

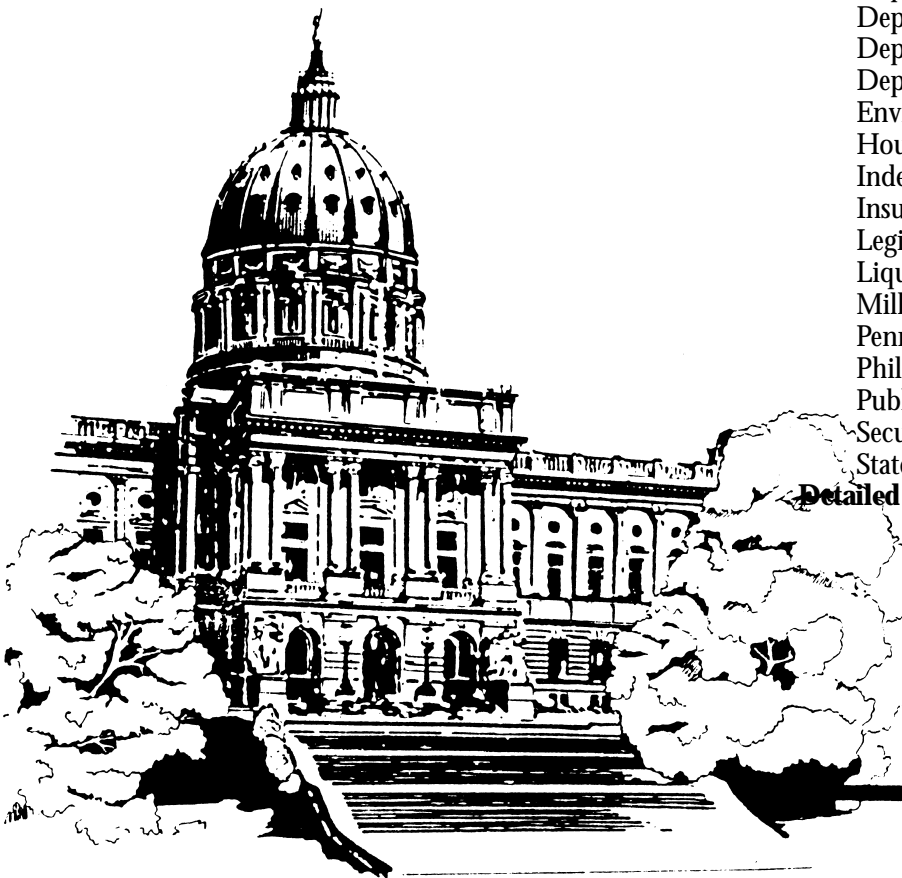
# PENNSYLVANIA BULLETIN

Volume 33  
Saturday, February 15, 2003 • Harrisburg, Pa.  
Number 7  
Pages 865—960

**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Environmental Quality Board  
Housing Finance Agency  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
Securities Commission  
State Employees' Retirement Board

**Detailed list of contents appears inside.**



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**Latest Pennsylvania Code Reporter  
(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.

**SUBSCRIPTION INFORMATION: (717) 766-0211  
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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled for 2003

The Commission on Sentencing (Commission) is giving notice that the following dates have been established for meetings in the year 2003:

- February 11, 12 (Tuesday, Wednesday) Harrisburg Hilton and Towers  
Leland Room  
One North Second Street  
Harrisburg, PA
- May 13, 14 (Tuesday, Wednesday) Radisson Lackawanna Station Hotel  
700 Lackawanna Avenue  
Scranton, PA
- August 19, 20 (Tuesday, Wednesday) The Penn Stater Hotel and Conference Center  
215 Innovation Boulevard  
State College, PA

December 9, 10 (Tuesday, Wednesday)

The Union League of Philadelphia  
Lincoln Memorial Room  
140 South Broad Street  
Philadelphia, PA

Tuesday evening dinner/work sessions are scheduled from 6:30 p.m. to 9:30 p.m. with the work session beginning at 7:30 p.m. Regular quarterly Commission meetings are scheduled to begin at 9 a.m. on Wednesday mornings.

For questions concerning upcoming meetings, contact Mark H. Bergstrom, Executive Director, (814) 863-2797.

**MARK H. BERGSTROM,**  
*Executive Director*

[Pa.B. Doc. No. 03-256. Filed for public inspection February 14, 2003, 9:00 a.m.]



# THE COURTS

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

#### Adoption of Amendment to Local Rule 1915.3(h)

##### Order

*And Now*, to wit, this 19th day of November, 2002, it is hereby *Ordered* and *Decreed* that Local Rule 1915.3(h) is hereby *Adopted* and shall read as follows:

##### Local Rule 1915.3(h)

(h) A party may offer into evidence without further proof the following items:

(1) Reports and correspondence and records from physical health providers, educators, law enforcement departments and related officials if said documents are provided to opposing counsel or pro se party at least twenty (20) days before the scheduled hearing. If the moving party receives no written objections thereto not less than ten (10) days prior to the trial date, this evidence shall be admitted without the necessity of testimony from the scrivener. If objection is made, the party requesting the admission of said evidence may submit a specific written request for an evidentiary ruling to the Court Administrator for referral to the appropriate Judge. In no event shall the scheduled hearing be delayed as a result of the application of this rule.

(2) Reports and correspondence from mental health providers and custody evaluators if said documents are provided to opposing counsel or pro se party at least twenty (20) days before the scheduled hearing. If the moving party receives no written objection thereto, not less than ten (10) days prior to the trial date, this evidence shall be admitted without the necessity of testimony for the scrivener. If objection is made, the party requesting the admission of said evidence must be prepared to present the person whose testimony is waived by this Rule. In no event shall the scheduled hearing be delayed as a result of the application of this Rule.

*By the Court*

KENNETH A. CLOUSE,  
*President Judge*

[Pa.B. Doc. No. 03-257. Filed for public inspection February 14, 2003, 9:00 a.m.]

### DELAWARE COUNTY

#### Adoption of Amendment to Local Rule 1920.31(f); Misc. Doc. No. 00-3708

##### Order

*And Now*, to wit, this 19th day of November, 2002, it is hereby *Ordered* and *Decreed* that Local Rule 1920.31(f) is hereby *Adopted* and shall read as follows:

##### Rule 1920.31(f) Hearings for Alimony Pendente Lite, Counsel Fees and/or Costs.

(1) Any party may seek Alimony Pendente Lite by completing and filing with the Office of Judicial Support

an application for Alimony Pendente Lite. The Office of Judicial Support shall promptly forward the application to the Domestic Relations Office which shall assign a PASCES identifying number and list the matter for hearing before the Master. The Domestic Relations Office will notify the parties of the hearing date and time. Applications for continuances shall be directed to the Domestic Relations Office.

(2) At the conclusion of the hearing, the Master shall file with the Court findings of fact, with recommendations and a proposed Order. The Order shall state that any party may request a hearing before a Judge by filing within ten (10) days after mailing of the Notice of Entry of the Order, a written Notice of Demand for hearing with the Office of Judicial Support. The party requesting a hearing before a Judge shall file the Notice of Demand with the Office of Judicial Support and serve a copy of the Notice of Demand on all parties and the Court Administrator's Office for assignment to a Judge in conformity with Pa.R.C.P. 440. If neither party requests a hearing before a judge within the ten-day period, the Master's recommended Order shall constitute the final Order.

(3) The Domestic Relations Office will close the case unless Ordered by the Court to collect the Alimony Pendente Lite. A request for a hearing before a Judge shall not stay the recommended Order. The hearing before the Judge shall be de novo.

(4) The Alimony Pendente Lite Application shall be in substantially the following form:

Domestic Relations Section of Delaware County  
P. O. Box 543  
Media, PA 19063  
Phone: (610) 891-4314  
Fax: (610) 891-1959

##### Application for Alimony Pendente Lite

*(Please print clearly)*

Divorce Docket Number: \_\_\_\_\_

Plaintiff's Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Date of Birth: \_\_\_ / \_\_\_ / \_\_\_

Address: \_\_\_\_\_

Is address confidential? Yes  No

Home Phone Number: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Attorney's Name: \_\_\_\_\_

Attorney's Address: \_\_\_\_\_

Attorney's Phone Number: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

.....

Defendant's Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Date of Birth: \_\_\_ / \_\_\_ / \_\_\_

Address: \_\_\_\_\_

Is address confidential? Yes  No

Home Phone Number: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Attorney's Name: \_\_\_\_\_

Attorney's Address: \_\_\_\_\_

Attorney's Phone Number: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Plaintiff's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

By the Court

KENNETH A. CLOUSE,  
President Judge

[Pa.B. Doc. No. 03-258. Filed for public inspection February 14, 2003, 9:00 a.m.]

## DELAWARE COUNTY

### Adoption of Local Rule 205.4; Misc. Doc. No. 00-3708

#### Order

And Now, to wit, this 28th day of January, 2003, it is hereby *Ordered* and *Decreed* that Local Rule 205.4 is hereby *Adopted* and shall read as follows:

#### Rule 205.4 Electronic Filing and Service of Legal Papers.

##### (a) *Legal Papers That May Be Filed Electronically:*

Parties may file the following legal papers with the Office of Judicial Support by means of electronic filing in any civil action or proceeding at law or in equity commenced in or appealed to the Court:

(1) secondary pleadings, petitions, motions, preliminary objections, praecipes, stipulations and affidavits of service, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923, except as set forth in Section (b).

##### (2) *Reports:*

Annual Audit  
Board of Tax Collector  
Cemetery Report  
Oath of Office  
Tax Collector Report

##### (3) *Liens/Scire Facias:*

Commercial Broker Lien  
Commonwealth Tax Lien  
Condominium Lien  
Declaration of Covenant Lien  
Environmental Resources Lien  
Federal Judgment Lien  
Foreign State Tax Lien  
Mechanic's Lien  
No Lien Agreement  
Pension Benefit Lien  
Planned Community Lien  
Scire Facias sur Municipal Lien  
Scire Facias sur Tax Lien  
Unemployment Compensation Lien

##### (4) *Foreign Judgment/Execution:*

Foreign Execution  
Foreign Judgment  
Assurance of Voluntary Compliance

##### (b) *Legal Papers That May Not Be Filed Electronically:*

- (1) Original process;
- (2) Preliminary or special injunctions or temporary restraining orders;
- (3) Legal papers relating to Protection from Abuse matters within 23 Pa.C.S.A. 6101 et seq. and Domestic

Relations matters in any action governed by Pa.R.C.P. 1902—1920.92 (with the sole exception of custody pleadings pursuant to Pa.R.C.P. 1915.1—1915.24 which may be filed electronically) or otherwise filed pursuant to Pa.R.C.P. 1930.1—1940.8;

(4) A notice of appeal from an award of a board of arbitrators, or a notice of appeal or other legal paper the filing of which is prescribed by the Rules of Civil Procedure Governing Actions and Proceedings before District Justices:

(5) Any legal papers relating to the revival and the enforcement of judgments other than legal papers filed pursuant to Pa.R.C.P. Nos. 3031, 3117, 3118, 3119, 3142, 3143(d), (f), (g) & (h), 3144, 3145, 3146 and 3149.

(6) Those legal papers which are to be initially filed with the Court Administrator including certificates of readiness and applications for continuance.

(7) The following matters:

Health Department Judgments  
Housing Court Judgments  
Confession of Judgments  
ACBA Fee Dispute Judgments  
Judgments Rolls  
Orphan's Court Judgments  
PHEAA Judgments  
Pennsylvania Agency Judgments  
Workers' Compensation Judgments  
District Justice Transcripts  
Exemplification of Records  
Amicable Ejectments  
Petition for Name Change

(8) Any other legal papers, the electronic filing of which is expressly prohibited by the Pennsylvania Rules of Civil Procedure.

(c) *Filing, Access and Maintenance of Legal Papers:*

(1) The website address of the Office of Judicial Support is as follows:

[www.co.delaware.pa.us](http://www.co.delaware.pa.us)

(2) The Office of Judicial Support shall provide electronic access at all times. The time and date of the filing and receipt shall be that registered by the Office of Judicial Support.

(3) The Office of Judicial Support shall provide a filing status message to the filing party setting forth the date and time of acceptance of the filing or the fact that the filing has not been accepted. A legal paper is not considered filed if the Office of Judicial Support responds to the attempted filing by notifying the filing party that the filing party has not:

(i) maintained sufficient funds to pay the fees and costs described in subsection (7); or

(ii) authorized payment by credit or debit card of these fees and costs.

(4) Access to the website shall be available to an attorney with the use of the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is available to any other user properly identified by his or her social security number.

(5) The document which is electronically filed shall not be also filed by traditional paper means, though the filing party shall maintain the original hard copy of any legal paper that is electronically filed.

(6) The Office of Judicial Support shall maintain an electronic and a hard copy file for those documents identified in Section (a)(1). The Office of Judicial Support is not required to maintain a hard copy file for the legal papers identified in Section (a), subsections (2), (3) and (4).

(7) The procedure for the payment of the fees and costs of the Office of Judicial Support and the fees and costs for service by the Sheriff shall be set forth on the website of the Office of Judicial Support.

(d) *Service:*

Service of legal papers shall at all times be in accordance with the Pennsylvania Rules of Civil Procedure and may be made by electronic means as allowed by Pa.C.R.P. 205.4.(g) and as otherwise permitted herein.

*By the Court*

KENNETH A. CLOUSE,  
*President Judge*

[Pa.B. Doc. No. 03-259. Filed for public inspection February 14, 2003, 9:00 a.m.]

**DELAWARE COUNTY**

**Fees of Clerk of Orphans' Court Division; No. 031 of 2003**

**Order**

*And Now, To Wit*, this 28th day of January 2003, in accordance with the provisions of Act 18 of April 21, 1994, upon the determination of the Clerk of the Orphans' Court that these fees are fair and reasonable, the following Bill of Costs is established to become effective on March 15, 2003, to be chargeable to the parties and to the Estates before this Court for settlement for all services of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Delaware County, in the transaction of the business of this Court.

*By the Court*

KENNETH A. CLOUSE,  
*President Judge*

Accounts of Executors and Administrators, of Trustees, Guardians of Minors and Incapacitated Persons, filing, advertising and adjudication costs:

In estates not exceeding in value		\$ 5,000	\$ 105.00
Over	\$ 5,000 and not exceeding	\$ 10,000	\$ 135.00
Over	\$ 10,000 and not exceeding	\$ 25,000	\$ 180.00
Over	\$ 25,000 and not exceeding	\$ 50,000	\$ 210.00
Over	\$ 50,000 and not exceeding	\$ 100,000	\$ 255.00
Over	\$ 100,000 and not exceeding	\$ 250,000	\$ 375.00
Over	\$ 250,000 and not exceeding	\$ 500,000	\$ 460.00
Over	\$ 500,000 and not exceeding	\$ 750,000	\$ 550.00
Over	\$ 750,000 and not exceeding	\$ 1,000,000	\$ 750.00

Each succeeding \$500,000 or fraction thereof \$275 additional

In addition to the above fees for filing there will be a fee for recording, per page	\$ 3.00
Accounts, readvertising	\$ 70.00
Accounts, certified copy of, per page (in addition to \$15.00 for certificate)	\$ 3.00
Accounts, without Adjudication, filing of	\$ 90.00
Adjudication, certified copy of, per page (in addition to \$15.00 for certificate)	\$ 3.00
Adoption, report of intention to adopt	\$ 15.00
Counseling surcharge	\$ 75.00
Adoption, petition for, and order, per child	\$ 90.00
Certification of Adoption	\$ 10.00
Report of intermediary	\$ 40.00
Foreign adoptions, filing of	\$ 75.00
Petition and Order for Involuntary and Voluntary relinquishment	\$ 40.00
Order and Motion for Appointment of Counsel re: Adoption	\$ 25.00
Order to Vacate	\$ 25.00
Leave to Petition for Petition Re: Adoption	\$ 20.00
Petition for Release of Non-identifying information	\$ 100.00
Petition for Releases of Identifying information	\$ 200.00
Petition to Confirm Consent	\$ 40.00
Allowance, petition for and order	\$ 40.00

Answer, filing of	\$ 20.00
Appearance bond on attachment	\$ 20.00
Appeal to Supreme or Superior Court, certificate of record and bond	\$ 70.00
Assignment, filing of	\$ 10.00
Attachment, petition and writ	\$ 40.00
Auditor, order to	\$ 20.00
Auditor's report, filing	\$ 20.00
Award of real estate, certified copy	\$ 20.00
Birth record, certified copy	\$ 10.00
Delayed petition for (Act of 1941) and certified copy	\$ 20.00
Certified copy (Act of 1941)	\$ 10.00
Bond, refunding, filing of	\$ 15.00
Certificate and Seal	\$ 10.00
Citation	\$ 15.00
Citation, petition for and order (including citation)	\$ 55.00
Claim, filing of	\$ 20.00
Declaratory Judgment, petition for	\$ 40.00
Decree, certified copy of, per page (in addition to \$15.00 for certificate)	\$ 3.00
Deed, execution of	\$ 75.00
Deed of Trust, filing of (in addition to \$3.00 for recording per page)	\$ 25.00
Discharge of executor or administrator, petition for	\$ 40.00
Disclaimer	\$ 20.00
Election to take under or against will, filing of	\$ 20.00
Exceptions (filing of) or objections	\$ 20.00
Exemplification of record per page	\$ 3.00
Exemplification Certificate (under Act of Congress)	\$ 40.00
Family Settlement	\$ 90.00
Financial Statement, filing of and fiduciary qualification	\$ 25.00
Guardian, filing petition for, and bond (for a minor)	\$ 40.00
Inventory, filing, per page	\$ 10.00
+3.00 each additional page	
Proof of deposit	\$ 5.00
Guardian, petition for discharge, with account annexed	\$ 40.00
Incapacitated person, filing petition for citation and bond (including citation and Emergency petitions)	\$ 55.00
Emergency Guardianship, Filing of Extension Petition	\$ 40.00
Inventory, filing, per page	\$ 10.00
+3.00 each additional page	
Annual Reports	\$ 20.00
Short Certificate	\$ 8.00
Informal Settlement, notice of filing of	\$ 90.00
Injunction, order in nature of and bond filing	\$ 20.00
Interrogatories	\$ 15.00
Joinder, filing of	\$ 10.00
Marriage License	\$ 50.00
Consent of parent or guardian	\$ 10.00
Decree of Court, filing (including affidavit)	\$ 10.00
Application for marriage license, certified copy of Application for and dup. cert. of marriage lic., certified copy	\$ 20.00

Application for and dup. cert. of marriage lic. exemp. copy of	\$ 25.00
Interpreter's Affidavit	\$ 15.00
Marriage Clearance Certificate	\$ 40.00
Non-resident Affidavit of Marriage outside of Commonwealth of Pa	\$ 25.00
Replacement License Fee	\$ 25.00
Search Re: Divorce	\$ 20.00
Special Services: By Order of Court Only.	
Application of Marriage License (outside office) (mileage IRS rate)	\$ 100.00
Waiver	\$ 20.00
Minor's certificate and oath	\$ 15.00
Money paid into court:	
Commission 2% of every dollar under \$1000.	
Commission 1% of every dollar exceeding \$1000.	
Mortgage, filing petition for leave, etc. including one description and bond	\$ 40.00
Each additional description	\$ 10.00
Opinion, filing of	\$ 25.00
Oral depositions, notice of taking	\$ 20.00
Order to continue	\$ 25.00
Order to pay, petition for and order	\$ 40.00
Orphans' Court Computerization Fee	\$ 10.00
Power of Attorney (first 4 pages)	\$ 25.00
Each additional page	\$ 3.00
Petition, filing of, for additional security or waiver of additional security	\$ 40.00
Praecipe	\$ 25.00
Presumed decedent, filing petition for and decree	\$ 40.00
Purchase money, filing petition for and bond	\$ 40.00
Receipt, filing	\$ 10.00
Redating short certificates	\$ 6.00
Release, filing of, per name	\$ 10.00
Report of guardian and Trustee Ad Litem	\$ 20.00
Rule, petition for, and order (same as citations)	\$ 55.00
Renunciation	\$ 10.00
Sale of Real Estate, filing petition and bond and Decree	\$ 40.00
Each additional description	\$ 10.00
Satisfaction of Award (if not in accord with Adjudication)	\$ 10.00
Schedule of Distribution, filing	\$ 20.00
Search and certificate	\$ 20.00
Small Estates, distribution, filing petition for estates less than \$25,000	\$ 40.00
Special Short Certificate	\$ 10.00
State Judicial Computer System Fee	\$ 10.00
Stipulation, filing of	\$ 20.00
Subpoena	\$ 10.00
Trustee, filing petition for, and bond	\$ 40.00
Trustee Short Certificate	\$ 8.00
Family Exemption, filing claim for and recording (personal estate)	\$ 20.00
Real estate, one description	\$ 20.00
Each additional description	\$ 10.00
Waiver of fiduciary commission	\$ 10.00
Withdrawal of Petition	\$ 25.00

Instruments not specifically listed will be charged at a rate comparable to this schedule for a like instrument, as determined by the Clerk of Orphans' Court Division.

[Pa.B. Doc. No. 03-260. Filed for public inspection February 14, 2003, 9:00 a.m.]

