI)/Incident Command System (ICS)	No	Yes	Yes	Yes
Patient assessment/management	Triage (prioritizing patients)—use of tags	Yes	Yes	Yes	Yes
Patient assessment/management	Urinary catheterization	No	No	No	Yes
Rescue	Vehicle access and extrication	Yes	Yes	Yes	Yes

*Acronym**Explanation*

CPAP/BiPAP	Continuous positive airway pressure/biphasic positive airway pressure
KED	Kendrick Extrication Device
NSC	United States Department of Transportation National Standard Curriculum
OG and NG	Oral gastric and nasal gastric tube
PASG/MAST	Pneumatic antishock garment/military antishock trousers
PPE	Personal protective equipment
PSAP	Public safety answering point

<i>Acronym</i>	<i>Explanation</i>
RSI	Rapid sequence induction
TX	Treatment

[Pa.B. Doc. No. 03-232. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Evangelical Subacute Care Unit  
One Hospital Drive  
Lewisburg, PA 17837

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Valencia Woods Nursing Center  
85 Charity Place  
Pittsburgh, PA 15222

Sycamore Manor Health Center  
1445 Sycamore Road  
Montoursville, PA 17754

Beverly Healthcare Clarion  
999 Hetrick Street  
Clarion, PA 16214

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-233. Filed for public inspection February 7, 2003, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Lehigh County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to construct a new roadway along Lloyd Street and within the abandoned Lehigh and New England Railroad right-of-way, extending the American Parkway from its existing terminus at Front Street to a new intersection at Airport Road in the City of Allentown, Lehigh County. The section from Dauphin Street along Lloyd Street and the abandoned Lehigh and New England Railroad right-of-way to Airport Road has already been built as part of the PENNDOT/Lucent Technologies project. The project also includes minor improvements at Airport Road and Steel Stone Road, Airport Road and Lloyd Street, North Irving Street and the American Parkway, and Gordon Street and the American Parkway. In addition, the project includes the construction of another new roadway segment, New England Avenue from Hanover Avenue to North Dauphin Street. Sidewalks would also be installed along New England Avenue from Hanover Avenue to Allen Street. East Carey Street will be constructed to link New England Avenue with existing East Ellsworth Street and Union Boulevard.

The Secretary has considered the environmental, economic, social, and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no practicable alternative to construction of the Preferred Alternative, and all reasonable steps have been taken to minimize impacts.

No adverse environmental effect is likely to result from the construction of this project.

ALLEN D. BIEHLER, P. E.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-234. Filed for public inspection February 7, 2003, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Dr. and Mrs. Gregg Brady v. DEP; EHB Doc. No. 2003-021-C

Dr. and Mrs. Gregg Brady have appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0246999 (December 24, 2002) to same for a facility in Saint Thomas Township, Franklin County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 03-235. Filed for public inspection February 7, 2003, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[Correction]

### Additional Restrictions on Fish and Boat Commission Property; Phoenixville Access Area, Chester County and Route 33 Access Area, Northampton County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4(c) (relating to limiting access to Commission property and other restrictions), prohibits the use and possession of beer and alcoholic beverages at two Commission access areas until further notice. The access areas subject to this additional restriction are the Commission's Phoenixville Access Area in the Borough of Phoenixville, Chester County, and the Route 33 Access Area in Bethlehem and Palmer Townships, Northampton County. The additional restriction at both locations will be effective when posted at the sites. It is unlawful to

violate restrictions imposed by the Executive Director on behalf of the Commission under 58 Pa. Code § 53.4(c).

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-143. Filed for public inspection January 24, 2003, 9:00 a.m.]

### 2003 Lake Erie Commercial Fishing; Trap Net Licenses

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.21(b) (relating to limitations on numbers and types of licenses), sets the number of trap net licenses for 2003 as follows: up to three individuals may be licensed to fish up to six trap nets each. Each trap net requires a separate license. In making a determination on how many trap net licenses to issue, the Executive Director considered the possible impacts of commercial fishing efforts. This action is also taken under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations).

The change will go into effect immediately upon publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-236. Filed for public inspection February 7, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider the regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

#### *Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-696	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Exemption from Licensure Examination	1/29/03

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-237. Filed for public inspection February 7, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Vanguard Asset Group, Inc. and Dwayne Samuels; Doc. No. SC03-01-028

Notice is hereby given of the Order to Show Cause issued on January 24, 2003, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: sections 208, 209, 223, 1003 and 1011 of The Insurance Department Act of 1921 (40 P. S. §§ 46, 47, 61, 324.3 and 324.11).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 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); 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure); and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-238. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Sonia Costello; Hearing

#### Appeal of Sonia Costello under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF02-12-001

The proceedings 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 hearing is scheduled for March 21, 2003, at 11 a.m. in the Philadelphia Regional Insurance Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA.

A written request for continuance of the scheduled hearing, for good cause only, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. Continuance requests must indicate whether the opposing party objects to a continuance.

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 at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-239. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Hartford Insurance Company of the Midwest; Homeowners Rate Revision

On January 22, 2003, the Insurance Department (Department) received from Hartford Insurance Company of the Midwest a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 7.5% increase amounting to \$1.142 million annually to be effective May 1, 2003.

Unless formal administrative action is taken prior to March 23, 2003, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-240. Filed for public inspection February 7, 2003, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

York County, Wine & Spirits Shoppe #6701/6713, Yorktown Mall, 131 N. Duke Street, York, PA 17401-1116.

*Lease Expiration Date:* March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,600 net useable square feet of new or existing retail commercial space located within 1/2 mile of the intersection of Philadelphia Street (Route 462) and Duke Street, City of York.

*Proposals due:* February 21, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 03-241. Filed for public inspection February 7, 2003, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Gas Service

**A-123100F0029. UGI Utilities, Inc.** Application of UGI Utilities, Inc. for approval to begin to offer, render, furnish or supply gas utility service to the public in the additional territory of Stockertown Borough, Northampton County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the Applicant, on or before February 24, 2003. The documents filed in support of the Application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the Applicant's business address.

*Applicant:* UGI Utilities, Inc.

*Through and By Counsel:* Mark C. Morrow, Esquire,  
P. O. Box 858, Valley Forge, PA 19482

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-242. Filed for public inspection February 7, 2003, 9:00 a.m.]

## Request of D & E Systems, Inc. for an NXX Code in the 717 Area Code

Public Meeting held  
January 23, 2003

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

*Request of D & E Systems, Inc. for NXX Code in the 717  
Area Code; Doc. Nos. M-00021635F0006; P-00961071  
F0002*

### Order

*By the Commission:*

On December 31, 2002, D & E Systems, Inc. (D & E or the Company) petitioned the Commission requesting additional numbering resources in the 717 Number Plan Area (NPA) for use by a large business customer. D & E is requesting a full 10,000 numbers (one NXX<sup>1</sup> code) from the 717 NPA to be assigned to the Lancaster rate center. D & E's request comes before the Commission since the Company's current inventory of numbers will not address the demand presented by this specific customer request. In addition, D & E is requesting a full NXX code in an area code that has a mandatory thousand block pool.<sup>2</sup>

<sup>1</sup> NXX codes are the three digits following the area code in a 10-digit telephone number. Under the current infrastructure, telephone numbers are assigned to carriers by NXX code (each NXX code contains 10,000 numbers) if the carrier is not participating in pooling in the involved NPA.

<sup>2</sup> In March 2002, mandatory thousand-block pooling was implemented in the 717 NPA in accordance with the FCC's additional delegated authority to Pennsylvania to implement numbering resource optimization strategies. *Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting Additional Authority to be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures*, CC Docket No. 99-200 (Order Adopted December 21, 2001) at ¶ 2.

Based on the information submitted by D & E, the Commission grants D & E's request for additional numbering resources in the 717 NPA.

### Background

The Federal Communications Commission (FCC) recently addressed telecommunications carriers' need for growth numbering resources in its *Third Report and Order*.<sup>3</sup> The FCC, in its order, reaffirmed that carriers must meet a months-to-exhaust requirement before receiving growth numbering resources so as to ensure that telephone numbers are used efficiently and carriers are prevented from having excessive inventories of numbers.<sup>4</sup> In this same order, the FCC granted state commissions the authority to provide relief to telecommunications carriers for additional numbering resources in a given rate center if a company can not meet the demand for resources through its current inventory.

In accordance with the FCC's *Third Report and Order*, carriers may demonstrate a need by providing the state with documentation of the customer request and current proof of utilization in the affected rate center.<sup>5</sup> The FCC also directed that any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. In addition, if the customer request is withdrawn or declined, the requesting carrier must return the numbers to the North American Numbering Plan Administrator (NANPA) or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting the FCC's growth numbering resource requirements.<sup>6</sup>

Also, in March 2002, this Commission implemented a pooling trial in the 717 NPA in southcentral Pennsylvania.<sup>7</sup> D & E is participating in the 717 NPA pool since the Company has deployed local number portability (LNP) in its switches in accordance with previous FCC directives.<sup>8</sup> In the 717 NPA, D & E, as a pooling carrier, is required to obtain its numbering resources from the pooling administrator, Neustar, Inc. (Neustar).<sup>9</sup> However, in this case, neither D & E's current inventory of telephone numbers nor the pool's resources can accommodate the specific customer's request in the 717 NPA.

### Discussion

The issue of providing a pooling carrier additional numbering resources in the form of a full NXX code outside of the established pooling process for a verified customer request is one of first impression for this Commission. This is due in part to the fact that the 717 NPA pool has been implemented for less than a year.

<sup>3</sup> *In the Matter of Numbering Resource Optimization, Third Report and Order and Second Order on Reconsideration*, CC Docket No. 99-200 (Order adopted December 12, 2001). This Order addressed the issues of national thousands-block pooling including pooling for non-LNP capable and wireless carriers as well as a Federal cost recovery mechanism for thousands-block pooling. In addition, this Order addresses other numbering optimization measures including service-specific and technology-specific area code overlays.

<sup>4</sup> *Id.* at ¶48.

<sup>5</sup> *Id.* at ¶64.

<sup>6</sup> *Id.*

<sup>7</sup> See footnote 2, *supra*.

<sup>8</sup> To be able to participate in thousands-block pooling a carrier must be LNP-capable. See *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resources Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574, ¶116 (2000). Although the telephone network is designed to route traffic based on the assignment of an NXX code (10,000 numbers) to one specific carrier, the introduction of local number portability (LNP) has begun to make the network more flexible. Consequently, all LNP-capable carriers who service a particular rate area can share all telephone number resources. By making the entire spare number inventory available to many providers, telephone number utilization can be improved and expand the life of an NPA. Service providers who cannot participate in a pool would continue to receive NXX codes from the code administrator in 10,000 blocks.

<sup>9</sup> *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order Released July 20, 2000—Thousands-Block Pooling*, Docket Nos. P-00961027F0002 and M-00001427 (Order entered July 19, 2001) at 6.

Also, the FCC's grant of authority to address carriers numbering needs for specific customer requests was established approximately 1 year ago, or in December 2001.

Previously, this Commission has, in the implementation of its numbering authority from the FCC, granted requests for NXX codes or reclaimed NXX codes in Pennsylvania NPAs through Commission orders.<sup>10</sup> We intend to dispose of carriers' requests for numbering resources, including full NXX codes in Pennsylvania's pooling NPAs based on specific customer demand, through this same process.<sup>11</sup>

In the information submitted by D & E in support of its request, the Company verifies that a specific customer has requested a full NXX code in the 717 NPA for use in a particular rate center.<sup>12</sup> The customer request is to have the numbering resources assigned to the Lancaster rate center for the customer's exclusive use of all 10,000 numbers. Also, D & E has indicated that its current inventory of numbers in the Lancaster rate center will not accommodate this large customer request. Further, D & E indicates that the customer is requesting specific numbers to expand its business and communications needs, and D & E currently does not have the numbers assigned to it. Finally, D & E states that these additional numbering resources are needed for customer retention.

Based upon the information submitted by D & E, the Commission hereby approves the Company's request to obtain a full NXX code from NANPA to serve the needs of its specific customer. In accordance with the FCC's delegation of authority to this Commission, D & E is permitted to activate this new NXX code for the telecommunications needs of the specific customer only. However, if the customer request is withdrawn or declined, D & E must return the NXX code to NANPA, and may not retain the numbering resources to serve other customers without first meeting the FCC's growth numbering resource requirements. Since the 717 NPA is a pooling area code, it is our understanding from Neustar Pooling Administration that D & E must submit its request for additional numbering resources to Neustar, which will then forward it to the NANPA Code Administrator for Pennsylvania to effectuate the relief granted herein.

Also, if D & E finds that it has excess numbering resources because of receiving a full NXX code in the Lancaster rate center, the Company is directed to donate any or all numbers not needed to the Pooling Administrator so that they can be used by other carriers in the 717

<sup>10</sup> *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order Released March 31, 2000—NXX Code Reclamation*, Docket No. M-00001373 (Order entered August 22, 2000), 30 Pa.B. 4701 (September 2, 2000) (Commission established process for reclaiming NXX codes from carriers who have failed to activate them within 6 months of their availability for assignment to customers). *Petition of Cricket Communications, Inc. for Emergency Assignment of NXX Codes in the 412 Area*, Docket Nos. P-00961027F0002 and M-00001427F0002 (Orders entered September 26 and October 25, 2001).