**DELAWARE COUNTY**  
**Fees of Register of Wills; No. 030 of 2003**

**Order**

*And Now, To Wit*, this 28th day of January 2003, in accordance with the provisions of Act 69 of December 3, 1993, upon the determination of the Register of Wills that these fees are fair and reasonable, the following Bill of Costs is established to become effective on March 15, 2003 to be chargeable to the parties and to the Estates for probating of Wills and Testaments, and for all services of the Register of Wills of this County, in the transaction of the business of his office.

*By The Court*

KENNETH A. CLOUSE,  
*President Judge*

**Administration**

\* For granting Letters Testamentary, Letters of Administration and Letters of Administration C.T.A., including filing, probating and recording of Will one page

estate not exceeding		\$ 250	\$ 20.00
Over	\$ 250 and not exceeding	\$ 1,000	\$ 35.00
Over	\$ 1,000 and not exceeding	\$ 5,000	\$ 50.00
Over	\$ 5,000 and not exceeding	\$ 10,000	\$ 75.00
Over	\$ 10,000 and not exceeding	\$ 25,000	\$125.00
Over	\$ 25,000 and not exceeding	\$ 50,000	\$150.00
Over	\$ 50,000 and not exceeding	\$ 100,000	\$180.00
Over	\$ 100,000 and not exceeding	\$ 200,000	\$215.00
Over	\$ 200,000 and not exceeding	\$ 300,000	\$250.00
Over	\$ 300,000 and not exceeding	\$ 400,000	\$300.00
Over	\$ 400,000 and not exceeding	\$ 500,000	\$350.00
Over	\$ 500,000 and not exceeding	\$ 600,000	\$420.00
Over	\$ 600,000 and not exceeding	\$ 700,000	\$500.00
Over	\$ 700,000 and not exceeding	\$ 800,000	\$580.00
Over	\$ 800,000 and not exceeding	\$ 900,000	\$660.00
Over	\$ 900,000 and not exceeding	\$ 1,000,000	\$750.00

Each succeeding \$100,000 or fraction thereof \$100 additional  
For each additional page of Will \$ 3.00

\* No probate accepted without death certificate

Affidavit, filing of, in relation to debts, etc.

In estates of non-resident decedents \$ 25.00

Short certificate, non-resident decedent \$ 8.00

Affidavit \$ 10.00

Answer, filing of \$ 20.00

Appeal, filing of \$ 35.00

Bond—Non-resident Executor's or Administrator's filing \$ 15.00

Caveat—filing and recording \$ 75.00

Bond, filing \$ 15.00

Withdrawal \$ 15.00

Certificate, short \$ 8.00

Redating short certificate \$ 6.00

Certificate, special short \$ 10.00

Certification under Act of Congress (Exemplification Cert.) \$ 40.00

Each additional page \$ 3.00

Certified copy of Will, Inventory and appraisement or account per page  
(In addition to \$15.00 for certificate) \$ 3.00

Certifying record to Orphans' Court on appeal \$ 35.00

Citation, Petition for and order (including Citation)	\$ 55.00
*Commission to take testimony of Executor or Administrator	\$ 40.00
*Commission to take oath of witnesses	\$ 40.00
Commission from Registers for witnesses, execution of	\$ 30.00
Filing and Recording exemplified copies of Will, or of Letters of Administration, etc., whether recorded or not	\$ 40.00
Each page	\$ 3.00
Hearing, to schedule	\$100.00
Inheritance Tax Certification.	\$ 25.00
Inheritance Tax Return Fee	\$ 10.00
Supplemental Filing	\$ 10.00
Inventory, filing	\$ 20.00
Each additional page or fraction of page	\$ 3.00
Miscellaneous Estate—No letters granted, including statement of debts and deductions	\$ 35.00
Name Search (per name)	\$ 25.00
Non-appearing witness affidavit	\$ 10.00
Order	\$ 25.00
Petition and Order—including Letter Petitions	\$ 40.00
Register of Wills Automation fee	\$ 10.00
Renunciation, filing	\$ 10.00
State judicial computer system fee	\$ 10.00
Subpoena (Register of Wills)	\$ 10.00
Supplemental Letters Testamentary	\$ 70.00
Special Services: By Order of Court Only.	
Probate of Will (outside office)(mileage IRS rate)	\$100.00
Affidavit of witness (mileage IRS rate)	\$ 80.00

\* Refers to Commissions sent to other counties

Instruments not specifically listed will be charged at a rate comparable to this schedule for a like instrument, as determined by the Register of Wills

[Pa.B. Doc. No. 03-261. Filed for public inspection February 14, 2003. 9:00 a.m.]

## FOREST AND WARREN COUNTIES

### Adoption of Amendment to Local Rule of Criminal Procedure 1405; New Local Rules 1405.1 and 1409.1; Misc. No. 6 of 2003

#### Order

And Now, this 29th day of January, 2003, it is ordered that the annexed Local Rule of Criminal Procedure 1405 pertaining to probation/parole in the 37th Judicial District composed of Forest and Warren Counties be, and the same is, promulgated herewith, to become effective on the 30th day following publication of this rule in the *Pennsylvania Bulletin*.

The Court Administrator of the 37th Judicial District is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Criminal Procedural Rules Committee.

4. File one (1) copy with the Clerks of Court of the 37th Judicial District.

5. Forward one (1) copy for publication in the *Warren Times Observer* and *The Forest Press*.

By The Court

PAUL H. MILLIN,  
*President Judge*

#### Amendment to Local Rule of Criminal Procedure 1405 and Promulgation of 2 new rules, Local Rule of Criminal Procedure 1405.1 Intermediate Punishment General Rules and Regulations and 1409.1 Violation of Intermediate Punishment.

Rule 1405 is amended by adding the following section:

21. Pursuant to Act 35 of 1995, 61 P. S. 331.27b, the defendant shall be subject to and agree to the warrantless search of defendant's person, property, vehicle, or residence and the seizure and appropriate disposal of any contraband found, if it is reasonably suspected that defendant is in violation of probation/parole.

#### Rule 1405.1 Intermediate Punishment General Rules and Regulations

All of the general Rules and Regulations for Probation/Parole established in Rule 1405 shall apply to Intermedi-

ate Punishment Supervision. The following additional Rules and Regulations shall also apply to Intermediate Punishment supervision.

1. The defendant shall abide by all of the rules and conditions of the Warren County Jail while serving the Jail/Work Release portion of the Intermediate Punishment sentence.

2. The defendant shall remain in his established place of residence at all times during the House Arrest/Electronic Monitoring portion of the sentence, unless a leave is approved by the Probation Office.

3. The defendant shall maintain telephone and electric service throughout the House Arrest/Electronic Monitoring portion of the Intermediate Punishment Sentence.

**Rule 1409.1 Violation of Intermediate Punishment: Hearing and Disposition**

The procedure for hearing and disposition established under Rule 1409 shall also apply to violations of Intermediate Punishment supervision.

[Pa.B. Doc. No. 03-262. Filed for public inspection February 14, 2003, 9:00 a.m.]

LEBANON COUNTY

**Rules of the Court of Common Pleas; Family Division**

**Rule 52-FD-1900—General**

A. All matters involving actions for Protection from Abuse, Support, Custody, Partial Custody and/or Visitation of Minor Children, Divorce or Annulment of Marriage shall be brought in the Family Division of the Court of Common Pleas of Lebanon County.

B. All actions and legal documents shall be filed in the manner required by the Prothonotary of Lebanon County, **or in matters of support, as required by the Domestic Relations Section of Lebanon County.**

C. These rules shall be interpreted as supplementing the Rules of Civil Procedure governing domestic actions (Pa.R.C.P. 1900 et seq.).

**Rule 52-FD-1910.4—Commencement of Action**

A. All pleadings and legal papers filed involving child support, spousal support, or paternity shall be filed in duplicate with the Domestic Relations Section.

B. If a claim for child or spousal support is raised ancillary to divorce litigation, it shall be referred to the Domestic Relations Section for disposition, and it shall be controlled by the procedural Rules governing child or spousal support claims made not ancillary to divorce litigation. **The party or attorney filing a complaint in Divorce with claims for child or spousal support shall file a separate complaint for child or spousal support with the Domestic Relations Section.**

**Rule 52-FD-1910.10—Alternative Hearing Procedures**

A. The Court of Common Pleas of Lebanon County adopts the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

B. The Court shall appoint a minimum of one Domestic Relations Hearing Officer who shall hear all cases involving claims for support. The Domestic Relations Hearing

Officer list shall consist of one or more members of the Bar of this Court experienced in family law who shall serve at the pleasure of the Court.

**C. Proceedings before a Domestic Relations Hearing Officer shall be on the record and recorded by a Court Reporter employed by the Court of Common Pleas. The notes of testimony shall not be transcribed unless: (1) required by the Domestic Relations Hearing Officer to prepare the report and recommendation to the Court; or (2) ordered by the Court following the filing of exceptions.**

**(a) It shall be the responsibility of the party first filing exceptions to obtain an order directing the transcription of the notes of testimony if desired. The party filing the exceptions shall bear the costs of the original transcript.**

**(b) If both parties file exceptions, the cost of the original transcript shall be borne by the parties equally. Nothing herein shall prevent the Court from thereafter reallocating the cost of the transcript as part of a final order.**

**(c) Should neither party request a transcript, exceptions shall be decided by the Court on the basis of the record provided.**

**Rule 52-FD-1915.4-5—Custody Conciliation—Post Hearing Procedure**

A. SETTLED CASE: If, prior to or during the custody conciliation process, the parties are able to reach an agreement, the Conciliator or the parties may submit a stipulation, motion for adoption of stipulation, and a proposed order of court to the Prothonotary. The Prothonotary shall then transmit the file to the Court for disposition of the matter.

B. CONTESTED CASE: Within ten days of the conclusion of the hearing, when the case remains contested, the Conciliator shall prepare and file a Summary Report. This report shall also become a part of the Court record and upon being submitted to the Court shall also be served upon the parties by the Prothonotary.

(1) The Summary Report shall include inter alia, the following:

(a) A synopsis of the facts gathered by the Conciliator during the conference and the hearing.

(b) A recommendation by the Conciliator regarding custody of the subject child(ren).

(c) A recommendation for allocation of costs and expenses between the parties.

(d) The names of counsel for the parties.

(e) An estimate of the length of the hearing to be conducted by the Court.

(f) A copy of the information provided to the Conciliator as required by Local Rule 1915.4-3C.

(g) A proposed order for the **[ establishment of a hearing date ] adoption of the recommendation before the Court.**

(2) Either party shall be permitted to present a petition with proposed order for a hearing de novo before the Court within fourteen (14) days of the date of filing of the Summary Report. **The recommendation of the Conciliator shall remain in effect until further Order.**



(a) If no request for a de novo hearing is presented within the time provided, upon motion of the Conciliator, the recommendation of the Conciliator regarding custody shall be adopted as an Order of this Court.

These Rules shall become effective April 1, 2003.

ROBERT J. EBY,  
*President Judge*

[Pa.B. Doc. No. 03-263. Filed for public inspection February 14, 2003, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated January 28, 2003, Kevin Joseph Coffey, has been Disbarred on Consent from the Bar of the Commonwealth of Pennsylvania, to be effective on February 27, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides

outside 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. 03-264. Filed for public inspection February 14, 2003, 9:00 a.m.]

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### Notice of Suspension

Notice is hereby given that Daniel Eban Berger, having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated January 28, 2003 suspending Daniel Eban Berger, from the practice of law in this Commonwealth for a period of three months, effective February 27, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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. 03-265. Filed for public inspection February 14, 2003, 9:00 a.m.]

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# PROPOSED RULEMAKING

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

[22 PA. CODE CH. 215]

### Optional Alternate Retirement Plans

The Public School Employees' Retirement Board (Board) proposes to amend Chapter 215 (relating to general administration) to read as set forth in Annex A. The rulemaking proposes to delete the transitional provisions for electing to participate in an optional alternate retirement plan in § 215.36 (relating to optional alternate retirement programs). The transitional provisions are no longer needed and, read broadly, may conflict with 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code) (Retirement Code), because the Retirement Code does not allow current members to opt out of the system.

#### A. *Effective Date*

This proposed rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

#### B. *Contact Person*

For further information, contact Frank Ryder, Director of Government Relations, Public School Employees' Retirement System, 5 North Fifth Street, P. O. Box 125, Harrisburg, PA 17108, (717) 720-4733; or Charles K. Serine, Deputy Chief Counsel, Public School Employees' Retirement System, 5 North Fifth Street, P. O. Box 125, Harrisburg, PA 17108, (717) 720-4679.

#### C. *Statutory Authority*

This proposed rulemaking is being made under the authority of the Retirement Code.

#### D. *Background and Purpose*

When it was amended in 1975, the Retirement Code, for the first time, permitted certain school employees to choose an alternate retirement plan. The Retirement Code applies to new employees. The Board promulgated § 215.36 to implement this Retirement Code provision. Section 215.36, among other things, contained a transitional provision granting existing employees an opportunity to elect an alternate retirement plan. This transitional provision was added because the existing employees never had the opportunity to select an alternate plan. At the time of enactment of § 215.36, the only alternate plan allowed was the Teachers Insurance and Annuity Association—College Retirement Equities Fund.

The act of June 22, 2001 (P. L. 530, No. 35) allowed the State System of Higher Education (SSHE) to add insurance companies or mutual funds as additional alternate plans for its employees. Section 215.36, as written, could be interpreted to allow existing employees, who already had a choice under the Retirement Code to elect an alternate retirement plan, to make an additional election and to opt out of the Public School Employees' Retirement System (PSERS) each time a new alternate plan is approved by SSHE. The Board, however, has always interpreted § 215.36 as providing a one-time opportunity for these employees, not a continual choice each time a

new alternate plan is approved by the employer. Deleting the language clarifies the intent of the Board and eliminates a potential conflict between § 215.36 and the Retirement Code, because the Retirement Code does not allow current members to opt out of the system.

The State Employees' Retirement System (SERS) is proposing a similar revision of its regulation that parallels § 215.36. This repeal will harmonize the regulations of PSERS and SERS with regard to election of alternate retirement plans. SSHE supports the amendment and repeal of these sections.

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

##### *Benefits*

This proposed rulemaking removes an expired transitional provision, clarifies the Board's intent regarding the election of alternate retirement plans and eliminates a potential conflict between the Retirement Code and § 215.36.

##### *Costs*

The proposed rulemaking will formalize the Board's long-standing interpretation that the transitional provisions of § 215.36 have expired. The proposed rulemaking, therefore, maintains the status quo and has no associated cost to the Commonwealth, its citizens, school employers, school employees or PSERS.

##### *Compliance Costs*

The proposed rulemaking will not impose any additional compliance costs on school employees or employers.

#### F. *Sunset Review*

Not applicable.

#### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 31, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Education Committee and the Senate Finance Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the PSERS. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

#### H. *Public Comments*

Written Comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Public School Employees' Retirement System, 5 North Fifth Street, P. O. Box 125, Harrisburg, PA 17108-0125. Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board March 17, 2003 (within 30 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of

their comments to the Board. The summary may not exceed one page in length and must be received by March 7, 2003 (within 20 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments.* Comments may also be submitted electronically to the Board at fryder@state.pa.us and must also be received by the Board by March 7, 2003. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be transmitted by mail to ensure receipt.

DALE H. EVERHART,  
*Secretary*

**Fiscal Note:** 43-9. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 22. EDUCATION

#### PART XIII. PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

#### CHAPTER 215. GENERAL ADMINISTRATION

#### MISCELLANEOUS PROVISIONS

#### § 215.36. Optional alternate retirement programs.

(a) Under section 8301(a)(1) of the Retirement Code (relating to mandatory and optional membership), certain school [ **employees** ] **employees** may elect not to join the System [ , or to depart from it ] in favor of an optional alternate retirement program approved by the employer [ , such as the Secretary of Education or the governing body of certain State institutions, including Pennsylvania State University, as the case may be ]. Therefore, the following paragraphs are adopted by the Board to establish guidelines and procedures, insofar as the Board is authorized to so do, with respect to implementing such a program for certain eligible school [ **employees** ] **employees**:

(1) [ **Section 8301(a)(1) of the Retirement Code (relating to eligibility points for retention and reinstatement of source credits) purports to authorize the existence of an optional alternate retirement program under the responsibility of the employer.**

(2) **Employees, including those employed on the effective date of the establishment of an optional alternate retirement program, who are eligible for membership therein, and who are active members of the System, have the option of continuing their active membership or of joining the optional alternate retirement program if they make the election within 9 months of the effective date of the establishment of the optional alternate retirement program.** Every [ **employee** ] **employee** who [ **subsequently becomes** ] is eligible for membership in the optional alternate retirement program shall make the election within 30 days of the first date of active employment. [ **Employees** ] **Employees** not exercising the option to join the optional alternate retirement program shall be deemed to have chosen to commence [ **or continue** ] active membership in the System, unless they

have elected membership in the State [ **Employees** ] **Employees**' Retirement System, as otherwise provided by law.

[ (3) **When an eligible employee, who is an active member of the System, elects to participate in the optional alternate retirement program in accordance with paragraph (2), the employee may elect to withdraw the accumulated deductions from the fund as of the date of the election; or, if the employee is eligible for vesting in accordance with the Retirement Code, the employee may elect to leave the accumulated deductions credited to account of the employee in the Fund and receive a retirement allowance from the System upon separation from employment; or, at the employee's option, upon attainment of superannuation retirement age, if later. The retirement allowance shall be based upon credited service and final average salary while a contributing member to this System only.**

(4) **Notwithstanding provisions to the contrary, an eligible employee employed on the effective date of the establishment of the optional alternate retirement program, who is eligible for membership therein, who is an active member of the System, and who is not vested in the retirement system, has the option of joining the optional alternate retirement program within 60 days of the date upon which the employee becomes eligible for vesting in accordance with the applicable provisions of the Retirement Code, in which case the employee may vest and join the optional alternate retirement program under the same conditions as provided in paragraph (3).**

(5) ] (2) **When an eligible [ employee elects ] employee elected to participate in the optional alternate retirement program in accordance with paragraph (2) as it existed on \_\_\_\_\_ (Editor's Note: The blank refers to a date 1 day before the effective date of adoption of this proposal.) or paragraph (4) as it existed on \_\_\_\_\_ (Editor's Note: The blank refers to a date 1 day before the effective date of adoption of this proposal.) or elects to participate in the optional alternate retirement program in accordance with paragraph (2), the election is final and binding so long as the [ employee shall ] employee remains eligible to remain in the optional alternate retirement program. When an [ employee ] employee later is employed in a capacity which does not qualify for membership in the optional alternate retirement program, the [ employee ] employee shall, upon meeting the qualifications for membership in the System, [ resume making ] make contributions to the fund or reinstate the former credited service for which contributions had been withdrawn, as the case may be, in accordance with the applicable provisions of the Retirement Code. Service, salary or other compensation paid to an [ employee ] employee while a member of the optional alternate retirement program will not be credited toward membership in, or retirement benefit from, the System.**

[ (6) **For employees who elect to join the optional alternate retirement program, the contribution of the Commonwealth to the optional alternate retirement program on behalf of the employees will be no more than 1/2 of the employer normal contribution rate and accrued liability rate as determined in**

accordance with section 8328(b) and (c) of the Retirement Code (relating to actuarial cost method). ]

(b) Retirement Code reference: Section [ 8301 ] 8326 of the Retirement Code.

[Pa.B. Doc. No. 03-266. Filed for public inspection February 14, 2003, 9:00 a.m.]

## SECURITIES COMMISSION

[64 PA. CODE CHS. 102, 202, 203, 204, 207, 305 AND 606]

### Banking and Savings and Loan Institutions

The Securities Commission (Commission), under the authority contained in sections 102(d), (k) and (t), 202(a), (c), (e) and (i), 203(i.1), (p) and (r), 204(a), 207(l), 305(a)(ix), 606(a) and (d) and 609(a) of the Pennsylvania Securities Act of 1972 (act) (70 P. S. §§ 1-102(d), (k) and (t), 1-202(a), (c), (e) and (i), 1-203(i.1), (p) and (r), 1-204(a), 1-207(l), 305(a)(ix), 1-606(a) and (d) and 1-609(a)), proposes to amend regulations concerning the subject matter of the act to read as set forth in Annex A.

#### Summary and Purpose of Regulations

*Section 102.041.* This proposed rulemaking will indicate that a "bank," as defined under the act, does not include a person organized as a holding company and codify the Commission's published interpretation of when a "bank-organization" becomes a "bank" for purposes of the act.

*Section 102.112.* The Commission's published position on when the definition of "institutional investor" would include IRAs, SEPs and KEOGHs will be codified into a separate regulation.

*Section 102.202.* This section will be amended to: include an affirmative statement of when the offer and sale of real property would be a "security" under the act; delete references to the Unit Property Act; and follow United States Securities and Exchange Commission (SEC) No Action Letters which base the existence of a security on participation in a mandatory rental pool arrangement.

*Section 102.241.* This section will be amended to make the definition of "exchange" similar to the Federal securities laws.

*Section 202.010.* The amendment to this section would make it clear that all securities that are exempt securities under section 3(a)(2) of the Securities Act of 1933 (1933 Act) (15 U.S.C.A. § 77c(a)(2)) would be exempt under section 202(a) of the act except when a separate security exists by application of SEC Rule 131.