<sup>11</sup> *Request of Verizon Pennsylvania, Inc. for 1,000 Block of Telephone Numbers in the 412 Area Code*, Docket Nos. M-00021635 and P-00961027F0002 (Order entered September 27, 2002); *Request of the AT&T Communications of Pennsylvania, Inc. and TCG Delaware Valley, Inc. for Additional Blocks of Telephone Numbers in the 215 Area Code*, Docket Nos. M-00021635F0002 and P-00961061F0002 (Order entered October 10, 2002); *Request of Penn Telecom, Inc. for Additional Blocks of Telephone Numbers in the 412 Area Code*, Docket No. M-00021635F0003 and P-00961027F0002 (Order entered October 24, 2002); and *Request of AT&T Communications of Pennsylvania, Inc. and TCG Pittsburgh for Additional Two Blocks of 1,000 Telephone Numbers in the 717 Area Code*, Docket Nos. M-00021635F0004 and P-00961071F0002 (Order entered November 22, 2002).

<sup>12</sup> The customer has requested that a particular NXX code be assigned to it to have all 10,000 numbers used for direct inward dialing and abbreviated dialing between its facilities.

NPA pool in accordance with the already established pooling guidelines.<sup>13</sup>

We also direct the NANPA Code Administrator to accelerate the Local Exchange Routing Guide (LERG) effective date to 35 days<sup>14</sup> for the NXX code assigned to D & E under this Order so that the customer's telecommunications needs are met in a timely manner. We also direct all jurisdictional carriers to comply with our expedited process for activating this NXX in the LERG. Receiving this NXX code on an expedited basis provides D & E with the necessary numbering resources to respond to the demand of this specific customer request in a timely manner; *Therefore,*

*It Is Ordered That:*

1. D & E's request to receive a full NXX code in the 717 NPA is hereby granted.

2. Once the Pooling Administrator, Neustar, Inc., has received D & E's request and documentation for an additional NXX code in the 717 NPA, the Pooling Administrator is to request, within 3 business days, a full NXX code from the NANPA Code Administrator to be assigned to D & E in the Lancaster rate center in the 717 NPA.

3. The NANPA Code Administrator assign a full NXX code to D & E in the Lancaster rate center in the 717 NPA in accordance with the expedited process discussed in the body of this Order.

4. D & E shall use the NXX code assigned under Ordering Paragraph No. 2 and 3, for the sole purpose of meeting the telecommunications needs of the specific customer requesting a full NXX code in the Lancaster rate center.

5. D & E shall donate to the 717 NPA pool any and all numbers no longer in use by the specific customer as a result of the assignment of a full NXX code in the Lancaster rate center if appropriate.

6. If the customer request is withdrawn or declined, D & E is directed to return the NXX code to the 717 NPA Code Administrator, and may not retain this block of 10,000 numbers to serve other customers without first meeting the FCC's growth numbering resource requirements.

7. A copy of this Order shall be served on Gary Zahn and Shannon Collins, Neustar's Pooling Administrators for the 717 NPA, and Cheryl Dixon, the NANPA Code Administrator for Pennsylvania.

8. All jurisdictional carriers shall be served with a copy of this Order.

9. A copy of this Order shall be published both in the *Pennsylvania Bulletin* and on the Commission's website at <http://puc.paonline.com/>.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-243. Filed for public inspection February 7, 2003, 9:00 a.m.]

<sup>13</sup> The FCC directs that all service providers required to participate in thousands-block number pooling shall donate thousands-blocks with less than 10% contamination to the thousands-block number pool for the rate center within which the numbering resources are assigned. 52 CFR 52.20(c)(1).

<sup>14</sup> Previously, this Commission has directed NANPA's Code Administrator to accelerate the LERG effective date for specific NXX codes so that a carriers numbering needs are met on a timely basis. *Petition of Cricket Communications, Inc. for Emergency Assignment of NXX Codes in the 412 Area Code*, Docket Nos. P-00961027F0002 and M-00001427F0002 (Orders entered September 26 and October 25, 2002).

**Rescission Order**

Public Meeting held  
November 7, 2002

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

*America's Digital Satellite Telephone, Inc.; A-311106*

**Rescission Order**

*By the Commission:*

On September 16, 2002, the Commission entered a Tentative Order against America's Digital Satellite Telephone, Inc. (ADST or the Company), an IXC reseller certificated at A-311106, for failure to file with the Commission an annual assessment report for the year ending December 31, 2001. The Tentative Order, which sets forth a process to cancel ADST's certificate of public convenience, was published September 28, 2002, at 32 Pa.B. 4794.

Since the issuance of the Tentative Order, ADST has responded by letter dated October 3, 2002, to Secretary James McNulty, stating that the Company had updated its contact information in February 2002, and that its toll number is still operational. The Company requested that it wished to remain an authorized telecommunications carrier in Pennsylvania and requested that the Tentative Order be rescinded. To date, ADST has not filed its assessment report for calendar year 2001.

While the Commission is satisfied that ADST's non-response was inadvertent and that future filings will be made on time, the Commission is concerned that the calendar year 2001 assessment report has still not been filed. Regulated utilities are required to timely file their annual assessment report. ADST has not met that requirement. The Company has 30 days from the entry of the entered order to file its assessment report.

In addition, the Office of Executive Director shall submit a comprehensive plan which addresses the process of filing, tracking and reviewing the annual assessment reports. This plan should include but not be limited to the following: 1) revision to the assessment form to include notice that failure to timely file may subject the utility to revocation of their certificate and/or monetary fine; and 2) uniform internal agency processes regarding notification for default and for rescission orders for failure to file the assessment report; *Therefore,*

*It Is Ordered That:*

1. The Tentative Order entered September 16, 2002, will be rescinded provided that America's Digital Satellite Telephone, Inc. files its assessment report for calendar year 2001 within 30 days of entry of this Order.

2. The Tentative Order entered September 16, 2002, will become final and America's Digital Satellite Telephone, Inc.'s certificate of public convenience will be revoked if the assessment report for calendar year 2001 is not filed within the 30-day time frame.

3. The Office of Executive Director shall submit a comprehensive plan within 45 days of the entered date of this Order to address the process of filing, tracking and reviewing the annual assessment reports.

4. A copy of this Order be served on America's Digital Satellite Telephone, Inc. and be sent by the Secretary for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-244. Filed for public inspection February 7, 2003, 9:00 a.m.]

**Rescission Order**

Public Meeting held  
November 7, 2002

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

*Dialaround Enterprises, Inc.; A-311125*

**Rescission Order**

*By the Commission:*

On September 16, 2002, the Commission entered a Tentative Order against Dialaround Enterprises, Inc. (Dialaround), an IXC reseller certificated at A-311125, for failure to file with the Commission an annual assessment report for the year ending December 31, 2001. The Tentative Order, which sets forth a process to cancel Dialaround's certificate of public convenience, was published on September 28, 2002, at 32 Pa.B. 4794.

Since the issuance of the Tentative Order, Dialaround has filed the annual assessment report for the year ending December 31, 2001. In a separate letter dated September 26, 2002, to Secretary James McNulty, Dialaround stated that it had no Pennsylvania customers or revenues for 2001, and apologized for the late filing. Dialaround stated that it has experienced intermittent postal delivery problems where mail has not been delivered or delivered to another communications company located in the same building. Dialaround requests that the Tentative Order be rescinded.

The Commission is satisfied that Dialaround's non-response was inadvertent and that future filings will be made on time; Therefore,

*It Is Ordered That:*

1. The Tentative Order entered September 16, 2002, is hereby rescinded.

2. A copy of the Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-245. Filed for public inspection February 7, 2003, 9:00 a.m.]

**Rescission Order**

Public Meeting held  
November 7, 2002

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

*Shorelink Communications Corp.; A-311071*



### Rescission Order

*By the Commission:*

On September 16, 2002, the Commission entered a Tentative Order against Shorelink Communications Corp. (Shorelink or the Company), an IXC reseller certificated at A-311071, for failure to file with the Commission an annual assessment report for the year ending December 31, 2001. The Tentative Order, which sets forth a process to cancel Shorelink's certificate of public convenience, was published September 28, 2002, at 32 Pa.B. 4794.

Since the issuance of the Tentative Order, Shorelink has responded by letter dated September 25, 2002, to Secretary James McNulty alleging that the Company never received the assessment report form for 2001. Shorelink represented that its contact information has not changed, but otherwise could not explain why it did not receive the assessment report. The Company requests that the Tentative Order be rescinded. To date, Shorelink has not filed its assessment report for calendar year 2001.

While the Commission is satisfied that Shorelink's nonresponse was inadvertent and that future filings will be made on time, the Commission is concerned that the 2001 assessment report has still not been filed. Regulated utilities are required to timely file their annual assessment report. Shorelink has not met that requirement. The Company has 30 days from entry of the entered order to file its assessment report.

In addition, the Office of Executive Director shall submit a comprehensive plan which addresses the process of filing, tracking and reviewing the annual assessment reports. This plan should include but not be limited to the following: 1) revision to the assessment form to include notice that failure to timely file may subject the utility to revocation of their certificate and/or monetary fine; and 2) uniform internal agency processes regarding notification for default and for rescission orders for failure to file the assessment report; *Therefore,*

*It Is Ordered That:*

1. The Tentative Order entered September 16, 2002, will be rescinded provided that Shorelink Communications Corp. files its assessment report for calendar year 2001 within 30 days of entry of this Order.

2. The Tentative Order entered September 16, 2002, will become final and Shorelink Communications Corp.'s certificate of public convenience will be revoked if the assessment report for calendar year 2001 is not filed within the 30-day time frame.

3. The Office of Executive Director shall submit a comprehensive plan within 45 days of the entered date of this Order to address the process of filing, tracking and reviewing the annual assessment reports.

4. A copy of this Order be served on Shorelink Communications Corp. and be sent by the Secretary for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-246. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a

common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before March 3, 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-00119511. Janet L. Sheehan t/d/b/a Sheehan Transport Service** (335 Dry Wells Road, Quarryville, Lancaster County, PA 17566)—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 Berks, Chester, York, Lebanon and Dauphin, and return.

**A-00119516. Home Taxi, Inc.** (168 East High Street, Elizabethtown, Lancaster County, PA 17022), a corporation of the Commonwealth—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-00119024. Thomas J. Reardon t/d/b/a A Crystal Limousine Service** (199 Rochester Road, Pittsburgh, Allegheny County, PA 15229)—persons in limousine service, between points in the County of Allegheny.

**Application of the following for approval of the *additional right* and *privilege of operating motor vehicles* as *common carriers* for transportation of *persons* as described under the application.**

**A-00111294. Folder 5. Gilbride Limousine, Inc.** (1015 Underwood Road, Olyphant, Lackawanna County, PA 18447), a corporation of the Commonwealth—persons in group and party service, in vehicles seating 15 passengers or less, including the driver, between points in the Counties of Lackawanna, Wayne, Pike, Monroe, Luzerne, Wyoming and Susquehanna, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Joseph R. D'Andrea, Suite 800 Penn Security Bank Building, 142 N. Washington Avenue, Scranton, PA 18503-2211.

**Applications of the following for approval *amendment* of the *right* and *privilege of operating motor vehicles* as *common carriers* for the transportation of *persons* by *transfer of rights* as described under each application.**

**A-00109724. F.1, AM-A. Delbo Associates, Inc. t/d/b/a Shamokin Yellow Cab and Mount Carmel Taxi Service** (212 West Independence Street, Shamokin, Northumberland County, PA 17872)—persons upon call or demand in the City of Shamokin and the Township of Coal, Northumberland County: *So as to Permit* the transportation of persons upon call or demand: (1) in the Borough of Mt. Carmel, Northumberland County, and within an airline distance of 4 statute miles of the limits of said borough, excluding the Borough of Ashland,

Schuylkill County; and (2) in the Borough of Ashland, Schuylkill County, and within a radius of 6 miles of the said borough, excluding Mt. Carmel, Kulpmont, Marion Heights, Atlas, Exchange, Wilburton No. 1, Wilburton No. 2, Green Ridge, Locust Summit, Reliance, Locust Gap and Merrian, and from points in said territory to points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate issued at A-00111190 to Leonard V. Bednar t/d/b/a Mt. Carmel Taxi Service, subject to the same limitations and conditions. *Attorney:* Hugh A. Jones, 5 Mt. Carmel Avenue, Elysburg, PA 17824.

**A-00109724, F.2, AM-A. Delbo Associates, Inc. t/d/b/a Shamokin Yellow Cab and Mount Carmel Taxi Service** (212 West Independence Street, Shamokin, Northumberland County, PA 17872)—persons in paratransit service, between points in the City of Shamokin and the Township of Coal, East Cameron, Ralpho, Shamokin and Zerbe, and from points in said city and townships, to the Sunbury Community Hospital, City of Sunbury, Northumberland County, and the Geisinger Medical Center, Borough of Danville, Montour County, and return: *So as to Permit* the transportation of persons in paratransit service between points in Boroughs of Mt. Carmel, Kulpmont and Marion Heights and the Township of Mt. Carmel, Northumberland County, and from said territory to points in Pennsylvania and return; which is to be a transfer of the rights authorized under the certificate issued at A-00111190, F.2, to Leonard V. Bednar t/d/b/a Mt. Carmel Taxi Service, subject to the same limitations and conditions. *Attorney:* Hugh A. Jones, 5 Mt. Carmel Avenue, Elysburg, PA 17824.

**Application of the following for approval of the right to *begin* to operate as a broker for the transportation of persons as described under the application.**

**A-00119525. Edward E. Heckman t/d/b/a Ed Heckman Tours** (86 Chambers Avenue, Greenville, Mercer County, PA 15219)—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Street, Pittsburgh, PA 15219.