*Section 202.030.* The section will be amended to: state that all section 3(a)(3) of the 1933 Act exempt securities, as interpreted by SEC Release 33-4412, are eligible for the section 202(c) of the act exemption; define "prime quality" as being in one of the three highest ratings of a Nationally recognized statistical rating organization; prohibit use of public media advertising and mass mailings; and require that commercial paper issued by bank holding companies contain disclosures that the paper is not issued by a "bank" and, therefore, is not covered by FDIC insurance.

*Section 202.051.* The section will be amended to correct a miscitation.

*Section 202.092.* The section will be amended to: define the term guaranty; and include only issuers located in this Commonwealth or an issuer where the guaranty would be deemed a separate security under SEC Rule 131.

*Section 203.091.* As required by Act 108 of 2002, the section will be amended to delete the filing requirement and Form 203-I.

*Section 203.161.* The section will be amended to permit issuers relying on this section to comply with the trust indenture and offering circular requirements of section 203(p) of the act by satisfying Parts V—VII of the Statement of Policy of the North American Securities Administrators Association Regarding Church Bonds.

*Section 203.189.* The Commission proposes to delete the definition of "accredited investor" in § 204.010 as being obsolete as the General Assembly enacted a specific statutory accredited investor exemption in the act of November 24, 1998 (Act 109) (P. L. 829, No. 109). However, a definition of "accredited investor" is necessary for operation of the exemption created by this section and therefore, this section will be amended to include the definition of "accredited investor" as set forth in SEC Rule 501(a).

*Section 204.010.* Since Act 109 enacted an accredited investor exemption in section 203(t) of the act, the definition of "accredited investor" in § 204.010 (relating to increasing number of purchasers and offerees) is no longer required. Therefore, the section will be amended to delete the definition of "accredited investor."

*Section 207.120.* The National Securities Markets Improvement Act of 1996 (NSMIA) prohibits states from registering securities issued by registered investment companies. This section relates to registration of investment company securities and, under NSMIA, is no longer applicable. Therefore, the section will be reserved.

*Section 305.011.* NSMIA prohibits states from maintaining rules governing recordkeeping, or financial or operational reporting requirements for broker-dealers that are inconsistent with rules established by the SEC under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78kk). These generally are rules of the National Association of Securities Dealers (NASD) which are subject to SEC approval. The section will be amended to mirror the inspection requirements for broker-dealers of their offices of supervisory jurisdiction, branch offices and nonbranch locations in accordance with criteria set forth in NASD Rule 3010(g) and NASD Notice to Members 98-38.

*Section 606.011.* Act 108 gave the Commission authority to require, by rule, that persons purchasing securities from a nonprofit issuer under section 203(p) of the act receive annual financial information from the issuer. The section will be amended accordingly.

*Section 606.041* It is proposed that this section be amended to permit the Assistant Director of the Division of Corporation Finance to exercise authority delegated to the Director in his absence.

#### Persons Affected by the Proposed Rulemaking

Commonwealth issuers of municipal securities and issuers of commercial paper will be affected by the proposed rulemaking. Registered broker-dealers will be affected by the proposed amendments to inspection requirements for various offices maintained by the

broker-dealer. Nonprofit organizations issuing debt securities secured by a first lien mortgage shall comply with certain disclosure requirements in the use of an offering circular and in annual financial information to be given to security holders in this Commonwealth.

#### *Fiscal Impact*

The proposed rulemaking reduces compliance costs by eliminating the filing of Form 203-I. The only new compliance cost is that nonprofit organizations which sell debt securities to Commonwealth residents that are secured by a first lien mortgage on property owned by the issuer must provide annual financial information to those purchasers. The Commission does not believe the compliance cost to be unreasonable when balanced against an investor's need to know the financial health of the issuer and the security of bonds the investor purchased. No additional compliance cost is envisioned for broker-dealer inspection of their offices as the regulatory requirement mirrors that which already exists in NASD rules.

#### *Paperwork*

The Commission proposes to eliminate Form 203-I. The only new paperwork requirement is the provision of annual financial information to Commonwealth residents who have purchased debt securities from a nonprofit organization which are secured by a first lien mortgage on property owned by the organization.

#### *Effective Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 3, 2003, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Commerce and Economic Development and the Senate Committee on Banking and Insurance. In addition to submitting the proposed rulemaking, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of objections raised.

#### *Availability in Alternative Formats*

This proposed rulemaking may be made available in alternative formats upon request. The Commission also will receive comments on this proposed rulemaking in alternative formats. TDD users should use the AT&T Relay Center, (800) 854-5984. To make arrangements for alternative formats, contact Cheryl Krchnar, ADA Coordinator, (717) 787-6828.

#### *Contact Person*

Interested persons are invited to send comments concerning the proposed rulemaking within 30 days of publication of this notice to G. Philip Rutledge, Chief

Counsel, Securities Commission, Eastgate Building, 1010 N. Seventh Street, 2nd Floor, Harrisburg, PA 17102-1410, (717) 783-5130.

M. JOANNA CUMMINGS,  
*Secretary*

**Fiscal Note:** 50-118. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 64. SECURITIES

#### PART I. SECURITIES COMMISSION

#### Subpart A. DEFINITIONS

#### CHAPTER 102. DEFINITIONS

§ 102.041. [Banking institution; savings and loan institution] Bank holding companies; banks in organization.

(a) [For the purpose of section 102(d) of the act (70 P. S. § 1-102(d)), the term "banking institution" means an institution organized under the applicable State or Federal law:

(1) The business of which is substantially confined to the business of banking.

(2) Supervised and examined as a bank by the appropriate State or Federal authorities having supervision over the institution. For the purpose of this subsection, the "banking business" is deemed to be borrowing and lending and the receipt of deposits. The term "banking institution" does not include a bank holding company or a bank in organization.] The definition of "bank" in section 102(d) of the act (70 P. S. § 1-102(d)) does not include a holding company for a bank.

(b) [For the purpose of section 102(d) of the act (70 P. S. § 1-102(d)), the term "savings and loan institution" means an institution organized under the applicable State or Federal law:

(1) The business of which is substantially confined to the savings association business.

(2) Examined and supervised as a savings association by the appropriate State or Federal authorities having supervision over an institution. For the purpose of this subsection, the term "savings association business" is deemed to be the receipt of deposits from and the making of loans to members of the association. The term "savings and loan institution" does not include a savings and loan holding company or a savings and loan in organization.] The definition of "bank" in section 102(d) of the act does not include a bank-in-organization. Whether an entity is a "bank" or a "bank-in-organization" should be determined in accordance with the interpretation of the primary regulatory authority responsible for administration of the banking laws under which the entity is being formed or with which it shall otherwise comply.

§ 102.112. SEPs, IRAs and KEOGHs as institutional investors.

Institutional investor, as defined in section 102(k) of the act (70 P. S. § 1-102(k)), includes a Qualified Pension and Profit Sharing and Stock Bonus Plan under section 401 of the Internal Revenue Code of 1986 (KEOGH), an Individual Retirement Account under section 408 of the Internal Revenue Code of

1986 (IRA) and a Simplified Employee Pension under section 408(k) of the Internal Revenue Code of 1986 (SEP) if the KEOGH, IRA or SEP has one of the following:

- (1) Plan assets of \$5 million or more.
- (2) Retained, on an ongoing basis, the services of a person knowledgeable and experienced in financial and business matters to render professional investment management advice and has investments of \$500,000 or more in securities.

§ 102.202. Real property [ units ].

(a) For purposes of section 102(t) of the act (70 P. S. § 1-102(t)), the term "security" is deemed to include the offer and sale of real property [ units ("unit" or "units") where ] when one of the following exists:

(1) [ The purchaser of a unit is offered a rental pool arrangement in connection with the offer of the unit.

(2) ] The purchaser of [ a unit ] the property is required by the terms of the purchase or by reason of acquiring title [ to a unit ] either:

(i) To use the seller to perform services in connection with a sale, lease or license of the [ purchased unit ] property purchased.

(ii) To hold [ his unit ] the property available to persons other than the purchaser for the other person's lease, license or other use for a specified period of time or for a period of time when the [ unit ] property is not in use by the owner.

(2) The purchaser is required by the terms of the purchase or by reason of acquiring title to participate in a rental pool arrangement.

[ (3) One or more units (other than the purchased unit) or all or part of the common elements are to be used for activities which are intended to generate income for the purchasers as a group, either directly or indirectly by reason of a reduction in the common expenses payable by the unit owners and the seller represents, or otherwise gives the purchaser reason to believe or expect, that the income during a 1-year period will equal or exceed 20% of the actual or anticipated common expenses for the period.

(4) The purchaser of a unit is offered, as part of the offer or in connection therewith, a property interest which would itself be deemed to be a security under section 102(t) of the act or this section.

(b) For purposes of this section, the term "seller" means every beneficial owner of two or more units who offers the units for sale or longterm lease, and affiliates of those persons.

(c) For purposes of this section, the terms "unit," "common elements" and "common expenses" are defined as in the Unit Property Act (68 P. S. §§ 700.101—700.805). Additionally, where one or more parcels of real property have been developed so as to make portions thereof capable of separate, exclusive ownership by different persons and the owners will also own one or more portions thereof in common and will share the expenses relating to the common portions, the portions capable of sepa-

rate, exclusive ownership shall be deemed "units", the common portions shall be deemed "common elements" and the expenses shall be deemed "common expenses" for purposes of this section, notwithstanding that the real estate cannot be or has not been submitted to the Unit Property Act (68 P. S. §§ 700.101—700.805).

(d) ] (b) For purposes of this section, the term "rental pool arrangement" constitutes either:

(1) A device whereby a person, whether or not the seller, undertakes to rent [ units ] the property on behalf of [ their owners ] the owner during periods of time when [ a unit ] the property is not in use by its owner, the rents received from all [ units ] properties participating in the pool and the expenses attributable to the rents being combined with each [ unit ] property owner receiving a ratable share of the rental proceeds regardless of whether his particular [ unit was ] property actually was rented.

(2) Other devices having like attributes. [ The term "rental pool arrangement" includes voluntary arrangements wherein the unit owner places his unit in a rental pool when and if he chooses to do so. ]

§ 102.241. Exchange.

[ The term "exchange" means an organization or association, whether incorporated or unincorporated, which constitutes, maintains or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange, specifically including the maintenance of an auction market for the purchase or sale of securities. ] For purposes of the act, the term "exchange" includes a National securities exchange registered with the United States Securities and Exchange Commission (SEC) under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. § 78f) (1934 Act) or a National quotation system operated by a National securities association registered with the SEC under section 15A of the 1934 Act (15 U.S.C. § 78o-3).

## Subpart B. REGISTRATION OF SECURITIES

### CHAPTER 202. EXEMPT SECURITIES

§ 202.010. [ Private activity bonds ] Securities issued by a governmental unit.

[ (a) ] The [ availability of the ] exemption contained in section 202(a) of the act (70 P. S. § 1-202(a)) is [ not limited to an issuer or guarantor of a private activity bond ] available for any security described in that section which is an exempt security under section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. § 77c(2)) except for any part of an obligation evidenced by a bond, note, debenture or other evidence of indebtedness issued by any governmental unit specified in section 3(a)(2) that is deemed to be a separate security under United States Securities and Exchange Commission Rule 131 (17 CFR 230.131 (relating to definition of security issued under governmental obligations)).

[ (b) A private activity bond, or industrial development bond, as defined in the Internal Revenue Code of 1986 (IRC), shall be deemed to have been

issued or guaranteed by a governmental instrumentality and therefore exempt under section 202(a) if the issuer has obtained one of the following:

(1) A ruling from the Internal Revenue Service or an opinion of counsel, experienced in matters relating to taxation, that the interest paid on the security is excludable from gross income under section 103(a)(1) of the IRC (26 U.S.C.A. § 103(a)(1)), except during a period when it is held by a substantial user of the facilities to be financed by the proceeds of the securities or by a related person of the substantial user, as those terms are defined in section 147(a) of the IRC (26 U.S.C.A. § 147(a)) and regulations adopted thereunder.

(2) A "No action Letter" from the United States Securities and Exchange Commission indicating that the sale of the securities is exempt from the registration provisions of section 5 of the Securities Act of 1933 (15 U.S.C.A. § 77e (1992)) by reason of section 3(a)(2) thereof (15 U.S.C.A. § 77(c)(2) (1992)), concerning industrial development bonds or an opinion of counsel, experienced in matters relating to securities, to the effect that the exemption is available. ]

#### § 202.030. Commercial paper.

(a) The exemption contained in section 202(c) of the act (70 P. S. § 1-202(c)) [ shall be applicable only with respect to prime quality, unsecured short-term promissory notes or a renewal thereof, or a guarantee of the notes or of a renewal which are the following ] is available for any security which is a Federally covered security by reason of being an exempt security under section 3(a)(3) of the Securities Act of 1933 (15 U.S.C. § 77c(3)) as interpreted by Release 33-4412 (26 Fed. Reg. 9158 (1961)) issued by the United States Securities and Exchange Commission which provides that:

(1) [ Payable on a stated maturity date ] The commercial paper shall be prime quality of a type not ordinarily purchased by the general public.

(2) [ Issued in units of not less than \$5,000 provided that there may be no sales of fractional interests in units ] The commercial paper is of a type eligible for discounting by banks which are members of the Federal Reserve System.

(3) [ Issued with a maturity not exceeding nine months exclusive of days of grace from the date of issuance ] The commercial paper is not payable on demand and does not contain a provision for an automatic "rollover."

(4) [ Issued ] The commercial paper is issued to facilitate current operational business [ transactions ] requirements.

(5) [ Marketed without the use of any public media advertisement or any mass mailing. ] The proceeds of the commercial paper are not used to:

(i) Discharge existing indebtedness unless the indebtedness is itself exempt under section 3(a)(3) of the Securities Act of 1933.

(ii) Purchase or construct a plant facility.

(iii) Purchase durable machinery or equipment.

(iv) Fund commercial real estate development or financing.

(v) Purchase real estate mortgages or other securities.

(vi) Finance mobile homes or home improvements.

(vii) Purchase or establish a business enterprise.

(b) [ "Prime quality" for ] For purposes of this section, "prime quality" means [ one of the following:

(1) That the issuer of such notes must be rated within the three highest ratings as determined by Standard & Poor's (A-1, A-2 or A-3) or Moody's Investors Service (P-1, P-2 or P-3) or the two highest ratings as determined by Fitch Investors Service (F-1 or F-2) or have an equivalent rating by a national rating service which the Commission may by order specify.

(2) That upon application to the Commission the issuer of the notes has been determined by the Commission to have credit characteristics equivalent to comparable issuers so rated, the determination by the Commission to be made upon a review of the net worth of the issuer, liquidity position, recent financial performance, aggregate indebtedness and access to additional channels of borrowing ] that the commercial paper has been rated in one of the top three rating categories by a Nationally recognized statistical rating organization.

(c) [ The proceeds of short-term promissory notes shall be deemed used to finance current operational business expenses of the issuer if they are used for short-term business activities of the issuer. They may not be used for permanent or fixed investments such as land, buildings or machinery nor used for speculative transactions or transactions in securities or for loans or capital to subsidiaries or affiliates for those purposes. ] When commercial paper is being issued by a holding company for a bank, as that term is defined in section 102(d) of the act (70 P. S. § 1-102(d)), the commercial paper shall bear a prominent legend in bold face type of at least 12 points in size indicating that the commercial paper:

(1) Has not been issued by the bank for which the issuer is the holding company.

(2) Is not a deposit of the bank covered by Federal deposit insurance.

(d) No public media advertisement or mass mailing may be made in connection with soliciting offers or sales of [ the notes ] commercial paper; provided, that nothing in this section [ shall limit ] limits mailings to institutional investors or broker-dealers, as those terms are defined in the act and this subpart.

§ 202.032. [ Commercial paper issued by bank holding companies ] (Reserved).

[ (a) Where a bank holding company or any subsidiary of a bank holding company which is not itself a banking institution, proposes to offer or sell securities in this Commonwealth in reliance upon section 202(c) of the act (70 P. S. § 1-202(c)), any note, certificate or other evidence of indebtedness to be issued shall bear a conspicuous legend in

roman type at least as large and as legible as ten-point modern type in writing, stating:

- (1) That the securities are commercial paper.
- (2) That the securities have not been issued or guaranteed by any banking institution.
- (3) that the securities are not guaranteed or insured by any agency or instrumentality of any state or the Federal government; provided that such legend shall be omitted either where the subject securities are guaranteed as to payment of principal and interest by an irrevocable letter of credit issued by a banking institution or where the subject securities are sold in units of not less than \$100,000.

(b) For the purposes of this regulation, the term "bank holding company" shall mean a corporation registered under 12 U.S.C.A. § 1841 et seq. (1969) (relating to Bank Holding Companies).

(c) For the purposes of this regulation, the term "banking institution" shall have the meaning as set forth in this Title. ]

§ 202.051. Equity securities of nonprofit organizations.

(a) For the purpose of section [ 203(e) (70 P. S. § 1-203(e)) ] 202(e) of the act (70 P. S. § 1-202(e)), the exemption [ shall ] is not [ be ] applicable to a proposed offering of nondebt securities by an issuer [ where ] when:

\* \* \* \* \*

§ 202.092. Guaranties of certain debt securities exempt.

(a) The exemption established by this section applies to a guaranty of a bond, as those terms are defined in subsection (d)(1) and (2), that is offered or sold in this Commonwealth.

(b) Under the authority contained in section 202(i) of the act (70 P. S. § 1-202(i)), the Commission finds that it is not in the public interest nor necessary for the protection of investors to require the registration under section 201 of the act (70 P. S. § 1-201) of the guaranty [ of payment of interest, principal or premium on bonds—guaranty—when ] of a bond if all of the following conditions are met:

(1) [ The bonds are exempt from the registration requirements of section 201 of the act (70 P. S. § 1-201) by virtue of section 202(a) of the act (70 P. S. § 1-202(a)).

(2) The issuer of the guaranty—the guarantor—or an affiliate of the guarantor is obligated to make payments to the issuer of the bonds under a lease, sublease, loan agreement, installment sale agreement or similar arrangement sufficient to carry the debt service requirements on the bonds.

(3) Under the trust indenture, mortgage, deed of trust or similar agreement, the guaranty is entered into between the guarantor and the trustee for the bonds, and the guarantor unconditionally guarantees payment of interest, principal and premium, on the bonds in the event of default by the issuer of the bonds or on the obligation set forth in paragraph (2).

(4) ] The official statement or other disclosure document being utilized in connection with the offer and sale of the bonds contains either of the following:

\* \* \* \* \*

[ (5) The guaranty may not be bought, sold or traded as a security or otherwise realized upon by a securityholder separately from the securityholder's interest in the bonds.

(6) ] (2) The proceeds from the sale of the bonds [ shall ] are to be utilized for the benefit of a facility which is owned or operated—user—by either of the following:

\* \* \* \* \*

[ (7) ] (3) Under the guaranty [ agreement ], the guarantor is required to do the following:

\* \* \* \* \*

(ii) Be responsible for expenses incurred by the Trustee for the Bondholders in complying with paragraph [ (8) ] (4)(ii) and (iii) unless there are specific provisions to the contrary in the relevant financing documents.

(iii) Notify the Trustee for the Bondholders within 24 hours after it becomes insolvent as that term is defined in subsection [ (c)(1) ] (d)(4).

[ (8) ] (4) Under the trust indenture, mortgage, deed of trust or other similar agreement, the trustee for the bondholders, as that term is defined in subsection [ (c)(2) ] (d)(5), is required to do the following:

\* \* \* \* \*

(iii) Notify the bondholders of the occurrence of any of the following events no later than 30 days after an occurrence and inform the bondholders that a copy of the bondholders list described in subparagraph (i) will be provided within 30 days of receipt of a written request for the list:

(A) The date the guarantor failed to comply with subsection [ (a)(7)(i) ] (b)(3)(i).

\* \* \* \* \*

(C) The date on which the trustee is informed that the guarantor is insolvent as that term is defined in subsection [ (c)(1) ] (d)(4). There is no independent duty on the part of the trustee to determine the insolvency of the guarantor.

[ (b) ] (c) \* \* \*

[ (c) ] (d) The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

(1) Bond—This includes only the following:

(i) A bond, note, debenture or other evidence of indebtedness that is an exempt security under section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. § 77c(2)) when the issuer of the security is located in this Commonwealth.

(ii) A bond, note, debenture or other evidence of indebtedness that is an exempt security under section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. § 77c(2)) but when the guaranty issued in connection with the bond, note, debenture or other evidence of indebtedness is deemed to be a separate security pursuant to United States Securities and Exchange Commission Rule 131 (17 CFR § 230.131 (relating to definition of security issued under governmental obligations)).



(2) **Guaranty**—A duly executed written agreement wherein a person, not the issuer, in connection with offer and sale of bonds in this Commonwealth, guarantees the prompt payment of the principal of, and interest on, the bonds whether at the stated maturity, at redemption prior to maturity or otherwise, and premium, if any, when and as the principal and interest shall become due and the guaranty cannot not be bought, sold or traded as a security or otherwise realized upon by a bondholder separately from the bondholder's interest in the bonds.

(3) **Guarantor**—A person who executes a guaranty.

(4) **Insolvent**—The inability of a guarantor to pay debts as they fall due in the usual course of business, or having liabilities in excess of the fair market value of assets. For purposes of this paragraph, a guarantor may not be considered insolvent if the auditor's report to the guarantor's audited balance sheet and statement of income did not contain a going concern disclosure as that term is defined in § 609.032(b).