**Application of the following for *amendment* to the certificate of public convenience approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-00109687, Folder 1, Am-A. VPSI, Inc.** (1220 Rankin Street, Troy, MI 48083), a corporation of the State of Delaware—discontinuance of service—persons in paratransit service, between points in the City and County of Philadelphia, and from points in said city and county, to points in the Counties of Bucks, Montgomery, Delaware and Chester, and vice versa. *Attorney:* Richard Silpe, 1900 Market Street, Philadelphia, PA 19103.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Nacey, Teresa L. t/a Ultramax Limo Service; Doc. No. A-00111064C02*

### 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 Nacey, Teresa L., T/A Ultramax Limo Service, respondent, maintains her principal place of business at Rt. 819 North, P. O. Box 122, Slickville, PA 15684.
2. That respondent was issued a certificate of public convenience by this Commission on June 15, 1994, at Docket No. A-00111064.
3. That, on September 10, 2002, respondent was sent an initial assessment of \$27 for 2002. Respondent failed to pay the full amount of this assessment; therefore, a balance was due in the amount of \$27.
4. That, on August 17, 2001, respondent was sent an initial assessment of \$70 for 2001. Respondent failed to pay the full amount of this assessment; therefore, a balance was due in the amount of \$70. Furthermore, respondent does not have current evidence of insurance on file with this Commission.
5. That respondent has an outstanding assessment of \$97.
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).
8. The respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

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. 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 PO 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. Vicki M. Cranston t/a Vicki Cranston Services; Doc. No. A-00118447C02*

#### **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 Vicki Cranston, t/a Vicki Cranston Services, respondent, maintains a principal place of business at 15 Swamp Road, Newtown, PA 18940.
2. That respondent was issued a Certificate of Public Convenience by this Commission on January 11, 2002, at Application Docket No. A-00118447.
3. That respondent has failed to maintain evidence of bodily injury and property damage liability and cargo 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-00118447, 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, 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 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. Clarence G. McCormick; Doc. No. A-00041707C02; A-00041707*

### 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 Clarence G. McCormick, respondent, maintains his principal place of business at 1409 Chicora Road, Chicora, PA 16025.

2. That respondent was issued a certificate of public convenience by this Commission on March 8, 1938, at Application Docket No. A-00041707.

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-00041707.

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). 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.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Carey, Douglas Ralph t/a D.C. Trucking; Doc. No. A-00116236C02*

### 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 Carey, Douglas Ralph, T/A D.C. Trucking, respondent, maintains his principal place of business at 841 Brickcrafters Road, New Oxford, PA 17350.

2. That respondent was issued a certificate of public convenience by this Commission on March 30, 2001, at Docket No. A-00116236.

3. That, on September 10, 2002, respondent was sent an initial assessment of \$522. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$522.

4. That respondent has an outstanding assessment of \$522. Furthermore, respondent does not have current evidence of insurance on file with this Commission.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

WHEREFORE, unless respondent pays the overdue assessment 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:

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 Audits at (717) 783-6190.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Breznitsky, John T.; Doc. No. A-00085889C02*

#### 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 Breznitsky, John T., respondent, maintains his principal place of business at 1010 Carbon St., Freeland, PA 18224.

2. That respondent was issued a certificate of public convenience by this Commission on March 2, 1959, at Docket No. A-00085889.

3. That, on September 10, 2002, respondent was sent an initial assessment of \$10. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$10.

4. That respondent has an outstanding assessment of \$10.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

WHEREFORE, unless respondent pays the overdue assessment 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:

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 Audits at (717) 783-6190.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Ampack, Inc.; Doc. No. A-00114423C02*

#### 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 Ampack, Inc., respondent, maintains its principal place of business at 1957 E-3 Pioneer Road, Huntingdon Valley, PA 19006.
2. That respondent was issued a certificate of public convenience by this Commission on April 7, 1998, at Docket No. A-00114423.
3. That, on September 10, 2002, respondent was sent an initial assessment of \$608. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$608.
4. That respondent has an outstanding assessment of \$608. Furthermore, respondent does not have current evidence of insurance on file with this Commission.
5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).
6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).
7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

WHEREFORE, unless respondent pays the overdue assessment 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:

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 Audits at (717) 783-6190.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Truesdell, R.F. Co., Inc.; Doc. No. A-00104223C02*

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 Truesdell, R. F. Co., Inc., respondent, maintains its principal place of business at 18 3rd Street, Biglerville, PA 17307.

2. That respondent was issued a certificate of public convenience by this Commission on January 3, 1983 at Docket No. A-00104223.

3. That, on September 10, 2002, respondent was sent an initial assessment of \$4,840 for 2002. Respondent failed to pay the full amount of this assessment; therefore, a balance was due in the amount of \$4,840.

4. That, on August 17, 2001, respondent was sent an initial assessment of \$2,851 for 2001. Respondent failed to pay the full amount of this assessment; therefore, a balance was due in the amount of \$2,851. Furthermore, respondent does not have current evidence of insurance on file with this Commission

5. That respondent has an outstanding assessment of \$7,691

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).

8. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

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. Marino Masse; Doc. No. A-00043769C02; A-00043769*

### 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 Marino Masse, respondent, maintains his principal place of business at 4418 N. American St., Philadelphia, PA 19140.

2. That respondent was issued a certificate of public convenience by this Commission on July 18, 1938, at Application Docket No. A-00043769.

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-00043769.

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). 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.

### Complaint

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Hahn Contracting Co.; Doc. No. A-00110242C02; A-00110242*

### 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 Hahn Contracting Co., respondent, maintains its principal place of business at P. O. Box 38, Birdsboro, PA 19508.
2. That respondent was issued a certificate of public convenience by this Commission on November 19, 1993, at Application Docket No. A-00110242.
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-00110242.

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). An answer is a written explanation of circum-

stances 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. 03-247. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Sewer Service

**A-230080F2000 and A-230096. Loren K. Dixon Sewer Works.** Application of Loren K. Dixon Sewer Works for approval of: (1) the transfer of assets of Loren K. Dixon to Bunker Hill Sewer Company; (2) the right of Bunker Hill Sewer Company to begin to supply sewer service to residential dwellings in the Bunker Hill Subdivision of Clinton Township in Wyoming County; and (3) the right of Loren K. Dixon Sewer Works to abandon sewer service in this Commonwealth.

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 24, 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:* Loren K. Dixon Sewer Works

*Through and By Counsel:* David L. Haldeman, Esquire,  
1134 Lackawanna Trail, Clarks Summit, PA 18411

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-248. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Water Service

**A-220100F2000. Borough of Akron.** Application of the Borough of Akron, Lancaster County for approval of the transfer of the Akron Hill System and customers to the West Earl Water Authority.

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 24, 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:* Borough of Akron

*Through and By Counsel:* Thomas J. Sniscak, Esquire, Malatesta, Hawke and McKeon, LLP, 100 North Tenth Street, Harrisburg Energy Center, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-249. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Water Service

**A-210114 and A-210635F2000. John E. Halbing, III d/b/a JCB Partners and Helen Tamanini t/a Sunrise Estates Water Service Company.** Joint Application of John E. Halbing, III d/b/a JCB Partners and Helen Tamanini t/a Sunrise Estates Water Service Company for approval of: (1) the transfer, by sale, of certain distribution facilities of Sunrise Estates Water Service Company to John E. Halbing, III d/b/a JCB Partners; (2) the right of John E. Halbing III d/b/a JCB Partners to begin to supply water service to the public; and (3) the right of Helen Tamanini t/a Sunrise Estates Water Service Company to abandon providing water service to the public in this Commonwealth.