[ (2) ] (5) \* \* \*

**CHAPTER 203. EXEMPT TRANSACTIONS**

**§ 203.091. Equity securities issued by reporting company.**

[ (a) A person proposing to sell securities under section 203(i.1) of the act (70 P. S. § 1-203(i.1)) shall complete and file with the Commission Form 203-I, which follows this section.

(b) Form 203-I may be accompanied by two copies of a preliminary prospectus or offering circular in order to comply with section 203(h) of the act (70 P. S. § 1-203(h)).

(c) ] For purposes of this section and the availability of the exemption contained in section 203(i.1) of the act (70 P. S. § 1-203(i.1)), the term "equity security" includes:

- (1) Common stock, preferred stock and nondebt securities convertible into common or preferred stock.
- (2) Nontransferable warrants to purchase any of the foregoing.
- (3) Transferable warrants exercisable within not more than 90 days of issuance to purchase any of the foregoing.

*(Editor's Note: As part of this proposal, the Commission is proposing to delete the text of Form 203-I, which appears at 64 Pa. Code pages 203-12—203-16, serial pages (262388)—(262392).)*

**§ 203.161. Debt securities of nonprofit organizations.**

(a) A person proposing to offer debt securities under section 203(p) of the act (70 P. S. § 1-203(p)) shall complete and file with the Commission two copies of the following notice, designated by the Commission as Form 203-P not later than 5 business days before the issuer receives from any person an executed subscription agreement or other contract to purchase the securities being offered or the issuer receives consideration from any person therefor, whichever is earlier.

\* \* \* \* \*

(b) Except in cases [ where ] when the delivery of [ a complete offering circular, before or concurrently with any offer of securities, ] an offering document

is not required by order of the Commission [ as a condition of qualification under section 203(p) of the act (70 P. S. § 1-203(p)) ], every offering of debt securities pursuant to [ this ] section 203(p) of the act shall be made by an offering [ circular ] document containing [ complete ] all material information about the securities being offered and the issuer [ , including the following: ]. In preparing an offering document to meet the requirements of this section, the Commission suggests that issuers include information that is elicited by Part VII of the Statement of Policy Regarding Church Bonds adopted April 14, 2002, by the North American Securities Administrators Association, Inc. and any successor policy thereto ("NASAA Guidelines") and in the format suggested therein. A copy of the offering document and any offering literature to be used in connection with the offer or sale of securities under section 203(p) shall be filed with the Commission at the same time the notice required by subsection (a) shall be filed.

[ (1) The name, address and date of formation of the issuer.

(2) The date of the offering circular.

(3) The risk factors including by way of illustration and not limitation the following, if applicable, ability of issuer to pay interest and repay indebtedness; fluctuation in issuer's income; limited experience of chief executive officer or operating personnel; limited experience of underwriter or other persons or both assisting in the offering, or of both; amount of commissions, consulting fees and underwriting compensation; lack of marketability of the securities and lack of loan value of the securities.

(4) Activities engaged in by the issuer.

(5) Financial statements, prepared in accordance with section 609(c) (70 P. S. § 1-609(c)) and the regulations adopted thereunder.

(6) Membership figures for the three year period preceding the date of the offering.

(7) Use of proceeds and purpose of the offering; alternative plans if all securities are not sold; escrows of proceeds to be raised in the offering until a stated percentage of estimated project or operational costs are raised.

(8) Education and prior employment background of chief executive officer, or operating personnel, officer, directors, trustees or organizers and all remuneration paid or proposed to be paid; directly or indirectly, to each of such persons in connection with the issuer's activities or in connection with the offering and any relationship or affiliation between any such person and any vendor, contractor, developer, or any other person who proposes to engage in any material transaction with the issuer or who has at any time within the past five years engaged in any material transaction with the issuer.

(9) Detailed information about the security including information with respect to: interest, subordination, call or redemption privileges, lien priorities, amortization, maturity, sinking fund, retirement, and default including the type of event which constitutes a default and whether or not periodic evidence is required to be furnished as to

the absence of any default in compliance with the terms of the indenture or other trust instrument.

(10) Name and address of trustee, if any, and the nature of any material relationship with the issuer or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action in the event of a default and what indemnification the trustee may require before proceeding to enforce any lien referred to in paragraph (9) of this subsection; if there is no trustee, the issuer should undertake to notify all investors in the event of a default in the issuer's obligations. The issuer must undertake to notify all security holders of the existence of such default and of the steps to be taken to assert their rights under the terms of the securities.

(11) Name and address of any underwriter, the amount being underwritten, any relationship between the underwriter and the issuer or any affiliate of the issuer; all commissions or other consideration to be paid, directly or indirectly, to any underwriter in connection with the offering.

(12) Name and address of any person assisting the issuer by way of preparation of offering literature, instructing representatives on selling techniques, pricing the offering, acting as a finder or otherwise consulting with the issuer with respect to the offering; the amount of any compensation to be paid, directly or indirectly, to such person; whether any such person, or any affiliate, will enter into any consulting, construction or other agreement with the issuer, or any affiliate of the issuer, in furtherance of the issuer's activities; and whether such person is licensed as a broker-dealer, agent or investment adviser (or equivalent) in any jurisdiction.

(13) A breakdown of total expenses of the offering including, without limitation, legal and accounting fees, printing costs, fees referred to in paragraphs (11) and (12) of this subsection, finders' fees and other anticipated expenses.

(14) Any terms on which purchases may be made, such as periodic payments and any arrangements to be made by the issuer or any person described in paragraphs (11) and (12) of this subsection to secure financing for purchasers of the securities.

(15) A notice describing the provisions of section 207(m)(2) (70 P. S. § 1-207(m)(2)) and informing an offeree or purchaser of the method of exercising the rights created by that section and the regulations promulgated thereunder.

(16) A description of any legal proceedings pending against the issuer.

(17) An indication that an annual report containing a balance sheet and income statement of the issuer for the preceding fiscal year, prepared by an independent public accountant or certified public accountant and including an opinion of the accountant as to the financial condition, will be distributed to investors not more than 120 days after the end of the issuer's fiscal year; and

(18) Other information as the issuer may deem material, such as the status of the securities for personal property taxation in the Commonwealth. ]

(c) [ The issuance of debt securities in an amount exceeding \$100,000 under section 203(p) (70 P. S.

§ 1-203(p)) must be pursuant to an indenture or other trust instrument complying with the provisions of the Trust Indenture Act of 1939, 15 U.S.C. § 77aaa et seq. (1971). ] The offering document required by subsection (b) shall meet the following conditions:

(1) Contain a notice of a right to withdraw that complies with § 207.130 (relating to notice to purchasers under section 207(m) of the act (70 P. S. § 1-207(m))).

(2) Contain financial statements of the issuer that comply with § 609.034(b) (relating to financial statements).

(3) Demonstrate compliance with the trust indenture standards and trustee qualification standards and associated disclosure requirements as set forth in Parts V and VI of the NASAA Guidelines if the total amount of securities to be offered exceeds \$250,000.

[ (d) Include with the offering circular described in subsection (b) of this section an opinion of counsel with respect to the lien priority granted to purchasers of the securities, the validity and effect of the securities when issued and paid for and the availability of the section 203(p) (70 P. S. § 1-203(p)) exemption with respect to the particular offering. Also, include ]

(4) Include whatever data may be necessary to establish that investors will receive a first lien on real estate of the issuer, that the issuer has not defaulted on prior obligations and that the total amount of securities offered does not exceed 75% of the current fair market value of the real property covered by the securities [ , less the unpaid amount of any unpaid special assessment taxes ].

[ (e) Describe supplementally, if applicable, any provisions made for escrowing the proceeds of the offering until the first lien described in subsection (d) of this section is established. ]

§ 203.189. Isolated transaction exemption.

\* \* \* \* \*

(b) *Waivers.*

\* \* \* \* \*

(2) Subsection (a)(3) does not apply if the following criteria are met:

\* \* \* \* \*

(ii) The offers made in this Commonwealth in reliance on this section are made only to accredited investors as that term is defined in [ § 204.010 ] Rule 501(a) of Regulation D promulgated by the United States Securities and Exchange Commission (17 CFR 230.501(a)) (relating to definitions and terms used in Regulation D).

(iii) The sales made in this Commonwealth in reliance on this section are made only to accredited investors as that term is defined in [ § 204.010 ] Rule 501(a) of Regulation D promulgated by the United States Securities and Exchange Commission (17 CFR 230.501(a)).

\* \* \* \* \*

CHAPTER 204. EXEMPTION PROCEEDINGS

§ 204.010. Increasing number of purchasers and offerees.

\* \* \* \* \*

(d) *Definitions.* For purposes of this section, the following terms have the following meanings:

\* \* \* \* \*

[ (4) *Accredited investor.* A person who meets the definition of accredited investor in SEC Rule 501(a) (17 CFR 230.501(a)). ]

\* \* \* \* \*

CHAPTER 207. GENERAL REGISTRATION PROVISIONS

§ 207.120. [ Continuous offering ] (Reserved).

[ The offer of securities, under a registration statement filed with the Commission under section 205 of the act (70 P. S. § 1-205) or section 206 of the act (70 P. S. § 1-206), by an open-end investment company, face amount certificate company or unit investment trust, as such terms are defined in the Investment Company Act of 1940 (15 U.S.C. §§ 80a-1—80a-52), shall constitute a “continuous offering” for the purpose of section 207(1) of the act (70 P. S. § 1-207(1)) and this chapter. ]

Subpart C. REGISTRATION OF BROKER-DEALERS, AGENTS, INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES AND NOTICE FILINGS BY FEDERALLY-COVERED ADVISERS

CHAPTER 305. DENIAL, SUSPENSION, REVOCATION AND CONDITIONING OF REGISTRATION

§ 305.011. Supervision of agents, investment adviser representatives and [ employes ] employees.

\* \* \* \* \*

(c) As evidence of compliance with the supervisory obligations imposed by this section, every broker-dealer and investment adviser shall implement written procedures, a copy of which shall be kept in each location at which the broker-dealer or investment adviser conducts business, and shall establish, maintain and enforce those written procedures designed to achieve compliance with the act and this title and to detect and prevent violations described in subsection (a). These written procedures, at a minimum, shall address:

\* \* \* \* \*

(10) The periodic inspection of each location in this Commonwealth from which business is conducted to ensure that the written procedures and systems are enforced. In establishing an inspection cycle, the broker-dealer and investment adviser shall give consideration to the nature and complexity of the securities activities for which the location is responsible, the volume of business done and the number of agents or investment adviser representatives assigned to the location. **The obligation of diligent supervision required by this section may require that one or more locations of a broker-dealer or investment adviser in this Commonwealth receive more inspections or be on a periodic inspection cycle different than other locations of the broker-dealer or investment adviser in this Commonwealth and that inspections be unannounced.**

(i) [ The obligation of diligent supervision required by this section may require that one or more locations in this Commonwealth receive more than one inspection per year and that one or more of these inspections be unannounced. ] An office of supervisory jurisdiction of a broker-dealer shall be inspected at least annually. Branch offices and nonbranch locations of a broker-dealer shall be inspected in accordance with an inspection cycle established in the broker-dealer’s written supervisory procedures.

(ii) It is the responsibility of the broker-dealer or investment adviser to [ determine the required number of ] ensure through inspections of each location [ is to receive each year to ensure ] in this Commonwealth that the written procedures and systems are enforced and the supervisory obligations imposed by this section are being honored.

\* \* \* \* \*

(iv) For purposes of this section, the terms “office of supervisory jurisdiction” and “branch office” shall have the same meaning as those terms are defined in NASD Conduct Rule 3010(g) or any successor thereto. The term “nonbranch location” means any location at which a broker-dealer is conducting a securities business that does not come within the definition of “office of supervisory jurisdiction” or “branch office.”

\* \* \* \* \*

Subpart F. ADMINISTRATION

CHAPTER 606. MISCELLANEOUS POWERS OF COMMISSION

§ 606.011. Financial reports to security holders.

(a) In the case of securities issued under section 203(d) or (p) of the act (70 P. S. § 1-203(d) or (p)), or registered under sections 205 or 206 of the act (70 P. S. §§ 1-205 and 1-206), the issuer shall, so long as the securities are held of record by a Commonwealth resident, deliver its financial statements to each holder at least annually and within 120 days after the close of the fiscal year of the issuer.

\* \* \* \* \*

§ 606.041. Delegation and substitution.

\* \* \* \* \*

(e) The Commission authorizes the [ Chief Counsel or Deputy Chief Counsel to exercise delegations given in this section in the absence of the Director of the Division of Corporation Finance or the Director of the Division of Licensing. ] following:

(1) The Chief Counsel, Deputy Chief Counsel or the Assistant Director of the Division of Corporation Finance may exercise the delegations given in this section in the absence of the Director of the Division of Corporation Finance.

(2) The Chief Counsel and Deputy Chief Counsel may exercise the delegations given in this section in the absence of the Director of the Division of Licensing.

[Pa.B. Doc. No. 03-267. Filed for public inspection February 14, 2003, 9:00 a.m.]

# STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CHS. 243 AND 249]

## Optional Alternate Retirement Plans

The State Employees' Retirement Board (Board) proposes to amend Chapters 243 and 249 (relating to membership, credited service, classes of service and eligibility for benefits; and administration, funds, accounts, general provisions) to read as set forth in Annex A. The rulemaking is being proposed to delete the transitional provisions for electing to participate in an optional alternate retirement program or plan contained in §§ 243.3 and 249.58 (relating to optional alternate retirement program). The transitional provisions are no longer needed and, read broadly, may conflict with current 71 Pa.C.S. (relating to State Employees' Retirement Code) (Retirement Code) provisions, because the Retirement Code does not allow current members to opt out of the system.

### A. *Effective Date*

The proposed rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

### B. *Contact Person*

For further information, contact Sean Sanderson, Director of Communications, State Employees' Retirement System, 30 North Third Street, P. O. Box 1147, Harrisburg, PA 17108, (717) 787-9657; or M. Catherine Nolan, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, P. O. Box 1147, Harrisburg, PA 17108, (717) 783-7317.

### C. *Statutory Authority*

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

### D. *Background and Purpose*

When the Retirement Code was amended in 1974, the Retirement Code, for the first time, permitted certain school employees to choose an alternate retirement plan. The Retirement Code applies to new employees. The Board promulgated §§ 243.3 and 249.58 to implement this Retirement Code provision. Sections 243.3 and 249.58, among other things, contained transitional provisions, granting to existing employees an opportunity to elect an alternate retirement plan. Section 249.58 provides that vested members make an election on or before November 1, 1975. Active members who had not vested as of November 1, 1975, had 60 days from becoming eligible to vest to so elect. The transitional provisions of §§ 243.3 and 249.58 were added because the existing employees never had the opportunity to select an alternate plan. At the time of enactment of §§ 243.3 and 249.58, the only alternate plan allowed was Teachers Insurance and Annuity Association-College Retirement Equities Fund.

The act of June 22, 2001 (P. L. 530, No. 35) allowed the State System of Higher Education (SSHE) to add insurance companies or mutual funds as additional alternate plans for its employees. Sections 243.3 and 249.58, as written, could be interpreted to allow existing employees, who already had a choice under the Retirement Code to elect an alternate retirement plan, to make an additional election and to opt out of the State Employees Retirement

System (SERS) each time a new alternate plan is approved by SSHE. The Board, however, has always interpreted §§ 243.3 and 249.58 as providing a one-time opportunity for these employees, not a continual choice each time a new alternate plan is approved by the employer. Deleting the language clarifies the intent of the Board and eliminates a potential conflict between §§ 243.3 and 249.58 and the Retirement Code, because the Retirement Code does not allow current members to opt out of the system.

The Public School Employees' Retirement System (PSERS) is proposing a similar revision of its regulations that parallels § 249.58. This amendment will harmonize the regulations of SERS and PSERS with regard to election of alternate retirement plans. SSHE supports the proposed amendment of these provisions.

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

#### *Benefits*

The proposed rulemaking removes expired transitional provisions, clarifies the Board's intent regarding the election of alternate retirement plans and eliminates a potential conflict between the Retirement Code and §§ 243.3 and 249.58.

#### *Costs*

The proposed rulemaking would formalize the Board's long-standing interpretation that the transitional provisions of §§ 243.3 and 249.58 have expired. The proposed rulemaking, therefore, maintains the status quo and has no associated cost.

#### *Compliance Costs*

The proposed rulemaking will not impose any additional compliance costs on State employees or employers.

### F. *Sunset Review*

Not applicable.

### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 3, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by SERS. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

### H. *Public Comments*

*Written Comments.* Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the State Employees' Retirement System, 30 North Third Street, P. O. Box 1147, Harrisburg, PA 17108. Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by March 17, 2003 (within 30 days of publication in the *Pennsylvania Bulletin*).

Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must be received by March 7, 2003 (within 20 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final rulemaking will be considered.

JOHN BROSIUS,  
Secretary

**Fiscal Note:** 31-2. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART X. STATE [EMPLOYES'] EMPLOYEES' RETIREMENT BOARD

#### CHAPTER 243. MEMBERSHIP, CREDITED SERVICE, CLASSES OF SERVICE AND ELIGIBILITY FOR BENEFITS

##### § 243.3. Optional alternate retirement program.

School [employees] employees, limited to certain designated [employees] employees and officers of The Pennsylvania State University, Indiana University of Pennsylvania, the State System of Higher Education and the Department of Education, shall be permitted to join an optional alternate retirement program in lieu of membership in the system. The program shall be an independent retirement program approved by the employing agency head, provided that the employer is not contributing at a rate greater than that provided in section 5508(b) of the code (relating to actuarial cost method). [Eligible employees, who are members of this System on the effective date of the code, shall have the right to elect to join an alternate retirement program and irrevocably relinquish membership in this System, under conditions to be contained in an agreement to be later approved by the respective employing agencies and the Board and to be published as an appendix to this part.]

#### CHAPTER 249. ADMINISTRATION, FUNDS, ACCOUNTS, GENERAL PROVISIONS

##### Subchapter E. GENERAL PROVISIONS

##### § 249.58. Optional Alternate Retirement Program.

Pursuant to section 5301 of the code (relating to mandatory and optional membership), certain school [employees] employees may elect not to join the System [or to depart from it] in favor of an optional alternate retirement program approved by the employer. [Such section also requires that such a program be approved by the Secretary of Education or the governing body of certain State institutions, including Pennsylvania State University, as the case may be.] As a consequence, the following [rules and regulations] paragraphs are adopted by the Board to establish guidelines and procedures, insofar as the Board is authorized to so do, with respect to implementing such a program for certain school [employees] employees:

(1) [Section 5301(a)(12) of the code authorizes the governing body of the institution, or the Secretary of Education, where he has jurisdiction, to designate who shall be eligible to participate in the

optional retirement program. They shall be responsible for the establishment of and the provisions of the program.

(2) **Employees, including those employed on the effective date of the establishment of an optional alternate retirement program, who are eligible for membership therein, and who are active members of this System, shall have the option of continuing their active membership or of joining the optional alternate retirement program provided they shall make such election on or before November 1, 1975.** ] Every [employee] employee, who [subsequently becomes] is eligible for membership in the optional alternate retirement program, shall make such election within 30 days of the first date of active employment. All [employees] employees not exercising the option to join the optional alternate retirement program as aforesaid shall be deemed to have chosen to commence [or continue] active membership in the System, unless he shall have elected membership in the Public School [Employees'] Employees' Retirement System, as provided by law.

(3) **Where an eligible employee, who is an active member of this System, elects to participate in the optional alternate retirement program in accordance with the provisions of paragraph (2), he may elect to withdraw his accumulated deductions and accumulated social security integration deductions from the fund as of the date of such election; or, if such employee is eligible for vesting, he may elect to leave his accumulated deductions and accumulated social security integration deductions credited to his account in the fund and receive a retirement allowance upon separation from Commonwealth employment; or, at his option, upon attainment of superannuation retirement age, if later. Such retirement allowance shall be based upon his credited service and final average salary while a contributing member to this System only.**

(4) **Notwithstanding any provisions in this section to the contrary, an eligible employee employed on the effective date of the establishment of the optional alternate retirement program, who is eligible for membership therein, who is an active member of this System, and who is not vested, shall have the option of joining the optional alternate retirement program within 60 days of the date upon which he becomes eligible for vesting in accordance with the applicable provisions of the code, in which case he may vest in this System and join the optional alternate retirement program under the same conditions as provided in paragraph (3).** ]

(5) **Where ] (2) When an eligible [employee elects] employee elected to participate in the optional alternate retirement program in accordance with the provisions of paragraph (2) as it existed on \_\_\_\_\_ (Editor's Note: The blank refers to a date 1 day before the effective date of adoption of this proposal.) or paragraph (4) as it existed on \_\_\_\_\_ (Editor's Note: The blank refers to a date 1 day before the effective date of adoption of this proposal.) or elects to participate in the optional alternate retirement program in accordance with paragraph (2), the election shall be final and binding so long as [he shall remain] the employee remains eligible**

to remain in the optional alternate retirement program. If **[such an employe ] the employee** later becomes employed by the Commonwealth in a capacity which does not qualify him for membership in the optional alternate retirement program, **[he ] the employee** shall, upon meeting the qualifications for membership in this System, **[resume making ] make** contributions to the fund or reinstate **[his ]** former credited service, for which contributions had been withdrawn, as the case may be, in accordance with the applicable provisions of the code. **[In no case shall service, ] Service** salary, or other compensation paid to an **[employe ] employee** while a member of the optional alternate retirement program

**will not** be credited toward membership in **or retirement benefit from** this System.

**[ (6) In the case of eligible employes who elect to join the optional alternate retirement program, the employer's contribution to the optional alternate retirement program on behalf of such employes shall be at the same rate as the employe normal contribution rate to the fund as determined in accordance with the provisions of section 5508(b) of the code (relating to actuarial cost method).**

**(7) ] (3) \* \* \***

[Pa.B. Doc. No. 03-268. Filed for public inspection February 14, 2003, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

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

#### BANKING INSTITUTIONS

##### Holding Company Acquisition

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-3-03	Univest Corporation of Pennsylvania, Souderton, to acquire 100% of the voting shares of First County Bank, Doylestown	Souderton	Filed
2-4-03	Laurel Capital Group, Inc., Allison Park, to acquire 100% of the voting shares of SFSB Holding Company, Pittsburgh	Allison Park	Approved

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-4-03	Laurel Savings Bank, Allison Park, and Stanton Federal Savings Bank, Pittsburgh Surviving Institution— Laurel Savings Bank, Allison Park	Allison Park	Approved

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-27-03	Parkvale Savings Bank Monroeville Allegheny County	6298 Steubenville Pike Robinson Township Allegheny County	Opened
1-3-03	Firsttrust Savings Bank Conshohocken Montgomery County	The Pavilion No. 207 261 Old York Road Jenkintown Montgomery County	Filed
1-3-03	Wayne Bank Honesdale Wayne County	Meadow Lake Plaza Milford Road (State Route 209) Middle Smithfield Twp. Monroe County	Filed
2-4-03	Northwest Savings Bank Warren Warren County	3407 Liberty Street Erie Erie County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-4-03	Northwest Savings Bank Warren Warren County	<i>To:</i> 999 S. Main Street Meadville Crawford County  <i>From:</i> 932 Diamond Park Meadville Crawford County	Approved

**Branch Discontinuance**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-31-03	AmeriServ Financial Bank Johnstown Cambria County	Oakley Park II Route 30 East Greensburg Westmoreland County	Effective

**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
1-31-03	Butler Wick Trust Company Sharon Mercer County	Articles of Dissolution filed with the Department of State. Corporate existence terminated.

**SAVINGS INSTITUTIONS**

No activity.

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

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-31-03	Atlantic Credit Union, Newtown Square, PA, and UFCW Local 56 Federal Credit Union, Pennsauken, NJ Surviving Institution— Atlantic Credit Union, Newtown Square, PA	Newtown Square	Effective

A. WILLIAM SCHENCK, III,  
*Acting Secretary*

[Pa.B. Doc. No. 03-269. Filed for public inspection February 14, 2003, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, February 26, 2003, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Acting Secretary*

[Pa.B. Doc. No. 03-270. Filed for public inspection February 14, 2003, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Swarthmore College for Approval of Amendment of Its Articles of Incorporation

#### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Swarthmore College for a Certificate of Authority approving the amendment to the institution's articles of incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the previously listed



office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Gisselquist, (717) 787-4448 to discuss how the Department may best accommodate their needs.

VICKI L. PHILLIPS, Ed.D.,  
Acting Secretary

[Pa.B. Doc. No. 03-271. Filed for public inspection February 14, 2003, 9:00 a.m.]

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

# 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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0070220 (Sewage Nonmunicipal)	NIS Hollow Estates 6390 Plaster Mill Road P. O. Box 780 Victor, NY 14564	Carbon East Penn Township	Unnamed tributary to Lehigh River 2B	

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0085537 (Industrial Waste)	Altoona City Authority— Bellwood 20 Greenwood Rd. Altoona, PA 16602	Blair Antis Township	Bells Gap Run 11A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032000 (Sewage)	Gifford Pinchot State Park 2200 Rosstown Road Lewisberry, PA 17339	York Warrington Township	Conewago Creek 7F	Y
PA0051900 (Sewage)	Robeson Township Municipal Authority 2689 Main Street Birdsboro, PA 19508	Berks Robeson Township	Schuylkill River 3C	Y
PA0087891 (Transfer— Stormwater)	Growmark FS, Inc. 308 NE Front St. Milford, DE 19963-9930	Adams Latimore Township	Drainage swale tribu- tary to Mud Run 7F	Y
PA0051781 (Industrial Waste)	Reading Area Water Authority 815 Washington St. Reading, PA 19601	Berks Ontelaunee Township	Maiden Creek 3B	Y
PA0014672	Exide Technologies Spring Valley Road and Nolan Street Reading, PA 19612	Berks Muhlenberg/ Laureldale Township	UNT Bernhart Creek 3C	Y
PA0020818	Glen Rock Sewer Authority P. O. Box 205 11714 N. Main St. Ext. Glen Rock, PA 17327-0205	York Shrewsbury Township	S. Branch Codorus Creek 7H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209244 (IW)	Brady Township—Troutville Borough Water Association, Inc. R. D. 1 Luthersburg, PA 15848	Brady Township Clearfield County	UNT LaBorde Branch 17-C	Y
PA0209252 (IW)	Brady Township—Troutville Borough Water Association, Inc. R. D. 1 Luthersburg, PA 15848	Brady Township Clearfield County	UNT East Branch Mahoning Creek 17-C	Y

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

**PA0210471**, Sewage, **Bessemer Municipal Authority**, 3 Smalls Ferry Road, New Castle, PA 16101. This proposed facility is located in North Beaver Township, **Lawrence 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, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River at Eastvale, approximately 17 miles below point of discharge.

The receiving stream, Mahoning River, is in watershed 20-B and classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.23 MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly (lb/ day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	
CBOD <sub>5</sub>	48	77	25	40	50
Total Suspended Solids	58	86	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	3.8		2		4
(11-1 to 4-30)	11.5		6		12

Parameter	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	
Fecal Coliform (5-1 to 9-30)					200/100 ml as a geometric average
(10-1 to 4-30)					4,000/100 ml as a geometric average
Total Residual Chlorine			0.5		1.6
Copper			XX		
pH					6.0 to 9.0 standard units at all times.

XX—Monitor and Report.

The EPA Waiver is in effect.

**PA0222267**, Sewage, **Howard L. Henning, Lovett's Manufactured Home Park**, 4440 Old State Road, McKean, PA 16426. This facility is located on Leacock Road in Washington Township, **Erie County**.

Description of Proposed Activity: The applicant requests renewal of an NPDES permit to discharge treated sanitary sewage from an existing manufactured home park to Darrows Creek.

The receiving stream, Darrows Creek, is in watershed 16-A and classified for: CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing downstream potable water supply considered during the evaluation is the Franklin General Authority intake on the French Creek at Franklin, approximately 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0075 MGD:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5		7
(11-1 to 4-30)	10.5		21
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH			6.0 to 9.0 standard units at all times
Ultraviolet Light Intensity			Monitor and report the average intensity from the UV intensity meter in microwatts/square centimeter for each bank of modules on the monthly DMRs.

The EPA Waiver is in effect.

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

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

**PA0042021**, Sewage, **Milford-Trumbauersville Area Sewer Authority**, P. O. Box 126, Spinnerstown, PA 18968. This application is for renewal of a NPDES permit to discharge treated sewage from the sewage treatment plant located at 1825 Rosenberger Road in Milford Township, **Bucks County**. This is an existing discharge to Unami Creek.

The receiving stream is classified for HQ-TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.8 MGD are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.3	3.5	4.6
(11-1 to 4-30)	6.9	10.4	13.8
Copper, Total	Monitor and Report	Monitor and Report	Monitor and Report
Phosphorus (as P)	1.25	1.9	2.5
Total Residual Chlorine	0.04		0.13

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is in effect.

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

**PAS802208**, Industrial, **Swallow Associates**, 2830 Gordon Street, Allentown, PA 18104. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Activity: Application for the renewal of NPDES permit to discharge stormwater associated with industrial activity.

The receiving stream, Cedar Creek, is in the State Water Plan watershed no. 2C and is classified for: HQ, CWF. The nearest downstream public water supply intake for the City of Allentown is located on the Little Lehigh River.

The proposed effluent limits for Outfalls 1—3 based on stormwater flows.

<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>
CBOD <sub>5</sub>				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
TKN				Report
Total Phosphorus				Report
Dissolved Iron				Report

**PAS322201**, Industrial, **Binney & Smith, Inc.**, 1100 Church Lane, P. O. Box 431, Easton, PA 18044-0431. This proposed facility is located in Forks Township, **Northampton County**.

Description of Proposed Activity: Renewal of an NPDES Permit to discharge stormwater runoff.

The receiving stream, unnamed tributary to Bushkill Creek, is in the State Water Plan watershed no. 1F and is classified for HQ-CWF. The nearest downstream public water supply intake for the Keystone Water Company is located on the Delaware River, approximately 54 miles below the point of discharge.

Four Stormwater Outfalls are subject to Stormwater Appendix J with optional monitoring requirement.

**PA0052426**, Nonmunicipal Sewage, **Allied Utility Services, Inc.**, P. O. Box 1488, Skippack, PA 19474. This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Activity: This proposed action is for renewal of a NPDES permit to discharge 0.075 MGD of treated sewage into an unnamed tributary of Coplay Creek.

The receiving stream, unnamed tributary of Coplay Creek, is in the State Water Plan watershed no. 2C and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the City of Allentown is located on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.075 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Suspended Solids	10		20
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
NO <sub>3</sub> /NO <sub>2</sub> -N	10		20
Dissolved Oxygen	A minimum of 3.0 mg/l at all times.		
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		2.8

**PA0061921**, Sewage, **Caesars Brookdale on the Lake**, P. O. Box 400, Scotrun, PA 18355. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Activity: This proposed action is for renewal of a NPDES Permit to discharge 0.084 mgd of treated sewage into Brookdale Lake.

The receiving stream, Brookdale Lake, is in the State Water Plan watershed no. 1E and is classified for HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Stroudsburg/East Stroudsburg is located on the Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.084 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Dissolved Oxygen	A minimum of 7.0 mg/l at all times.	
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 stand units at all times.	

**PA0027693**, Sewage, **Minersville Sewer Authority**, 2 East Sunbury Street, Minersville, PA 17954. This proposed facility is located in Branch Township, **Schuylkill County**.

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

The receiving stream, West Branch 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 located on the Schuylkill River, approximately 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Instantaneous (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	.96		2.2

In addition to the effluent limits, the permit contains the following major special conditions: CSO conditions, pretreatment conditions and stormwater conditions.

**PAS702202**, Stormwater, **Houghton International, Inc.**, 6681 Snowdrift Road, Allentown, PA 18106-9353. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Activity: Stormwater discharge.

The receiving stream, Iron Run, is in the State Water Plan watershed no. 2C and is classified for HQ-CWF. The nearest downstream public water supply intake for the Keystone Water Company is located on the Lehigh River, approximately 55 miles below the point of discharge.

Three stormwater outfalls subject to stormwater Appendix J optional monitoring requirements.

### Appendix J

#### Monitoring for Additional Facilities\*\*

<i>Discharge Parameter</i>	<i>Units</i>	<i>Sample Type</i>	<i>Measurement Frequency</i>
CBOD <sub>5</sub>	(mg/l)	1 Grab	1 Year
COD	(mg/l)	1 Grab	1 Year
Oil and Grease	(mg/l)	1 Grab	1 Year
pH	(S.U.)	1 Grab	1 Year
Total Suspended Solids	(mg/l)	1 Grab	1 Year
Total Kjeldahl Nitrogen	(mg/l)	1 Grab	1 Year
Total Phosphorous	(mg/l)	1 Grab	1 Year
Effluent Guideline Pollutants*	(mg/l)	1 Grab	1 Year
Iron (Dissolved)	(mg/l)	1 Grab	1 Year

\*Any pollutant limited in an effluent guideline to which the facility is subject.

\*\*Facilities subject to Appendix J are not required to monitor and may perform an annual inspection of the facility in lieu of monitoring.

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

**PA0247022**, CAFO, **David Sweigart (Ridge View Farms)**, 189 Ridge View Road South, Elizabethtown, PA. David Sweigart has submitted an application for an Individual NPDES permit for an existing CAFO known as Ridge View Farms, 189 Ridge View Road South, Mount Joy Township, **Lancaster County**.

The CAFO is situated near an unnamed tributary to Conoy Creek in Watershed 7-G (TSF). The CAFO is designed to maintain an animal population of approximately 1,131 AEU's consisting of 290 dairy cows, 185 heifers and 6,200 wean to finish pigs. The animals will be housed in one dairy barn and two swine buildings. Manure is stored in an aboveground steel tank and concrete structures underneath the swine buildings. The total capacity of the manure storage facilities is a total of 2.0 MG. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

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

The EPA permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0246981**, Sewage, **Penn Township (Shermata Heights)**, 102 Municipal Building Road, Duncannon, PA 17020. This facility is located in Penn Township, **Perry County**.

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

The receiving stream, unnamed tributary of the Little Juniata Creek, is in Watershed 12-B and classified for CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for the Duncannon Municipal Water System is located on the Little Juniata Creek, approximately 2.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0068 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
Suspended Solids	10	15	20
NH <sub>3</sub> -N	3.0		6.0
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	

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

The EPA waiver is in effect.

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

**PA0228648**, Sewage, **Jackson Township Municipal Authority**, P. O. Box 61, Millerton, PA 16936. This proposed facility will be located in Jackson Township, **Tioga County**.

Description of Proposed Activity: The applicant proposes the construction and operation of wastewater collection, conveyance and treatment facilities to serve Jackson Township. The treatment facilities will have an average daily flow of 0.1 MGD and consist of an activated sludge system.

The receiving stream, Hammond Creek, is in the State Water Plan watershed 4B and is classified for CWF. The nearest downstream public water supply intake is the PA-NY Border, 2.0 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.5	1.0		1.17

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub> (5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
NH <sub>3</sub> -N (5-1 to 10-31)	6	9		12
(11-1 to 4-30)	18	27		36
Fecal Coliforms (5-1 to 9-30)			200/100 ml	
(10-1 to 4-30)			2,000/100 ml as a Geometric Average	
pH			6.0—9.0 at all times	

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

**PA0098876**, Industrial Waste, SIC 7991, **YMCA of Pittsburgh, South Hills YMCA**, 51 McMurray Road, Upper St. Clair, PA 15241. This application is for renewal of an NPDES permit to discharge groundwater in Upper St. Clair Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, McLaughlin Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the West View Borough Municipal Water Authority at West View, 20 miles below the discharge point.

Outfall 001: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	This outfall shall contain groundwater from dewatering of wells during swimming pool maintenance.				

The EPA waiver is in effect.

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

**PA0238899**, Industrial Waste, **Oil Creek Plastics**, 45619 State Highway 27, Titusville, PA 16354. This proposed facility is located in Oil Creek Township, **Crawford County**.

Description of Proposed Activity: discharge of contact cooling water and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Emlenton Water Company and the Allegheny River located at Emlenton, 50.7 miles below point of discharge.

The receiving stream, an unnamed tributary to Pine Creek, is in watershed 16-E and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.032 MGD.

Parameter	Mass Units		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX	XX			
BOD <sub>5</sub>	3.0	6.5	XX	26	32
Total Suspended Solids	2.5	5.0	XX	19	23
Oil and Grease	3.5	7.5	15	29	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 n/a MGD.

Parameter	Mass Units		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
	This discharge shall contain uncontaminated stormwater runoff only.				

XX—Monitor and report.

The EPA Waiver is in effect.

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

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

Persons wishing to comment on an application are invited to submit a statement to the office noted before the application, within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

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

**WQM Permit No. 2303401**, Sewerage, **Kenneth Hutton and Dolores Neill**, 719 Cheyney Road, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation of a single residential sewage treatment plant.

**WQM Permit No. 1503401**, Sewerage, **Easttown Municipal Authority**, P. O. Box 79, Devon, PA 19333. This proposed facility is located in Easttown Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a pump station to replace existing system.

**WQM Permit No. 1503403**, Sewerage, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation of a sanitary sewer and pump station.

**WQM Permit No. 0903401**, Sewerage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation of a pump station to serve the development of Arbor Point.

**PAG120005**, CAFO, **Astle Farm**, 560 Lancaster Avenue, Oxford, PA 19363. This proposed facility is located in Lower Oxford Township, **Chester County**.

Description of Proposed Activity: Authorization to operate a 991 AEU's swine farm.

The receiving stream, Leech Run, is in the State Water Plan watershed 7K Pequea Creek and is classified for TSF.

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

The proposed facility will consist of two new barns for new wean to finish swine. Manure produced on this operation will be stored in two 900,000 gallon, concrete manure storage facilities located under each of the swine barns. The facilities will have a leak detection system around the perimeter of the structure. The facility will be designed and certified by a professional engineer upon completion.

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

**WQM Permit No. 4503401**, **Barley Creek Associates, LP**, 15 Haystack Road, Henryville, PA 18332. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: This project consists of the addition of sequential batch reactor (SBR) wastewater treatment process to existing treatment works at restaurant and brew pub. Average daily flow design is 3,000 gpd. SBR influent will flow from existing force main and will flow by gravity to existing groundwater discharge dosing tank. Existing treatment works will essentially become "roughing filters" prior to the proposed SBR.

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

**WQM Permit No. 6703401**, Sewerage, **York Township Water and Sewer Authority**, 25 Oak Street, York, PA 17402. This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: Construction of sewer extension to serve Biscayne Woods and The Fields at Fox Hollow.

**WQM Permit No. 0503401**, Sewerage, **Chestnut Ridge Joint Municipal Authority**, 320 Lane Metal Road, New Paris, PA 15554. This proposed facility is located in West St. Clair Township, Napier Township and New Paris Borough in **Bedford County**.



Description of Proposed Action/Activity: Construction of the Chestnut Ridge Phase IV sewer extension and pumping stations.

**WQM Permit No. 0503402**, Sewerage, **Broad Top Township**, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of the Six Mile Run sewer extension to serve the Village of Defiance, Coaldale Borough and the Finleyville-Round Knob areas.

**WQM Permit No. 6703402**, Sewerage, **Newberry Township Municipal Authority**, 400 Cly Road, York Haven, PA 17370. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Construction of the Fox Farm/The Woods Subdivision Pump Station and sewer extension.

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

**Application No. 0203401**, Sewerage, **V. Martin Wintermantel**, 1723 North Springs Drive, Atlanta, GA 30338. Application for the construction and operation of a single residence sewage treatment plant to serve the Wintermantel residence located in Sewickley Heights, **Allegheny County**.

**Application No. 0403401**, **North Sewickley Township Sewer Authority**, 893 Mercer Road, Beaver Falls, PA 15010. Application for the construction and operation of sewers and appurtenances, pump stations and stream crossings to serve North Sewickley Township located in North Sewickley Township, **Beaver County**.

The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 2603404**, Sewerage, **Luzerne Township Sewerage Authority**, 126 Kaider Road, Uniontown, PA 15401. Application for the construction and operation of sanitary sewers and three pump stations to serve the Allison Heights, Thompson No 2, Keeny Row and Weinbrenner areas located in Luzerne Township, **Fayette County**.

**Application No. 6302405**, Sewerage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. Application for the construction and operation of the sanitary sewer extension to serve the Ivy Lane area located in Peters Township, **Washington County**.

PENNVEST has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 6593402**, Sewerage, **Frank Waldron**, P. O. Box 236, Derry, PA 15627. Application for the construction and operation of a single residence sewage treatment plant to serve the Waldron residence located in Derry Township, **Westmoreland County**.

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

**WQM Permit No. 4303402**, Sewerage, **Deborah L. Smith**, 18 Tanner Road, Greenville, PA 16125. This

proposed facility is located in Greene Township, **Mercer County**.

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

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#### **NPDES Stormwater Individual Permit**

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

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

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

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

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

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

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

**NPDES Permit PAS10 PAI2011503005**, Stormwater, **Great Valley High School**, 47 Church Lane, Malvern, PA 19355, has applied to discharge stormwater associated with a construction activity located in East Whiteland Township, **Chester County** to Valley Creek (EV).

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

*Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2025203001	Myron M. Hunt, Inc. Four Cathedral Park 4th Floor Buffalo, NY 14202	Pike County Westfall Township	Tributary to Delaware HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2024803002	James Seitz Pheasant Ridge Development Corp. 1700 Cherry Ave. Easton, PA 18040	Northampton County Forks Township	Bushkill Creek HQ-CWF

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

**NPDES Permit PAI2-0827-02-001**, Stormwater, **Pennsylvania General Energy Corporation**, 208 Liberty Street, Warren, PA 16365 has applied to discharge stormwater associated with a construction activity located on the Pollick Property in Kingsley Township, **Forest County** to Salmon Creek (HQ-CWF).

**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  
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. N/A, Minor Amendment.**

Applicant	<b>Eagle Springs, Inc.</b> 88 Donaldson Street Tremont, PA 17981
Township or Borough	Hegins Township, <b>Schuylkill County</b>
Responsible Official	Richard J. Withelder
Type of Facility	Bulk Water Loading
Consulting Engineer	Alfred Benesch & Co. 400 One Norwegian Plaza Pottsville, PA 17901
Application Received Date	January 10, 2003
Description of Action	The permitting of an existing second catchment (Lower Spring Box) of the Valley View source.