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 24, 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:* John E. Halbing, III d/b/a JCB Partners and Helen Tamanini t/a Sunrise Estates Water Service Company

*Through and By Counsel:* James P. Melia, Esquire, Kirkpatrick and Lockhart, LLP, 240 North Third Street, Harrisburg, PA 17101-1507; and Mark A. Van Loon, Esquire, Thomas J. MacNeely, Esquire, Rosenn, Jenkins,

and Greenwald, LLP, 15 Franklin Street, Wilkes-Barre, PA 18711-0075

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-250. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Water Service

**A-210755F2000 and A-210113. Loren K. Dixon Water Works.** Application of Loren K. Dixon Water Works for approval of: (1) the transfer of assets of Loren K. Dixon to Factoryville Bunker Hill Water Company; (2) the right of Factoryville Bunker Hill Water Company to begin to supply water service to residential dwellings in the Bunker Hill Subdivision of Clinton Township in Wyoming County; and (3) the right of Loren K. Dixon Water Works to abandon water service in this Commonwealth.

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 24, 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:* Loren K. Dixon Water Works

*Through and By Counsel:* David L. Haldeman, Esquire, 1134 Lackawanna Trail, Clarks Summit, PA 18411

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-251. Filed for public inspection February 7, 2003, 9:00 a.m.]

### Water Service

**A-212955F0012. Superior Water Company.** Application of Superior Water Company for approval to begin to offer, render, furnish or supply water service to the public in portions of Douglass Township, Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the Applicant, on or before February 24, 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:* Superior Water Company

*Through and By Counsel:* Louise A. Knight, Esquire, Steven K. Haas, Esquire, Malatesta, Hawke and McKeon, LLP, 100 North Tenth Street, PO Box 1778, Harrisburg, PA 17105-1778

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-252. Filed for public inspection February 7, 2003, 9:00 a.m.]

**Water System Assets**

**A-120003F2000. Lincoln Utilities, Inc.** Application of Lincoln Utilities, Inc. for approval of the transfer, by sale, of the water system assets of Lincoln Utilities, Inc. to Antrim Township Municipal Authority and for Lincoln Utilities, Inc. to abandon its Certificate of Public Convenience in this Commonwealth.

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 24, 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:* Lincoln Utilities, Inc.

*Through and By Counsel:* Thomas J. Sniscak, Esquire, Janet L. Miller, Esquire, Malatesta, Hawke and McKeon, LLP, 100 North Tenth Street, Harrisburg Energy Center, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-253. Filed for public inspection February 7, 2003, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

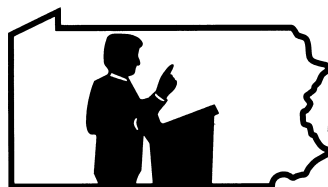
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

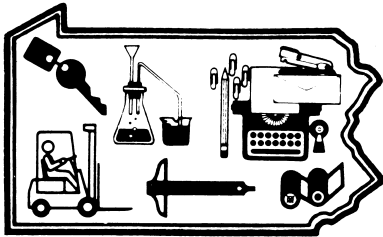
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



### Commodities

**SU-02-18** Contractor to provide printing of 30,000 Undergraduate Catalogs 2003-2005 for Shippensburg University in accordance with the specifications and samples that are available with the solicitation package. Requests for bid package may be faxed to 717-477-1350. Cover materials available approximately mid April 2003 with Delivery no later than June 2003.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Catalogs to be furnished by June 2003.  
**Contact:** Mona M. Holtry, (717) 477-1386

**SU-02-19** SU-02-19: Quantity 1 each - Scientific Century Series 20" X 20" X 38" Sterilizer, Quantity 1 each - Loading Rack and Two Shelves 20" X 20" X 38", Quantity 1 each - Trade-in Single Door - Medal, Eagle & 3000 EO. All products must meet or exceed the specifications that are available with the solicitation package. (Brand Name or Equal). Requests for bid package may be faxed to 717-477-1350, Shippensburg University.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Request deliver be made as soon as possible.  
**Contact:** Mona M. Holtry, (717) 477-1386

**SU-02-17** Contractor to provide 51 microscopes that are completely UL, CSA, and CE tested, listed and approved electrical system to insure fire and shock safety. UL listed components and line cords only are not acceptable. Microscopes should utilize halogen bulb light source. It shall be the responsibility of the bidder to provide delivery, set up and instructions as part of their priced response. Detailed specifications are included in the solicitation package. Requests for the bid package may be faxed to 717-477-1350, Shippensburg University.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Microscopes to be furnished as soon as possible.  
**Contact:** Mona M. Holtry, (717) 477-1350 FAX

**CMS# 034187** For furnishing and delivery of Bituminous Wearing Courses, ID-2 to Department Forces Paving and Widening Equipment on Various State Routes in Northumberland County, Group 3-03-F03 CMS# 034187. Bid opening date of March 27, 2003. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41-Bulletin #41, Producers of Bituminous Mixtures.

**Department:** Transportation  
**Location:** Northumberland County  
**Duration:** May 27, 2003, to October 31, 2003  
**Contact:** S.M. Winner, (570) 368-4267

**CMS# 037224** For furnishing and delivery of Bituminous Wearing Courses, ID-21 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Tioga County, Group 3-03-F06 CMS# 037224. Bid opening Date of March 13, 2003. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41-Bulletin #41, Producers of Bituminous Mixtures.

**Department:** Transportation  
**Location:** Tioga County  
**Duration:** May 12, 2003, to October 31, 2003  
**Contact:** S.M. Winner, (570) 368-4267

**CMS# 039213** For furnishing and delivery of Bituminous Wearing Courses, ID-21 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Bradford County, Group 3-03-F07 CMS# 039213. Bid opening Date of March 13, 2003. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41-Bulletin #41, Producers of Bituminous Mixtures.

**Department:** Transportation  
**Location:** Bradford County  
**Duration:** May 12, 2003, to October 31, 2003  
**Contact:** S.M. Winner, (570) 368-4267

**CMS# 033065** For furnishing and delivery of Bituminous Wearing Courses, ID-21 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Montour County, Group 3-03-F08 CMS# 033065. Bid opening Date of March 13, 2003. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41-Bulletin #41, Producers of Bituminous Mixtures.

**Department:** Transportation  
**Location:** Montour County  
**Duration:** May 12, 2003, to October 31, 2003  
**Contact:** S.M. Winner, (570) 368-4267

**CMS# 035080** For furnishing and delivery of Bituminous Wearing Course, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Snyder and Union Counties, Group 3-03-F04, CMS# 035080. Bid opening date of March 13, 2003. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41-Bulletin #41, Producers of Bituminous Mixtures.

**Department:** Transportation  
**Location:** Snyder and Union Counties  
**Duration:** May 12, 2003, to October 31, 2003.  
**Contact:** S.M. Winner, (570) 368-4267

**CMS# 032283** For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on various State Routes in Lycoming County, Group 3-03-F02 CMS# 032283. Bid opening date of March 27, 2003. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41-Bulletin #41, Producers of Bituminous Mixtures.

**Department:** Transportation  
**Location:** Lycoming County  
**Duration:** May 27, 2003, to October 31, 2003  
**Contact:** S.M. Winner, (570) 368-4267

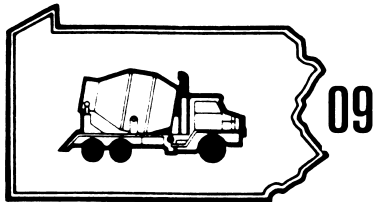
**CMS# 036067** For furnishing and delivery of Bituminous Wearing Course, ID-2 and Bituminous Concrete Base Courses to Department Paving and Widening Equipment on Various State Routes in Sullivan County, Group 3-03-F05. CMS# 036067. Bid opening date of March 27, 2003. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41-Bulletin #41, Producers of Bituminous Mixtures.

**Department:** Transportation  
**Location:** Sullivan County  
**Duration:** May 27, 2003, to October 31, 2003  
**Contact:** S.M. Winner, (570) 368-4267

**CMS# 031130** For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Paving and Widening Equipment on Various State Routes in Columbia County, Group 3-03-F01. CMS# 031130. Bid opening date of March 27, 2003. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41-Bulletin #41, Producers of Bituminous Mixtures.

**Department:** Transportation  
**Location:** Columbia County  
**Duration:** May 27, 2003, to October 31, 2003.  
**Contact:** S.M. Winner, (570) 368-4267

## SERVICES



### Construction & Construction Maintenance

**CN00001326** Expansion and upgrade of driveway and parking area at rear of Building 34 at Wernersville State Hospital. For copy of detailed specifications, contact the Purchasing Office at (610) 670-4129.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422 West, Berks County, Wernersville, PA 19565-0300  
**Duration:** Anticipated Start Date: April 1, 2003  
**Contact:** Nancy Deininger, (610) 670-4129

**SU-2001/22** SU-2001/22: Gilbert Hall Reroof and Exterior Restoration. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary for masonry restoration, rehabilitation work on exterior limestone walls and reroofing of synthetic slate tiles. Prospective Bidders may obtain project plans for a non-refundable fee of \$20.00, check made payable to "Shippensburg University" by contacting Shippensburg University, Deborah K. Martin, 1871 Old Main Drive, Shippensburg, PA 17257; Telephone: (717) 477-1121, FAX: (717) 477-4004. Pre-Bid Meeting with site visit immediately to follow will be held on February 19, 2003, at 11 a.m. in Reed Operations Center Conference Room. Bids Due: March 5, 2003, at 4 p.m. in Old Main Room 300. Public Bid Opening: March 6, 2003, at 2 p.m., Old Main Room 203A. Contract, MBE/WBE and Prevailing Wages Apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

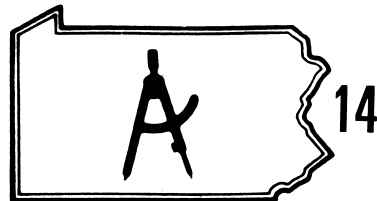
**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** August 12, 2003  
**Contact:** Deborah K. Martin, (717) 477-1121

**SU-2001/20** SU-2001/20: Huber Arts Center Exterior Restoration. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary for selective re-pointing of brick and stonework, exterior and interior walls due to water infiltration, repair/clean existing copper roof and re-roof perimeter. Prospective Bidders may obtain project plans for a non-refundable fee of \$20.00, check made payable to "Shippensburg University" by contacting Shippensburg University, Deborah K. Martin, 1871 Old Main Drive, Shippensburg, PA 17257; Telephone: (717) 477-1121, FAX: (717) 477-4004. Pre-Bid Meeting with site visit immediately to follow will be held on February 19, 2003, at 1:00 PM in Reed Operations Center Conference Room. Bids Due: March 5, 2003, at 4 p.m. in Old Main Room 300. Public Bid Opening: March 6, 2003, at 2 p.m., Old Main Room 203A. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** August 12, 2003  
**Contact:** Deborah K. Martin, (717) 477-1121

**IN-845 Renovations to Zink Hall** Indiana University of Pennsylvania of the PA State System of Higher Education invites interested contractors to submit sealed proposals for Project IN-845 Renovations to Zink Hall. The renovation work to two gyms, a fitness room, an aerobics room, and several classrooms is to include replacement of flooring, ceiling systems, lighting, painting, and finish-work upgrades. Cost of Plans and Specs: \$100.00 (non-refundable) and available at IUP Engineering & Construction Office, 650 South 13th St, Robertshaw Building, Indiana, PA 15705; Phone (724) 357-2289 beginning February 7, 2003. The complete Notice to Contractors and a listing of bidders are available on the web at [www.iup.edu/engconstruction/list/shotm](http://www.iup.edu/engconstruction/list/shotm)

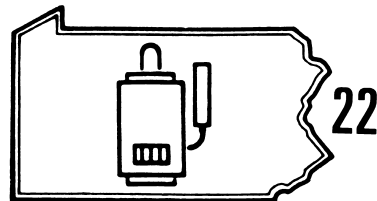
**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Engineering & Construction Group, Robertshaw Bldg., 650 South 13th Street, Indiana, PA 15705  
**Duration:** Bids are due February 20, 2003, at 2 p.m. - Pre-Bid Conference date is February 10, 2003, at 10:00 a.m.  
**Contact:** Ronald E. Wolf, Contract Specialist, (724) 357-2289



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### HVAC Services

**FM-8567** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop P, Wyoming Headquarters, 475 Wyoming Avenue, Wyoming, PA 18644  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**1136000-003** The contractor shall provide preventative maintenance, inspections, and repair, if required, for two existing generators and any others obtained during the contract period at the State Correctional Institution at Pittsburgh. Interested vendors can call David Schultz at (412) 761-1955 Ext. 396 for additional information.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 01, 2003, to June 3, 2006  
**Contact:** Carol Schaeffer/Purchasing Agent, (412) 761-1955 Ext. 291