**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.*

**Springfield Elementary School**, Springfield Township, **Bucks County**. Marc Chartier, Pennoni Associates, Inc., 515 Grove St., Suite 2A, Haddon Heights, NJ 08035, on behalf of Palisades School District, Attn: David Keppel, 39 Thomas Free Dr., Kintnersville, PA 18930, has submitted a Notice of Intent to Remediate soil contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on January 24, 2003.

**Elwyn Institute Property**, Middletown Township, **Delaware County**. Marco Droese, P. G., Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pk., Suite 3, Glenmoore, PA 19343, on behalf of Eileen McLaughlin, Elwyn Institute, 111 Elwyn Institute, Media, PA 19063, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Fuel Oil No. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on January 28, 2003.

**Swede Square Shopping Center**, East Norriton Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Genuardi's Market, LP, Attn: Skip Genuardi, 470 Norristown Rd.,

Suite 300 Blue Bell, PA 19422, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Time Herald* on January 31, 2003.

**Progress Plaza**, City of Philadelphia, **Philadelphia County**. Marc Chartier, Pennoni Associates, Inc., 515 Grove St., Suite 2A, Haddon Heights, NJ 08035, on behalf of Progress Investment Associates, Inc., Attn: Wendell Whitlock, 1501 N. Broad St., Philadelphia, PA 19122, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents and leaded gasoline. 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 Tribune* on January 24, 2003.

**26th and Penrose Property**, City of Philadelphia, **Philadelphia County**. Eric Fretz, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of American Premier Underwriters, Inc., One E. Fourth St., Cincinnati, OH 45202, has submitted a revised Notice of Intent to Remediate groundwater contaminated with inorganics and lead. 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 January 29, 2003.

**3200 East Tioga Street Property**, City of Philadelphia, **Philadelphia County**. Jennifer Pesch, Urban Engineers, Inc., 530 Walnut St., 14th Fl., Philadelphia, PA 19106, on behalf of City of Philadelphia, Dept. of Public Property, Attn: Jon Edelstein, Municipal Services Bldg., 1401 JFK Blvd., Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate soil contaminated with inorganics, lead, other organics, PCB and used motor oil; and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics and used motor oil. 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 January 20, 2003.

**E. Orthodox Street Site**, City of Philadelphia, **Philadelphia County**. Keith A. Latham, Sempra Energy Resources, 101 Ash St., San Diego, CA 92101-3017, on behalf of Philadelphia Authority for Industrial Development, Attn: Ed Duffy, c/o Philadelphia Industrial Development Corp., 1500 Market St., Philadelphia, PA 19102 and Atlantic Metals Corp., Hyman Sall, Pres., 3100 E. Orthodox St., Philadelphia, PA 19137, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics, lead, other organics, PAH, PCB and pesticides; and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics and PAH. 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 January 13, 2003.

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

**Lafayette Meadows Development—Lots 21—23**, Forks Township, **Northampton County**. Scott R. Campbell, P. G., Earth Resources Group, Inc., P. O. Box

468, Pipersville, PA 18947 has submitted a Notice of Intent to Remediate (on behalf of Signature Homes, 610 Farm Lane, Doylestown, PA 18901) concerning the remediation of soils found or suspected to have been contaminated with lead and other metals. The applicant proposes to meet the residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was reportedly published in *The Express Times* on January 17, 2003. A Final Report was simultaneously submitted.

## 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.**

*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.*

**46-0014E: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) on January 31, 2003, for operation of a 500 kW emergency generator in Upper Hanover Township, **Montgomery County**.

**46-0014C: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) on January 31, 2003, for operation of a cyclonic baghouse in Upper Hanover Township, **Montgomery 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.*

**48-320-013: Cadmus Specialty Publications** (1991 Northampton Street, Easton, PA 18042-3189) for replacement of a printing press at their facility in Easton, **Northampton County**.

**40-305-019A: Lang Filter Media** (603 South Church Street, Hazleton, PA 18301) for construction of a crusher to the existing coal drying and packing operation and associated air cleaning device at their facility in Hazleton, **Luzerne County**.

**39-313-045: Carpenter Co.** (5016 Monument Avenue, Richmond, VA 23230) for installation of a boiler to be utilized as an air cleaning device to control emissions from an expanded polystyrene process at their facility at 57 Olin Way, Upper Macungie Township, **Lehigh County**.

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

**36-03034A: Purina Mills, Inc.** (3029 Hempland Road, Lancaster, PA 17601) for construction of a new pellet mill at the animal feed mill in East Hempfield Township, **Lancaster County**.

**67-05099: Kinsley Construction, Inc.** (2700 Water Street, York, PA 17403) for construction of a surface coating operation at its Kinsley Manufacturing steel fabrication plant in the City of York, **York County**.

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

**25-987C: Hanes Erie, Inc.** (7601 Klier Drive, Fairview, PA 16415) for construction of two new paint spray booths in Fairview Township, **Erie 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.*

**23-0001U: Sunoco, Inc. (R and M)** (Delaware Avenue and Green Street, P. O. Box 426, Marcus Hook, PA 19061-0426). Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department intends to issue a Plan Approval for their facility in the Borough of Marcus Hook, **Delaware County**. This plan approval will authorize the applicant to construct a hydrodesulfurization plant and a storage, as described in the applicant's application of October 1, 2002. The hydrodesulfurization plant and storage tank are to be constructed for Sunoco, Inc. (R and M) to comply with the new sulfur in gasoline regulations. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. PA-23-0001U is for the construction of a hydrodesulfurization plant and storage tank. Based on the information provided by the applicant and the Department's own analysis, the hydrodesulfurization plant will emit: 23 tons of NO<sub>x</sub> per year; 61.7 tons of CO per year; 4.0 tons of VOC per year; and 5.6 tons of PM per year. Based on the information provided by the applicant and the Department's own analysis, the storage tank will emit 9.4 tons of VOCs per year.

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

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m., weekdays. To make an appointment, contact Records Management at (610) 832-6268.

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

**39-399-054: Agere Systems, Inc.** (555 Union Boulevard, Allentown, PA 18109) for installation and operation of a scrubber system consisting of a carbon adsorption and condenser unit to replace the existing scrubber which controls emissions emanating from the photoresist tool operation of the MOS V cleanroom in Allentown, **Lehigh County**. The operation of the photoresist tool operation and associated air pollution control equipment will result in an actual VOC emission rate of 1.5 tons per year. In addition, the photoresist tool operation is also covered by the issued Plan Approval No. 39-313-044 which established a plantwide applicability limit (PAL) for total actual VOC emissions of 87.7 tons per year on a 12-month rolling total basis from all VOC emitting sources located at the facility. 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. In addition, the operation of the photoresist tool operation shall continue to comply with all applicable conditions of the issued Plan Approval No. 39-313-044 which established the VOC PAL and with all applicable conditions of the issued Title V Operating Permit No. 39-00001.

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

**06-5068A: Scranton-Altoona Terminal Corp.** (P. O. Box 2621, Harrisburg, PA 17105-2621) for construction of a new bulk gasoline loading rack and two bulk storage tanks controlled by a vapor recovery unit and floating roofs at the Sinking Spring Terminal in Spring Township

and Sinking Spring Borough, **Berks County**. The terminal is not a Title V (State-only) facility, due to emission and throughput restrictions. The terminal is subject to 40 CFR Part 60, Subparts Kb and XX, Standards of Performance for New Stationary Sources. The applicant will be required to maintain monthly and annual records of the product throughputs and emissions of VOC and HAPs. The approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**28-03039A: Warrior Roofing Manufacturing of Pennsylvania, LLC** (323 Development Avenue, Chambersburg, PA 17201) for the installation of a second asphalt roofing felt production line at the existing plant in Greene and Letterkenny Townships, **Franklin County**. The facility's potential emissions of VOC are less than 15 tons annually; annual emissions of most other pollutants are estimated at less than 1 ton per pollutant. The new line's asphalt saturator is subject to 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture. The plan approval and operating permit will contain emission limits along with conditions for testing, monitoring, recordkeeping and reporting to ensure the facility complies with the applicable air quality requirements.

**31-03004A: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for replacement of an existing limestone crusher along with an increase in the hourly rated capacity of the limestone crushing and screening equipment at the Tyrone Quarry in Warriors Mark Township, **Huntingdon County**. Particulate emissions will continue to be controlled by a combination of wet suppression along with fabric collectors. The crushing/screening operation has a potential particulate matter emission rate of 53.5 tpy. This modification is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The plan approval will include emission limitations, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

#### OPERATING PERMITS

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

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

**05-05004: Seton Co.** (Horton Drive, Saxton, PA 16678) for coating operations used in applying a finish to automotive leather products in Saxton Borough, **Bedford County**. The coating operations primarily emit VOCs and the HAP Triethylamine. The Title V Operating Permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of their Title V Operating Permit.

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

**16-00021: OEM Enterprise, Inc.** (2465 Penn Street, Fairmount City, PA 16224) for operation of two wood-fired boilers, a gas-fired boiler, three flash off ovens, the coating operations and the woodworking equipment in Redbank Township, **Clarion County**. The facility, be-

cause 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.

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

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

**09-00130: Doylestown Township Municipal Authority** (Easton and Swamp Road, Cross Keys, PA 18901) for operation of the air stripping tower associated with a water supply in Plumstead Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility has a potential to emit less than 25 tons per year of NOx and VOC; the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

**06-03080: F. M. Brown's Sons, Inc.** (118 West Main Street, P. O. Box 153, Fleetwood, PA 19522) for operation of flour milling and grain drying facility in Fleetwood Borough, **Berks County**. Actual PM10 and NOx emissions are expected to be less than 5 TPY and 1 TPY respectively. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**06-05088: EJB Paving and Materials Corp.** (1119 Snyder Road, West Lawn, PA 19609-1100) for an asphalt concrete plant controlled by two fabric collectors at the Ontelaunee Quarry of Berks Products in Ontelaunee Township, **Berks County**. The facility is a non-Title V (State-only) facility. This amendment involves the approval to use waste derived liquid fuels (WDLF) in the dryer sections of the two plants at the facility. The amendment will not result in any increases in the PTE. The amended permit will limit on the WDLF constituents. The permit will include monitoring, recordkeeping, work practices and reporting to keeping the facility within all applicable air quality requirements.

**29-03008: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) for operation of a limestone crushing plant in Bethel Township, **Fulton County**. Particulate matter emissions from the facility are estimated at less than 20 tons annually. Several plant components are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The State-only operating permit will include emission limits along with provisions for monitoring, recordkeeping, reporting and work practices to ensure the facility operates in accordance with the applicable air quality requirements.

**67-03041: County Line Quarry, Inc.** (P. O. Box 99, Wrightsville, PA 17368) for operation of a Quartzite crushing facility in Hellam Township, **York County**. Particulate matter emissions from the facility are estimated at less than 13 tons annually. Several plant components are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral

Processing Plants. The State-only operating permit will include emission limits along with provisions for monitoring, recordkeeping, reporting and work practices to ensure the facility operates in accordance with all applicable air quality requirements.

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

**43-00294: International Timber and Veneer, L. C.** (75 McQuiston Drive, Jackson Center, PA 16133). Natural Minor Operating Permit for emissions from a wood-fired boiler and activities associated with a log yard and timber processing in Jackson Township, **Mercer County**.

**PUBLIC HEARINGS**

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

**62-014F: National Fuel Gas Supply Corp.** (P. O. Box 2081, Erie, PA 16512). The Department will conduct a public hearing on Thursday, March 20, 2003, from 1 p.m. to 3 p.m. at the Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with conditions, the revised Reasonably Available Control Technology (RACT) plans by the National Fuel Gas Supply Corp. Roystone Compressor Station in Sheffield Township, **Warren County**.

The hearing is being held to meet the requirements under 25 Pa. Code §§ 129.91—129.95, concerning the emissions of NOx and VOC from various air contamination sources.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for this facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into a Plan Approval and/or Operating Permit for the facility and will be submitted to the EPA as a revision to the Commonwealth's SIP.

The following is a summary of the preliminary NOx determination for the previously listed facility:

*National Fuel Gas Roystone Station*

<i>Source</i>	<i>Control</i>
Engines 1—3 Ajax 800 HP	Additional controls not feasible
Engines 4—8 Ajax 384 HP	Additional controls not feasible
Standby Generator No. 1 and No. 2 200 HP Waukesha	Presumptive RACT 129.93(c)(5)
Air Compressor 200 HP Waukesha	Presumptive RACT 129.93(c)(5)
1.5 mmBtu/hr Boiler Pennco	Presumptive RACT 129.93(c)(1)
2.5 mmBtu/hr Boiler Struthers	Presumptive RACT 129.93(c)(1)
1.05 mmBtu/hr Boiler Peerless	Presumptive RACT 129.93(c)(1)

<i>Source</i>	<i>Control</i>
Pipeline Heater Erie L 1.6 mmBtu/hr	Presumptive RACT 129.93(c)(1)
Pipeline Heater Line D 2.88 mmBtu/hr	Presumptive RACT 129.93(c)(1)
TEG Dehy Still Line L	Flare VOC emissions from regenerator overhead
TEG Dehy Still Line D	Flare VOC emissions from regenerator overhead
Fugitive VOC emissions	LDAR Plan

For the previous facility, a public hearing will be held for the purpose of receiving comments on the proposed Operating Permit and the proposed SIP revisions.

Persons wishing to present testimony at the hearing should contact Matthew Williams, New Source Review, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Matthew Williams, (814)-332-6940 or the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to Matthew Williams, New Source Review, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

Pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional Office (Air Quality). Appointments for scheduling a review must be made by calling the Department contact person noted previously.

## 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*

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

**17030101 and NPDES Permit No. PA0243418. Moravian Run Reclamation Co., Inc.**, 605 Sheridan Drive, Clearfield, PA 16830. Commencement, operation and restoration of a bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 220.8 acres. Receiving streams: unnamed tributaries to Bell Run and Bell Run, classified for CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received January 22, 2003.

**17030102 and NPDES Permit No. PA0243426. River Hill Coal Co., Inc.**, P. O. Box 141, Kylertown, PA 16847. Commencement, operation and restoration of a bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 177 acres. Receiving streams: Little Laurel Run, unnamed tributaries to Little Laurel Run, classified for CWF. The first potable downstream potable water supply intake from the point of discharge is: none. Application received January 24, 2003.

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

*Coal Application Returned*

**03960103. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Application for revision to include sewage sludge as a soil additive at an existing bituminous surface/auger mine located in East Franklin Township, **Armstrong County**, affecting 155 acres, is hereby returned. Receiving streams: unnamed tributaries to Glade Run and Glade Run. Revision application received December 16, 2002. Application returned January 30, 2003.

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

**32030102 and NPDES Permit No. PA0249386. Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, for commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in West Wheatfield Township, **Indiana County**, affecting 6.0 acres. Receiving streams: unnamed tributary to West Branch of Richards Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 15, 2003.

**56930102 and NPDES Permit No. PA0212407. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for continued operation of a bituminous surface and auger for discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 280.0 acres. Receiving streams: Hinson Run, unnamed tributary to Hinson Run, two unnamed tributaries to Shade Creek and Shade Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Withdrawal. Application received January 24, 2003.

**56920114 and NPDES Permit No. PA0212334. Sanner Energies, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, permit renewal for continued operation of a bituminous surface and auger mine and for discharge of treated mine drainage in Southampton Township, **Somerset County**, affecting 278.5 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Run, Jennings Run and unnamed tributaries to Jennings Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 22, 2003.

**56920106 and NPDES Permit No. PA0599557. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for continued operation of a bituminous surface mine and for discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 276.0 acres. Receiving streams: unnamed tributary to Hinson Run, unnamed tributary to Shade Creek, unnamed tributary to Stony Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek surface water withdrawal. Application received January 24, 2003.

**56890101 and NPDES Permit No. PA0598364. Croner, Inc.**, P. O. Box 260, Friedens, PA 15541, permit revision for a variance to conduct surface mining activities within 100 feet of the right-of-way of SR 2027 in Brothersvalley Township, **Somerset County**, affecting 205.9 acres. Receiving streams: unnamed tributaries to Buffalo Creek and Buffalo Creek classified for CWF.

There are no potable water supply intakes within 10 miles downstream. Application received January 7, 2003.

**56920109 and NPDES Permit No. PA0212199. Heritage Mining Company**, P. O. Box 126, Cresson, PA 16630, permit renewal for reclamation only and continued restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 46.1 acres. Receiving streams: unnamed tributary to Stonycreek, Oven Run classified for the CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek surface water withdrawal. Application received January 6, 2003.

**32960103 and NPDES Permit No. PA021331. Kraynak Coal Company**, 3214 Firetower Road, Mahaffey, PA 15757, permit revision for a road variance within the 100 foot barrier of a portion of SR1020 in Green and Green Townships, **Indiana County**, affecting 329.7 acres. Receiving streams: unnamed tributary to East Run and Little Mahoning Creek to Mahoning Creek and unnamed tributaries of North Branch of Two Lick Creek classified for HQ-CWF; HQ-CWF; CWF; CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company Two Lick Creek water intake. Application received January 7, 2003.

**32020108 and NPDES Permit No. PA0249351. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface mine and discharge of treated mine drainage in Buffington Township, **Indiana County**, affecting 44.0 acres. Receiving streams: unnamed tributary to Mardis Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 2, 2002.

**32970113 and NPDES Permit No. PA0234613. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only and for continuation restoration of a bituminous surface mine and for discharge of treated mine drainage in West Wheatfield Township, **Indiana County**, affecting 100.7 acres. Receiving streams: unnamed tributaries to Ramsey Run and Blacklick Creek classified for CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received December 11, 2002.

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

**26970702. NPDES Permit PA0215112, Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012), to renew the permit for the LaBelle Site in Luzerne Township, **Greene County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received December 12, 2002.

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

**33920106 and NPDES Permit No. PA0211273. Beverly Hill Coal Company** (60 Campbell Avenue, Clarion, PA 16214). Renewal of an existing bituminous surface strip and auger operation in Henderson Township, **Jefferson County** affecting 64.0 acres. Receiving streams: An unnamed tributary to East Branch of Mahoning Creek, classified for HQ-CWF. The first downstream



potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application for reclamation only. Application received January 27, 2003.

**16970106 and NPDES Permit No. PA0227587. Milestone Crushed, Inc.** (521 South Street, P. O. Box 644, Clarion, PA 16214). 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.

*Noncoal Applications Received*

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

**44030301. Glenn O. Hawbaker, Inc.** (P. O. Box 135, 325 West Aaron Drive, State College, PA 16804), commencement, operation and restoration of a quarry operation in Armagh Township, **Mifflin County** affecting 47.5 acres, receiving stream: none. Application received January 21, 2003.

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

**03030401 and NPDES Permit No. PA0250333. Seven Sisters Mining Co., Inc.** (200 US Route 22, P. O. Box 300, Delmont, PA 15626). Application for commencement, operation and reclamation of a noncoal surface mine located in South Bend and Burrell Townships, **Armstrong County**, affecting 34.7 acres. Receiving stream: Crooked Creek (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received January 22, 2003.

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

**6577SM3A, P & W Excavating, Inc.**, P. O. Box 712, McConnellsburg, PA 17233. Renewal of NPDES Permit No. PA0120588 in Todd Township, **Fulton County**. Receiving stream unnamed tributary to Big Cove Creek. NPDES renewal application received December 9, 2002.

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

**2579301. Walter Kuhl** (9415 Peck Road, Erie, PA 16510). Renewal of NPDES Permit No. PA0118354, Greene Township, **Erie County**. Receiving streams: Fourmile Creek, classified for WWF-MF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received January 27, 2003.

**25030302. Walter Kuhl** (9415 Peck Road, Erie, PA 16510). Commencement, operation and restoration of a sand and gravel operation in Greene Township, **Erie County**, affecting 41.3 acres. Receiving streams: unnamed tributary to Fourmile Creek, Fourmile Creek, classified for WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received January 27, 2003.

**2077-25030302-E-1. Walter Kuhl** (9415 Peck Road, Erie, PA 16510). Application for a stream encroachment for mining and support activities to encroach no closer than 50 feet along a 1,600 foot segment of unnamed tributary no. 2 to Fourmile Creek in Greene Township, **Erie County**. Receiving streams: unnamed tributary to Fourmile Creek, Fourmile Creek, classified for WWF. There are no potable surface water supply intakes within

10 miles downstream. Application received January 27, 2003.

*Small Noncoal (Industrial Mineral) Bond Release Applications*

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

**58990831. Gerald Ellis** (R. R. 4 Box 27, Montrose, PA 18801), Stage I and II bond release for a small quarry operation in Jessup Township, **Susquehanna County** affecting 1.0 acre for \$1,000 on property owned by William Hawley. Application received January 27, 2003.

**58000819. Martie Randall** (R. R. 1 Box 33A, New Milford, PA 18834), Stage I and II bond release for a small quarry operation in New Milford Township, **Susquehanna County** affecting 3.0 acres for \$3,000 on property owned by Kenneth, Helen, Alan, Eugene and Richard Randall. Application received January 27, 2003.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 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**

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

**E40-616. Peter J. Quigley**, P. O. Box 1041, Stroudsburg, PA 18360, in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a pile-supported structure, including a building, deck and boatslip, in Harveys Lake (HQ-CWF). The structure will extend approximately 40 feet from the shoreline and will have a width of 38 feet. The project is located at Pole No. 311, along Lakeside Drive (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 4.8 inches).