**FM-8569** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop K, Philadelphia Headquarters, 2201 Belmont Avenue, Philadelphia, PA 19131  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8566** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop N, Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18201  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8568** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop R, Dunmore Headquarters, 85 Keystone Industrial Park, Dunmore, PA 18512-0159  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8556** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop A, Greensburg Headquarters, 100 N. Westmoreland Avenue, P. O. Box P, Greensburg, PA 15601-0436  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8564** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop L, Reading Headquarters, 600 Kenhorst Blvd., Reading, PA 19611  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8557** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop B, Washington Headquarters, 83 Murtland Avenue, Washington, PA 15301  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8558** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop C, Punxsutawney Headquarters, P. O. Box 445, 445 N. Findley Street, Punxsutawney, PA 15767-0445  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8560** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop E, Erie Headquarters, P. O. Box 10607, 4320 Iroquois Avenue, Erie, PA 16514-0607  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8559** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

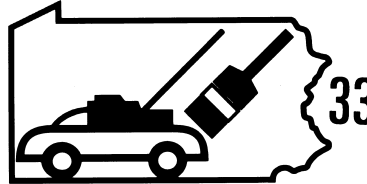
**Department:** State Police  
**Location:** Troop D, Butler Headquarters, 200 Barracks Road, Butler, PA 16001-2689  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8562** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** Troop G, Hollidaysburg Headquarters, 1510 North Juniata Street, Hollidaysburg, PA 16648  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM-8565** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

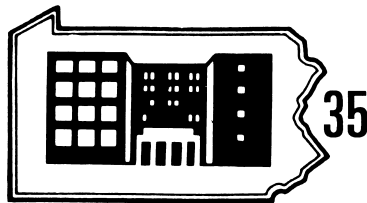
**Department:** State Police  
**Location:** Troop M, Bethlehem Headquarters, 2930 Airport Road, Bethlehem, PA 18017-2149  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952



### Property Maintenance

**1136000-005** The Contractor shall provide all maintenance, labor, repairs, furnish and install the necessary parts and make all test and adjustments required to properly maintain and operate all inverter systems at the State Correctional Institution at Pittsburgh. Any questions contact David Schultz at (412) 761-1955 Ext. 396.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 01, 2003, to June 30, 2006  
**Contact:** Carol Schaeffer/Purchasing Agent, (412) 761-1955 Ext. 291



### Real Estate Services

**93558** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 2,475 useable square feet of office space within the Mercer City limits, Mercer County, PA, with a minimum parking for 10 vehicles. Downtown locations will be considered. For more information on SFP #93558 which is due on March 10, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Jennings K. Ward, (717) 787-7412

**93557** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Agriculture with 6,953 useable square feet of office space in Allegheny/Butler County, PA, with a minimum parking for 42 vehicles, within the following boundaries: North: Route 228 and Route 356; South: I-76 (Turnpike); East: Route 28; West: Route 8. Downtown locations will be considered. For more information on SFP #93557 which is due on March 24, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download a SFP package or call (717) 787-4394.

**Department:** Agriculture  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. John Hocker, (717) 787-4396

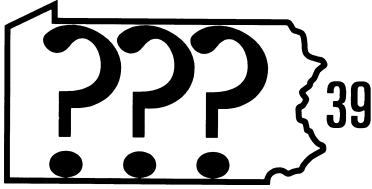
**93560** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Probation and Parole Board with 10,075 useable square feet of office space in Philadelphia County, PA, with a minimum parking for 22 vehicles, within the following boundaries: North: Roosevelt Boulevard (Route 1) from the Schuylkill River to Levick Street to the Delaware River; South: Vine Street (River to River); East: Delaware River; West: Schuylkill River, Philadelphia, Pennsylvania. Downtown locations will be considered. For more information on SFP #93560 which is due on March 31, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Probation and Parole Board  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. John Hocker, (717) 787-4396

**93559** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Probation and Parole Board with 5,968 useable square feet of office space in Philadelphia County, PA, with a minimum parking for 25 vehicles, within the following boundaries: North: South Street; South: Philadelphia Naval Shipyard; East: Delaware River; West: Schuylkill River. Downtown locations will be considered. For more information on SFP #93559 which is due on March 17, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download a SFP package or call (717) 787-4394.

**Department:** Probation and Parole Board  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. John Hocker, (717) 787-4396





## Miscellaneous

**PR #0010006772** Contractor shall provide labor, materials and equipment for construction of a fence 6' high (chain link) around work area, cut and remove old lids, cut 6" off the top of the meter pit walls, remove all debris from removal out of pits, replace old lids with new 10" thick lid with a 36" x 48" alum. H20 rated (occasional traffic) hatch and 4' finished sidewalk to original level.

**Department:** General Services  
**Location:** Dept. of General Services, Bur. of Maintenance, Soldiers Grove, Harrisburg, PA 17125  
**Duration:** March 17, 2003, through June 30, 2003  
**Contact:** Scott Sundry, (717) 705-0900

**1136000-002** The State Correctional Institution at Pittsburgh Requests Proposals for Coordinator of Native American Religious Cultural Programs for approximately four hours per week. Selection of vendor will be based in the following factors: 1-Correctional Experience; 2-Response to a Corrections Scenario; 3-Contract Amount; 5-Training and Theology. Any questions call Father William Terza at (412) 761-1955 Ext. 352.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 1, 2003, to June 30, 2006  
**Contact:** Carol Schaeffer/Purchasing Agent, (412) 761-1955 Ext. 291

**1136000-004** The contractor will provide translator/interpreter services to the foreign speaking and hearing impaired inmates at the State Correctional Institution at Pittsburgh.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 01, 2003, to June 30, 2006  
**Contact:** Carol Schaeffer, Purchasing Agent, (412) 761-1955 Ext. 291

**1136000-001** The State Correctional Institution at Pittsburgh Requests Proposals for a Chaplain to provide chaplaincy services approximately twenty-four hours per week for inmates of the Protestant Faith. Selection of vendor will be based on the following factors: 1-Correctional Experience; 2-Response to a Corrections Scenario; 3-Contract Amount; 4-Training and Theology. Any questions contact Father William Terza at (412) 761-1955 Ext. 352.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 01, 2003, to June 30, 2006  
**Contact:** Carol Schaeffer, Purchasing Agent, (412) 761-1955 Ext. 291

**061026** This contract is for the removal and disposal of road killed deer in Bucks County on State Routes 0001, 0013, 0095, 0202, 0309, 0611, and 0663.

**Department:** Transportation  
**Location:** State Routes 0001, 0013, 0095, 0202, 0309, 0611 and 0663  
**Duration:** May 1, 2003, to April 30, 2004, with an option for two 1-year renewals  
**Contact:** Scott Bittner, (215) 345-6060

[Pa.B. Doc. No. 03-254. Filed for public inspection February 7, 2003, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DON CUNNINGHAM,  
*Acting Secretary*

**Special Notice**

Effective February 1, 2003, the contract awards issued by the Department of General Services (Department), Bureau of Purchases, will no longer be published in the *Pennsylvania Bulletin*. This information will continue to be available on the Department's website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us), DGS KEYWORD "Procurement Awards."

DON CUNNINGHAM,  
*Acting Secretary*

[Pa.B. Doc. No. 03-255. Filed for public inspection February 7, 2003, 9:00 a.m.]

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