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

**E06-580. Robert W. Kessler**, 9311 Old 22, Bethel, PA 19507-9422 in Bethel Township, **Berks County**, ACOE Philadelphia District.

To maintain an existing 160-foot long stream enclosure of 24-inch diameter (CPP) within an unnamed tributary to Mill Creek (CWF) at a point approximately 1,600 feet east of the intersection of Old Route 22 and Airport Road along the north side of Old Route 22 (Bethel, PA Quadrangle N: 18.5 inches; W: 2.9 inches) in Bethel Township, Berks County.

**E07-366. Earl Neiderhiser, Department of Transportation, District 9-0**, 1620 N. Juniata Street, Holidaysburg, PA 16648 in Tyrone Township, **Blair County**, ACOE Baltimore District.

To remove the existing culvert and then to construct and maintain a 12-foot by 3.75-foot concrete box culvert at the channel of Elk Run (WWF) on SR 1015, Section 01B, Segment 0100, Offset 0000 located about 3 miles southwest of the Village of Ironville (Bellwood, PA Quadrangle N: 22.4 inches; W: 0.68 inch) in Tyrone Township, Blair County.

**E21-347. Lisa Myers, Department of Transportation 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Hopewell Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing culverts and then to construct and maintain 16-foot by 4-foot and 12-foot by 4-foot box culverts at the channels of an unnamed tributaries to Peebles Run (WWF) on SR 0997, Segment 0070, Offset 1928 located about 2.2 miles north of Newburg Borough (Newburg, PA Quadrangle N: 8.1 inches; W: 7.85 inches) in Hopewell Township, Cumberland County.

**E21-348. Lisa Myers, Department of Transportation 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Hopewell Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing culvert and then to construct and maintain a 17-foot by 3-foot concrete box culvert at the channel of Peebles Run and its unnamed tributaries (WWF) on SR 0997, Segment 0060, Offset 0214 located about 2 miles north of Newburg Borough (Newburg, PA Quadrangle N: 7.28 inches; W: 9.47 inches) in Hopewell Township, Cumberland County.

**E21-349. Lisa Myers, Department of Transportation 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Lower Mifflin Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing culverts and then to construct and maintain a 91-inch by 58-inch elliptical reinforced concrete pipe culvert and an 11-foot by 6-foot concrete box culvert at the channel of an unnamed tributary to Doubling Gap Creek (CWF) and its overflow channel on SR 0997 Segment 0250 Offset 2232 located about 0.7 mile southwest of the Village of McCrea (Newville, PA Quadrangle N: 19.83 inches; W: 10.68 inches) in Lower Mifflin Township, Cumberland County.

**E22-449. Gail Bramer, Central Dauphin School District**, 600 Rutherford Road, Harrisburg, PA 17109 in Lower Paxton and West Hanover Townships, **Dauphin County**, ACOE Baltimore District.

To impact 0.38 acre of wetlands adjacent to Beaver Creek (WWF) at a point near the intersection of Pikestown Road and Linglestown Road for the purpose of constructing the new Central Dauphin High School complex (Harrisburg, PA Quadrangle N: 18.4 inches; W: 1.2 inches) in Lower Paxton and West Hanover Townships, Dauphin County. The permittee has agreed to provide 0.49 acre of replacement wetlands.

**E22-450. Norman Lacasse, Capital Area Greenbelt Association**, P. O. Box 15405, Harrisburg, PA 17105 in Swatara Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a three-span footbridge having spans of 45 feet, 40 feet and 90 feet and an underclearance of 6.5 feet across the channel of a tributary to Spring Creek (WWF) at a point at Route 83 (Harrisburg East Quadrangle N: 1.25 inches; W: 11.5 inches) in Swatara Township, Dauphin County.

**E22-451. Glen Williard**, 4426 Rathlin Court, Harrisburg, PA 17112 in Jackson Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 39 feet and an underclearance of 3.25 feet across the channel of Armstrong Creek (TSF) at a point approximately 4,900 feet downstream of Schoolhouse Road (L.R. 20029) (Halifax, PA Quadrangle N: 20.59 inches; W: 0.45 inch) in Jackson Township, Dauphin County.

**E22-452. Susquehanna Area Regional Airport Authority, Harrisburg International Airport**, 513 Airport Drive, Middletown, PA 17057 in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a concrete support for a timber platform and airport instrument landing system and a gravel service road within the floodplain of the Susquehanna River (WWF) at a point approximately 700 feet beyond the end of the runway at Harrisburg International Airport (Middletown, PA Quadrangle N: 11.0 inches; W: 16.7 inches) in Lower Swatara Township, Dauphin County.

**E22-453. Lower Paxton Township, Nyes Road Project**, 75 South Houcks Road, Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To place fill in 0.66 acre of wetlands and to construct and maintain a 60-foot long by 36-inch stream enclosure in and along a tributary to Beaver Creek (WWF) at a point along Nyes Road for the purpose of constructing a park (Harrisburg East, PA Quadrangle N: 12.25 inches; W: 4.45 inches) in Lower Paxton Township, Dauphin County. The permittee is required to provide a minimum of 0.80 acre of replacement wetlands.

**E36-752. Marietta Borough**, 11 E. Market St., Marietta, PA 17547 in Marietta Borough, **Lancaster County**, ACOE Baltimore District.

To remove 100 linear feet of the existing cut stone retaining wall and to construct and maintain 100 linear feet of cast-in-place concrete retaining wall 6 feet by 9 inches high at a point north of Market Street within Evans Run (WWF) (Columbia West, PA Quadrangle N: 10.5 inches; W: 7.1 inches) in Marietta Borough, Lancaster County.

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

**E17-379. Mosquito Creek Sportsmen Association**, P. O. Box 218, Frenchville, PA 16836. Duck Marsh Acid Rain Abatement System in Girard Township, **Clearfield County**, ACOE Baltimore District (The Knobs, PA Quadrangle N: 18.8 inches; W: 10.4 inches).

To construct, operate and maintain a vertical flow wetland system in and along an unnamed tributary to Mosquito Creek (HQ-CWF) for alkaline addition to abate acid precipitation. The vertical flow wetland system shall be constructed with a water intake structure in the channel of the unnamed tributary to Mosquito Creek; a nonjurisdictional 4-foot high concrete dam across the waterway; a 6-inch diameter supply line and an earthen embankment wetland cell along the waterway; and a broad-based, rock-lined outlet channel across wetland associated to the waterway. The acid precipitation abatement project will permanently impact 25 feet of the unnamed tributary to Mosquito Creek while temporarily impacting 325 square feet of wetland that is located along the western right-of-way of Ardell Road approximately 1.63 miles south of SR 2004 and Ardell Road intersection.

**E41-528. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 0284 Segment 0050 unnamed tributary bridge replacement, in McHenry Township, **Lycoming County**, ACOE Susquehanna River Basin District (Jersey Mills, PA Quadrangle N: 19.1 inches; W: 4.2 inches).

To remove an existing two span steel bridge and construct and maintain a three span reinforced concrete girder bridge having a clear span of 392.2 feet, with an average underclearance of 14.28 feet on a skew of 60° over Pine Creek located along SR 0414 Section 017 and to construct, maintain and remove a temporary causeway as well as construct a sand bag, concrete barrier all of which is located in McHenry Township, Lycoming County. This project proposes to have a minimal impact on Pine Creek, which is, designated a HQ-TSF. This project does propose to impact 0.007 acre of jurisdictional wetlands.

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

**E02-1411. Ductmate Industries, Inc.**, 1502 Industrial Drive, East Monongahela, PA 15063-9709. Forward Township, **Allegheny County**, ACOE Pittsburgh District.

To extend, operate and maintain the existing 72-inch diameter culvert in the channel of an unnamed tributary to the Monongahela River (WWF) for the purpose of providing access to the proposed Ductmate Industries, Inc. manufacturing building. The project is located approximately 700 feet south from the intersection of Hollow Road and SR 136 (Monongahela, PA Quadrangle N: 13.0 inches; W: 2.8 inches).

**E02-1415. Borough of Baldwin**, 3344 Churchview Avenue, Pittsburgh, PA 15227. Borough of Baldwin, Brentwood, Whitehall and West Mifflin, **Allegheny County**, ACOE Pittsburgh District.

To rehabilitate and maintain the existing Streets Run sanitary interceptor sewer in and along the channel of Streets Run for the purpose of upgrading the existing sewer line. The project is located at the intersection of Brentwood Road and Streets Run Road (Glassport, PA Quadrangle N: 19.6 inches; W: 11.0 inches).

**E04-292. Castlebrook Development, L. P.**, 307 4th Avenue, Suite 604, Pittsburgh, PA 15222. New Sewickley Township, **Beaver County**, ACOE Pittsburgh District.

To construct and maintain a dual 60" diameter HDPE culvert for a distance of approximately 70' within a tributary to Crows Run (WWF), to place and maintain fill for a distance of approximately 400' along the right bank flood way of Crows Run, to construct and maintain various stormwater outfalls to Crows Run and to place and maintain fill in de minimis wetland for a proposed development to be known as Pipe Run Crossing. The project is located on the west side of Pine Run Road approximately 1,000' north of its intersection with 9th Street (Baden, PA Quadrangle N: 12.2 inches; W: 15.8 inches).

**E26-305. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. Henry Clay Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 15.0' by 8.0' precast reinforced concrete box culvert in Tub Run (CWF). The invert of the box culvert will be depressed 1.0' making the effective underclearance 7.0'. Also to construct and maintain an 18-inch diameter outfall in Tub Run (CWF) and a temporary stream crossing consisting of two 48-inch diameter pipes downstream in Tub Run (CWF). The project is located on SR 0281 approximately 1,200 feet west of its intersection with Township Road T-880.

**E26-306. German Township**, 2 Long Street, McClellandtown, PA 15458. German Township, **Fayette County**, ACOE Pittsburgh District.

To construct and maintain a recreational trail along an abandoned railroad grade: rehabilitation consists of six abandoned railroad bridges and a bridge on Township Road 376 across Browns Run (WWF). The project starts from Huron on the eastern bank of the Monongahela River and extends for 2 miles to SR 21 (Masontown, PA Quadrangle N: 21.9 inches; W: 4.3 inches).

**E30-206. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. Franklin Township, **Greene County**, ACOE Pittsburgh District.

To construct and maintain dual 58-inch by 91-inch elliptical concrete pipes in Laurel Run (WWF). The inverts of the pipes will be depressed 1.0 foot. The project is located on a service road off SR 0188 at a point approximately 100 feet upstream from the confluence of Laurel Run and South Fork Ten Mile Creek (Waynesburg, PA Quadrangle N: 4.9 inches; W: 4.6 inches).

**E32-447. Norfolk Southern Corporation**, 175 Spring Street SW, Atlanta, GA 30303. Conemaugh, Young and Armstrong Townships, **Indiana County**, ACOE Pittsburgh District.

To construct and maintain the following structures and activities in Conemaugh, Young and Armstrong Townships as part of construction of approximately 5.26 miles of new single-track rail line to provide improved rail transportation of coal to the Keystone Generating Plant, which is located near Shelocta, PA. The project will start

near Saltsburg, PA (Avonmore, PA Quadrangle N: 0.03 inch; W: 8.7 inches) and end near Clarksburg, PA (McIntyre, PA Quadrangle N: 7.24 inches; W: 16.9 inches).

1. A 138-foot long, 4.5-foot diameter corrugated metal pipe culvert in an unnamed tributary to Blacklegs Creek, Station 563+00 (Avonmore, PA Quadrangle N: 0.76 inch; W: 7.34 inches)

2. A 218-foot long twin cell box culvert 8-foot by 5-foot each cell in an unnamed tributary to Blacklegs Creek, Station 599+80 (Avonmore, PA Quadrangle N: 1.61 inches; W: 4.94 inches).

3. A 120-foot long 5-foot diameter corrugated metal pipe in an unnamed tributary to Blacklegs Creek, Station 619+21 (Avonmore, PA Quadrangle N: 2.32 inches; W: 4.4 inches).

4. A 67-foot long twin cell box culvert, 12-foot by 4-foot each cell in an unnamed tributary to Blacklegs Creek, Station 640+72 (Avonmore, PA Quadrangle N: 3.18 inches; W: 3.82 inches).

5. A 67-foot long, twin cell box culvert, 12-foot by 4-foot each cell in an unnamed tributary to Blacklegs Creek, Station 650+66 (Avonmore, PA Quadrangle N: 3.34 inches; W: 3.4 inches).

6. A three-span bridge having a total span of 225 feet and an underclearance of 25 feet across Marshall Run, Station 723+05 (Avonmore, PA Quadrangle N: 5.5 inches; W: 0.85 inch).

7. A five-span bridge having a total span of 430 feet and an underclearance of 14 feet across Blacklegs Creek, Station 755+25 (Avonmore, PA Quadrangle N: 6.86 inches; W: 17.33 inches).

8. A 90-foot long, twin cell box culvert, 10-foot by 10-foot each cell in Anthony Run, Station 75+17 (Elderton, PA Quadrangle N: 4.84 inches; W: 4.93 inches).

9. The project will affect a reported 2.89 acres of wetland at several locations, the largest being 0.39 acre. (Saltsburg, PA Quadrangle N: 22.6 inches; W: 8.4 inches); 0.07 acre of pond and temporarily affect 1.25 acres of wetland (Avonmore, PA Quadrangle N: 5.5 inches; W: 1.3 inches).

10. Eight 36-inch diameter CM pipe stream enclosures in unnamed tributaries to Blacklegs Creek, which qualify for waiver permit (Avonmore, PA Quadrangle N: 0.6 inch; W: 7.4 inches).

11. Channel relocation of unnamed tributaries to Blacklegs Creek at 14 locations, the longest channel change being 800 linear feet (Saltsburg, PA Quadrangle N: 22.6 inches; W: 8.3 inches).

12. Channel relocations and stream crossings will impact permanently 7,509 linear feet of watercourse.

**E32-449. Lazor Brothers, Inc.**, 891 Centennial Drive, Indiana, PA 15701. White Township, **Indiana County**, ACOE Pittsburgh District.

To construct and maintain two culvert crossings, each consisting of three 54-inch corrugated metal pipes in an unnamed tributary to McCarthy Run (CWF) for the purpose of providing access to the Sterling Hills proposed development. The proposed work will impact 0.31 acre of wetlands. The northern crossing will have a length of 93 feet and the southern crossing will have a length of 83 feet. The project is located off of Benjamin Franklin Road,

approximately 2,300 feet north of its intersection with Route 422 (Indiana, PA Quadrangle N: 0.4 inch; W: 10.1 inches).

**E65-816. Unity Township Supervisors**, 1104 Beatty Road, Latrobe, PA 15650. Unity Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 125-foot long, 13.5-foot by 8.5-foot box culvert in Fourmile Run (TSF) located on an access road to the Unity Township Office. The project is located along Beatty Road, approximately 0.2 mile north of SR 30 (Latrobe, PA Quadrangle N: 7.2 inches; W: 8.3 inches).

**E65-817. Maronda Homes, Inc.**, 202 Park West Drive, Pittsburgh, PA 15275. Rostraver Township, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a 140-foot long 54-inch diameter pipe culvert in an unnamed tributary to Pollock Run (WWF) on Galile Drive in a proposed housing development located west of Vernon Drive, approximately 3,000 feet north of SR 51 (Donora, PA Quadrangle N: 10.9 inches; W: 5.7 inches).

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

**E10-366. Middlesex Township Board of Supervisors**, 133 Browns Hill Road, Valencia, PA 16059-3101. Middlesex Township Sewerage System and Facilities Project, in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 14.8 inches; W: 11.9 inches).

The applicant proposes to construct and maintain a 500,000 gpd extended aeration sewage treatment plant and approximately 229,000 lineal feet of 8-inch, 10-inch, 12-inch and 18-inch ductile iron and PVC collector sewers, trunk sewers and force main to provide public sewage treatment in areas of Middlesex Township where malfunctioning on-lot systems are prevalent. The project includes the following: (1) to construct and maintain a sewage treatment plant effluent outfall discharging to the S. Branch of Glade Run (Valencia, PA Quadrangle N: 14.7 inches; W: 12.2 inches) having a 1.25-foot diameter PVC plastic pipe; (2) to construct and maintain a sewage treatment plant stormwater effluent outfall discharging to an unnamed tributary of the S Branch of Glade Run (Valencia, PA Quadrangle N: 14.7 inches; W: 11.8 inches); (3) to place fill with approximate average dimensions of 10 feet wide by 120 feet long by 1.5 feet high on the left floodway of Glade Run and with approximate average dimensions of 37.5 feet wide by 120 feet long by 1.5 feet high on the left floodplain of Glade Run to construct a pump station (Valencia, PA Quadrangle N: 18.0 inches; W: 18.6 inches); (4) to temporarily affect 3.07 acres of wetland including 0.33 acre of PEM and 2.71 acres of PSS with 24 crossings by sewer lines; and (5) to temporarily affect Glade Run, the S. Branch of Glade Run, unnamed tributaries to Glade Run and unnamed tributaries to the S. Branch of Glade Run which are streams classified as WWF with 102 crossings by sewer lines. This project proposes to directly affect approximately 0.03 acre of floodway and 0.1 acre of floodplain and to temporarily affect a total of 3.07 acres of wetland and to cross streams in 102 locations.

**E27-069. Forest School District**, 210 Vine Street, Tionesta, PA 16353-9707, West Forest School, in Hickory Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 7.7 inches; W: 8.25 inches).

The applicant proposes to construct and maintain a sewage outfall and headwall on the left bank of the Allegheny River in Hickory Township, Forest County. The headwall will be approximately 60 inches wide and will be recessed into the bank and be filled with large native river rock to provide a natural visual appearance.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA13-001CO. Afran Realty**, 2123 Washington Avenue, Northampton, PA 18067. Lower Towamensing Township, **Carbon County**, ACOE Philadelphia District.

Project proposes to relocate and reconstruct a nonjurisdictional dam adjacent to Borger Creek (CWF, MF) impacting a de minimis area of wetland (PEM) equal to 0.02 acre. The dam is located approximately 200 feet southwest of the intersection of Spruce Road (T369) and 57 Road (T378) (Palmerton, PA Quadrangle N: 18.3 inches; W: 0.4 inch).

#### DAM SAFETY

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

**D46-332A. Abington Township**, 1176 Old York Road, Abington, PA 19001. To construct, operate and maintain the Susquehanna Woods Flood Control Dam across a tributary to Sandy Run (TSF), impacting 0.18 acre of wetlands (PEM) and 1,325 feet of stream for the purpose of attenuating flood flows downstream of the project site. The applicant has made a contribution to the Pennsylvania Wetland Replacement Project instead of constructing replacement wetlands. This is a request to reissue a Dam Permit which was issued on January 21, 2000, and expired on December 31, 2001 (Germantown, PA Quadrangle N: 22.5 inches; W: 3.5 inches) in Abington Township, **Montgomery County**.

**D45-155A. East Stroudsburg Borough**, 24 Analomink Street, P. O. Box 303, East Stroudsburg, PA 18301. Project proposes to construct a swale and measuring weirs at the base of the East Stroudsburg Reservoir Dam temporarily impacting approximately 0.07 acre of wetland (PEM) to monitor seepage through the dam. The dam is located across Sambo Creek (CWF, MF) approximately 500 feet northwest of the intersection of Brushy Mountain Road (T513) and Wooddale Drive (T527) (East Stroudsburg, PA Quadrangle N: 11.5 inches; W: 5.3 inches). Middle Smithfield Township, **Monroe County**.

#### ACTIONS

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

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35

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

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

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

#### I. Municipal and Industrial Permit Actions under The Clean Streams Act (35 P. S. §§ 691.1— 691.1001).

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

**NPDES Permit No. PA0013048**, Industrial Waste, **Honeywell, Inc.**, 1100 Virginia Drive, Fort Washington, PA 19034-3260. This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into Pine Run Creek.

**NPDES Permit No. PA0050831**, Sewage, **HPC Associates**, 2 Neshaminy Interplex, Suite 301, Trevoise, PA 19047. This proposed facility is located in Abington Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into Pennypack Creek.

**NPDES Permit No. PA0052744**, Sewage, **Concordville Hotel, Inc.**, 780 Baltimore Pike, P. O. Box 607, Concordville, PA 19331-0607. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary of the West Branch of Chester Creek

**NPDES Permit No. PA0058661**, Sewage, **Joseph A. Kuroski and Gina M. Bryan**, 113 Church Road, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

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

**WQM Permit No. 4602416**, Sewerage, **Joseph A. Kuroski and Gina M. Bryan**, 1131 Church Road, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a small flow sewage treatment facility.

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

**NPDES Permit No. PA0061727**, Sewage, **The Passionist Nuns, St. Gabriel's Monastery**, 631 Griffin Pond Road, Clarks Summit, PA 18411-8828. This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Action: Renew NPDES Permit.

**NPDES Permit No. PA0028908**, Sewage, **Department of Agriculture**, P. O. Box C, Route 92 South, Tunkhannock, PA 18657. This proposed facility is located in Tunkhannock Township, **Wyoming County**.

Description of Proposed Action: Renew NPDES Permit.

**NPDES Permit No. PA0063649**, Sewage, **Selviati Restaurant, Inc. t/a King Arthur Room**, Route 209, P. O. Box 645, Sciota, PA 18354-0645. This proposed facility is located in Hamilton Township, **Monroe County**.

Description of Proposed Action/Activity: Renew NPDES Permit.

**NPDES Permit No. PA0010987**, Sewage, **Department of the Army, Tobyhanna Army Depot**, 11 Hap Arnold Boulevard, AMSEL-TY-RK-E, Tobyhanna, PA 18466-5086. This proposed facility is located in Tobyhanna Township, **Monroe County**.

Description of Proposed Action: Renew NPDES Permit.

**NPDES Permit No. PA0063657**, Sewage, **Wyoming Area School District**, 20 Memorial Street, Exeter, PA 18643. This proposed facility is located in Exeter Township, **Luzerne County** and discharges to an unnamed tributary to Sutton Creek.

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

**NPDES Permit No. PA0062979**, Sewage, **Outletter Associates**, 490 N. Main Street, Pittston, PA 18640. This proposed facility is located in Pocono Township, **Monroe County** and discharges to Pocono Creek.

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

**NPDES Permit No. PA0061573**, Sewage, **Camp Moshava**, 25 West 26th Street, New York, NY 10010. This proposed facility is located in Berlin Township, **Wayne County** and discharges to UNT Indian Orchard Brook.

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

**NPDES Permit No. PA0043885**, Sewage, **Greater Pottsville Area Sewer Authority**, 401 North Centre Street, P. O. Box 1163, Pottsville, PA 17901-7163. This proposed facility is located in Pottsville City, **Schuylkill County** and discharges to Schuylkill River.

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

**NPDES Permit No. PA0064246**, Sewage, **West Mahanoy Township**, 190 Pennsylvania Avenue, Shenandoah Heights, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issue a new NPDES permit.

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

**NPDES Permit No. PA0087696**, Sewage, **GSP Management Company, Shadyback Acres MHP**, Box 278, King of Prussia, PA 19406. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Manada Creek in Watershed 7-D.

**NPDES Permit No. PA0024384 and WQM Permit No. 2179410 (Amendment 97-1)**, Sewage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1100. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of permits.

**NPDES Permit No. PA0088625 and WQM Permit No. 2100403**, Sewage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of permits.

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

**NPDES Permit No. PA0228672**, Sewage 4952, **Muddy Run Regional Authority**, P. O. Box 474 Madera, PA 16661-0474. This proposed facility is located in Glen Hope Borough, **Clearfield County**.

Description of Proposed Action/Activity: Applicant granted an NPDES permit for a proposed discharge of treated sewage wastewater to Clearfield Creek (WWF).

**NPDES Permit No. PA0114111**, Sewage, SIC 4952, **US Army Corps of Engineers, Baltimore District (South Shore Recreation Area)**, R. D. 1, Box 65, Tioga, PA 16946-9733. The existing discharge is located in Lawrence Township, **Tioga County**.

Description of Proposed Activity: Renewal of an NPDES permit for Outfall 001 for South Shore Recreation Area Wastewater Treatment Plant. Discharge is to the Cowanesque River (WWF).

**NPDES Permit No. PA0046094**, Sewage, SIC 4952, **US Army Corps of Engineers—Baltimore District (Ives Run Recreation Area)**, R. D. 1, Box 65, Tioga, PA 16946-9733. The existing discharge is located in Tioga Township, **Tioga County**.

Description of Proposed Activity: Renewal of an NPDES permit for Outfall 001 for Ives Run Recreation Area Wastewater Treatment Plant. Discharge is to Crooked Creek (WWF).

**NPDES Permit No. PA0114880**, Sewerage, SIC 4952, **Church of Jesus Christ Latter Day Saints**, R. R. 1, Box 121, Springville, PA 18844. This proposed facility is located in North Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge 0.0009 MGD to unnamed tributary of West Branch Briar Creek (CWF).

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

**Permit No. 1102402**, Sewerage, **Tashia Campbell**, P. O. Box 42815, Flinton, PA 16640. Construction of single residence sewage treatment plant located in Gallitzin

Township, **Cambria County** to serve the Campbell single residence sewage treatment plant.

**Permit No. 2602404**, Sewerage, **Menallen Township Board of Supervisors**, 427 Searights Herbert Road, Uniontown, PA 15401. Construction of pump station, force main and gravity sewers located in Menallen Township, **Fayette County** to serve Smockhill Village.

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

**NPDES Permit No. PA0020541**, Sewage, **Girard Borough**, 34 Main Street West, Girard, PA 16417. This proposed facility is located in Girard Borough, **Erie County**.

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

**NPDES Permit No. PA0222437**, Sewage, **PEC Management II, Burger King Restaurant**, 1250 Tower Lane, Erie, PA 16505. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Neshannock Creek.

**NPDES Permit No. PA0100650**, Sewage, **Forrest Brooke Mobile Home Park**, 7266 West Market Street, Mercer, PA 16137. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Magarree Run.

**NPDES Permit No. PA0238805**, Sewage, **Northwest Savings Bank**, 33 Main Street, Bradford, PA 16701. This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Pennbrook Run.

**NPDES Permit No. PA0032549**, Sewage Amendment No. 1, **Department of Conservation and Natural Resources, Bureau of State Parks, Presque Isle State Park—Marina Sewage Treatment Plant**, P. O. Box 387, Prospect, PA 16052-0387. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Presque Isle Bay of Lake Erie.

**NPDES Permit No. PA0024856**, Sewage, **Taylor Township Sewer Authority**, P. O. Box 489, West Pittsburg, PA 16160-0489. This proposed facility is located in Taylor Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Beaver River.

**NPDES Permit No. PA0103217**, Sewage, **Greene Township Municipality, Tate Road Sewage Treatment Plant**, 9333 Tate Road, Erie, PA 16509-6049. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Four Mile Creek.

**NPDES Permit No. PA0238881**, Sewage, **Joel E. Brown Small Flow Treatment Facility**, 9089 Old Waterford Road, Erie, PA 16509. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Walnut Creek.

**NPDES Permit No. PA0210528**, Sewage, **Welcome Home Centers, Inc.**, Route 417 West, P. O. Box 189, Allegany, NY 14706. This proposed facility is located in Washington Township, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Wolf Run.

**WQM Permit No. 3796201**, Industrial Waste Amendment No. 2, **Dairy Farmers of America**, R. R. 1, P. O. Box 268, New Wilmington, PA 16142-0268. This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the installation of an equalization tank at an existing wastewater treatment facility.

**WQM Permit No. 4202201**, Industrial Waste, **American Refining Group, Inc.**, 77 North Kendall Avenue, Bradford, PA 16701. This proposed facility is located in City of Bradford, **McKean County**.

Description of Proposed Action/Activity: This project is to add additional wastewater treatment equipment to an existing wastewater treatment plant.

**WQM Permit No. 6202201**, Industrial Waste, **Kane Liquid Fuels Inc. (McMillen Lumber Site)**, 1 Oak Street, P. O. Box 420, Kane, PA 16735. This proposed facility is located in Sheffield Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the installation of an in-situ gasoline contaminated soil/groundwater remediation system at a former sawmill/lumber yard.

**WQM Permit No. 6202202**, Industrial Waste, **Kane Liquid Fuels, Inc. (Sheffield Container Site)**, 1 Oak Street, P. O. Box 420, Kane, PA 16735. This proposed facility is located in Sheffield Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the installation of an in-situ gasoline contaminated soil/groundwater remediation system at a former sawmill/lumber yard.

**WQM Permit No. 2502429**, Sewerage, **Joel E. Brown, Small Flow Treatment Facility**, 9089 Old Waterford Road, Erie, PA 16509. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a small flow treatment facility to serve two homes.

**WQM Permit No. 4202403**, Sewerage, **Northwest Savings Bank**, 33 Main Street, Bradford, PA 16701. This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: This project is for a small flow treatment facility to serve two homes.

**WQM Permit No. 2002433**, Sewerage, **Matthew F. Koehler and Patricia D. Koehler**. This proposed facility is located in Hayfield Township, **Crawford County**.

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

**WQM Permit No. 1002414**, Sewerage, **Joseph and Jean Scherer**, 160 Leisie Road, Renfrew, PA 16053. This proposed facility is located in Forward Township, **Butler County**.

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

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

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

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

*Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G514	Megill Development Company, Inc. 2 Huntrise Lane West Chester, PA 19382	Chester	East Nottingham Township	Tributary to Jordan Run 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>
PAS10Q036-R	K & M Associates, Inc. P. O. Box 332 Trexlerstown, PA 18087	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAS10U182	Columbia Gas Transmission Corp. 525 Highland Blvd. Suite 100 Coatesville, PA 19320	Northampton	Forks and Lower Mt. Bethel Townships	UNT to Mud Run CWF UNT 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 Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage  
 (SSN)  
 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 Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage  
 (SSN)  
 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>
Falls Township Bucks County	PAR10D683	Bucks County Courier Times 8400 Route 13 Levittown, PA 19057	Rock Run— Martin Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bristol Borough Bucks County	PAR10D705	Kramont Realty Trust, Inc. 580 West Germantown Pike Plymouth Meeting, PA 19425	Unnamed tributary Delaware River TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Buckingham Township Bucks County	PAR10D713	Katz Developers 19800 Street Road, Suite 200 Warrington, PA	Unnamed tributary Delaware River TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warminster Township Bucks County	PAR10D668	Dominic LaRosa 404 Davisville Road Willow Grove, PA 19090	Little Neshaminy Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warwick Township Bucks County	PAR10D685	Scott A. and Craig H. Cornell P. O. Box 311 Jamison, PA 18929	Unnamed tributary Little Neshaminy Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Makefield Township Bucks County	PAR10D645	Westrum Development Co. 370 Commerce Drive Fort Washington, PA	Unnamed tributary Delaware River	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plumstead Township Bucks County	PAR10D629	Heritage Building Group, Inc. 3326 Old York Rd. Ste. A100 Furlong, PA	Geedes Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franklin and New London Townships Chester County	PAR10G507	Rugiero Developers Regency Plaza, Ste., 28 P. O. Box 448 Glen Mills, PA 19342-0448	West Branch White Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Goshen Township Chester County	PAR10G500	West Chester University 201 Carter Drive West Chester, PA 19383	Plum Run WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Whitpain Township Montgomery County	PAR10T868	Danny Jack Corporation 3625 Welsh Road Willow Grove and Philomeno and Salamone 450 South Gravers Road Plymouth Meeting, PA	Stony Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10T876	Trefoil Properties, Inc. 1120 Welsh Road, Ste. 210 North Wales, PA 19454	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10T788	Phoenixville Area YMCA 24600 Boulevard of the Generals West Norriton, PA 19403	Unnamed tributary Mingo Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAR10T920	Horsham Township 1025 Horsham Road Horsham, PA 19044	Park Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Northampton County City of Easton	PAG2024803002	Ashley Development Corp. 559 Main St., Suite 300 Bethlehem, PA 18018	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Maidencreek Township Berks County	PAG2000602001	Fiorino Grande Grande Construction 424 Miller Rd. Sinking Spring, PA 19608	Willow Creek CWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Calvary Cemetery Expansion Logan Township Blair County	PAG2000703001	Calvary Cemetery Association 2417 Pleasant Valley Blvd. Altoona, PA 16602	Brush Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648
Penn State Altoona New Office and Classroom City of Altoona Blair County	PAG2000703002	Penn State University 214 Physical Plant Building University Park, PA 16802	Spring Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648
New Pig Corporate Expansion Antis Township Blair County	PAG2000703003	New Pig Corporation 3 Pork Avenue Tipton, PA 16686	Little Juniata River TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648
Hamilton Township	PAR10M185	JED Associates 4961 Cumberland Hwy. Chambersburg, PA 17201	Dennis Creek CWF	Franklin County Conservation District (717) 264-8074
Warwick Township Lancaster County	PAG2003603003	John Banta 315 Clay Rd. Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Paradise Township Lancaster County	PAG2003603007	The Davco Family Inc. 935 Chestnut St. Gap, PA 17527	Londonland Run CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Borough Lancaster County	PAG2003603008	Ephrata Borough P. O. Box 906 Ephrata, PA 17522	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Earl Township Lancaster County	PAG2003603009	Reid E. Wissler P. O. Box 479 Brownstown, PA 17602	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Earl Township Lancaster County	PAR100368-1	Garden Spot Village 433 S. Kinzer Ave. New Holland, PA 17557	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAR100594	Fieldcrest Associates 4591 Marietta Ave. Columbia, PA 17512	West Branch Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Clay Township Lancaster County	PAR100602	E & L Martin Family Partnership 2000 W. Route 897 Denver, PA 17517	Indian Run TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAR100604	Roy W. Zimmerman 10 Eagles Landing Lititz, PA 17543	Hammer Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Lebanon County Swatara Township	PAG2003802001	Glenn Landis 95 Greble Road Jonestown, PA 17038	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County North Lebanon Township	PAG2003802002	Clyde Patches 12 East Maple Street Lebanon, PA 17046	Tributary to Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County Bethel Township	PAG200380002	Camp Strause Fire Company 544 Camp Strause Road Fredricksburg, PA 17026	UNT to Monroe Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County Jackson Township	PAG2003803001	David Martin 150 Lengle Road Myerstown, PA 17067	Owl Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908

<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>
Bradford County Towanda Borough	PAG2040803001	Towanda Area School District N. 4th St. Towanda, PA 18848	Mix Run Susquehanna River WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Lycoming County Fairfield Township	PAG2004103001	Thomas H. Krouse 632 Woodward Ave. Lock Haven, PA 17745	UNT Twin Run WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Montour County Valley Township	PAR104726	Valley Township Municipal Authority P. O. Box 307 Danville, PA 17821	Mahoning Creek TSF UNT Mauses Creek CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Snyder County Middle Creek Township	PAG200550301	Department of Transportation District 3-0 P. O. Box 218 Montoursville, PA 17754	Tributary to Middle Creek CWF	Snyder County Conservation District 403 West Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Beaver County Chippewa Township	PAG2000403001	Robert Preston Preston Beaver Falls Realty Company 1500 Wilmington Rd. New Castle, PA 16105	UNT to Wallace Run WWF	Beaver County Conservation District (724) 774-7090
Cambria County Cambria Township	PAG2001103001	Martin Oil Company 528 North First Street Bellwood, PA 16617	South Branch of Blacklick Creek CWF	Cambria County Conservation District (814) 472-2120
Washington County Peters Township	PAG2006303001	Peters Township 610 East McMurray Road McMurray, PA 15317	Brush Run WWF	Washington County Conservation District (724) 228-6774

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
York County Manchester Township	PAR233541	Marley Cooling Technologies 7401 W. 129th Street Overland Park, KS 66213	UNT Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Porter Township	PAR143507	MeadWestvaco Consumer & Office Products—Blair Plant P. O. Box 317 Alexandria, PA 16611	Frankstown Branch/Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of New Castle Lawrence County	PAR808315	Interchange Specialty Services, Inc. 200 Industrial Street New Castle, PA 16102	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

NOTICES

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bedford County Napier Township	PAG043699	Shawnee Valley Ambulance Service 166 Valley Road P. O. Box 8 Schellsburg, PA 15559	UNT Shawnee Branch WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
North Centre Township Columbia County	PAG044996	Cleon and Marcia Dodge 4087 Ridge Road Berwick, PA 18603	West Branch Briar Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Huston Township Centre County	PAG045021	L. Melvin Lowery 130 Lowery Lane Julian, PA 16844	Steele Hollow Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Howard Township Centre County	PAG045151	William W. and Lisa A. Hackenberg 188 Greens Run Road Howard, PA 16841	Greens Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Union Township Tioga County	PAG045028	Edna Landon R. R. 1, Box 187A Roaring Branch, PA 17765	UNT to Towanda Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Gallitzin Township Cambria County	PAG046268	Tashia Campbell P. O. Box 42815 Flinton, PA 16640	UNT to Clearfield Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Hayfield Township Crawford County	PAG048867	Matthew F. Koehler and Patricia D. Koehler	Unnamed tributary to Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Forward Township Butler County	PAG048846	Joseph and Jean Scherer 160 Leisie Road Renfrew, PA 16053	Unnamed tributary to Glade Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Chanceford and Lower Chanceford Townships York County	PAG083505	Springettsbury Township 1501 Mount Zion Road York, PA 17402	Twin Good Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Montgomery Township Franklin County	PAG080003, 0006, 0008, 0009, 2201, 2203, 3501, 3502, 3506, 3515, 3517, 3518, 3522, 3540, 3542, 3547, 3551, 3825, 9903, 9904, 9905, PAG070003	SynaGro Mid Atlantic Inc. 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Allen Carbaugh Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Montgomery Township Franklin County	PAG080003, 0006, 0008, 0009, 2201, 2203, 3501, 3502, 3506, 3515, 3517, 3518, 3522, 3540, 3542, 3547, 3551, 3825, 9903, 9904, 9905, PAG070003	SynaGro Mid Atlantic Inc. 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Hissong-Hege Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (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).**

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

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

Applicant	<b>William Brightman, P. E. H2O to Go 49 Village Square Drive Marietta, PA 17547</b>
Borough	Muncy Borough
County	<b>Lycoming</b>
Type of Facility	PWS—New NAMA approved water dispenser and finished water holding and disinfection equipment at Weis Markets Store 177, 1272 E. Penn St., Muncy, PA 17756
Permit to Operate Issued	January 22, 2003
<b>Permit No. 4496031-A11—Operation. Public Water Supply.</b>	
Applicant	<b>Tulpehocken Spring Water Company, Inc. c/o Joseph V. Malloy, President R. R. 1, Box 114-T</b>

Township Point Township  
 County **Northumberland**  
 Type of Facility PWS—Operation of well no. 1 as a source for distillation located at the Oak Park Plant in Point Township, Northumberland County  
 Consulting Engineer Mid Penn Engineering  
 P. O. Box 51  
 Lewisburg, PA 17837  
 Permit to Operate Issued January 30, 2003

**Permit No. Minor Amendment—Construction.**  
 Public Water Supply.

Applicant **Eagle Creek Partnership**  
**c/o Louis Glantz, Partner**  
 1901 East College Avenue  
 State College, PA 16801  
 Township Union Township  
 County **Centre**  
 Type of Facility PWS—Modification of well pump no. 1 and the greensand filters.  
 Consulting Engineer Gabriel Pellegrini, P. E.  
 Innovative Consulting Group, Inc.  
 2817 Industrial Avenue  
 Altoona, PA 16601  
 Permit to Construct Issued February 4, 2003

**Permit No. 1702503—Innovative Technology Construction Permit.** Public Water Supply.

Applicant **Irvona Municipal Authority**  
 P. O. Box 247  
 Berwind Street  
 Irvona, PA 16656  
 Borough Irvona Borough  
 County **Clearfield**  
 Type of Facility PWS—Approves a Pall Aria AP-3 membrane microfiltration plant, installation of a measuring weir just below the Hockenberry Run Reservoir and installation of approximately 4,500 feet of 6-inch distribution mains.  
 Consulting Engineer Leo J Drass, Jr., P. E.  
 Gwin, Dobson, & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602  
 Permit to Construct Issued February 4, 2003

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

**Permit No. 2002503,** Public Water Supply.

Applicant **Pinedale Mobile Home Park**  
 3463 Pinedale Lane  
 Atlantic, PA 16111  
 Borough or Township East Fallowfield Township  
 County **Crawford**  
 Type of Facility PWS—Well Nos. 1 and 2

Consulting Engineer Porter Consulting Eng., PC  
 814 North Main Street  
 Meadville, PA 16335  
 Permit to Construct Issued February 4, 2003

**Operations Permit** issued to **Cornell Abraxas Group Inc.**, Forest Road, Marienville, PA 16239, PWS ID 6270005, Howe Township, **Forest County** on January 29, 2003, for the operation of facilities approved under Construction Permit 2787501-T2-MA2.

**Operations Permit** issued to **Millcreek Township Water Authority**, 3608 West 26th Street, Erie, PA 16505, PWS ID 6250076, Millcreek Township, **Erie County** on January 29, 2003, for the operation of facilities approved under Construction Permit 2501501.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location: Grenway Road Sanitary Sewer Extension

Borough or Township	Borough or Township Address	County
Dover Township	9211 Susquehanna Trail South Seven Valleys, PA 17360	York County

Plan Description: The approved plan provides for a public sewer extension to serve existing development along Grenway Road between Davidsburg Road and Emig Mill Road in Dover Township, York County. There will be 14 connections to the extension with total estimated sewage flows of 4,900 gpd tributary to the Dover Township Wastewater Treatment Plant. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

Borough or Township	Borough or Township Address	County
Jefferson Township	R. R. 1, Box 208 Rices Landing, PA 15357	Greene
Jefferson Borough	Box 241 Jefferson, PA 15344	Greene
Morgan Township	Box 3 Mather, PA 15346	Greene
Clarksville Borough	P. O. Box 142 Clarksville, PA 15332	Greene
East Bethlehem Township	P. O. Box 687 Fredericktown, PA 15333	Washington

Plan Description: The approved plan provides for an upgrade and expansion of the Mather and Williamstown Sewage Treatment Facilities and an expansion of their respective service areas. 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 Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).**

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

**Plan Location:**

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Carroll Township	555 Chestnut Grove Road Dillsburg, PA 17019	York County

**Plan Description:** Earl Livingston: The plan consists of a two lot single-family residential subdivision on 95.17 acres with total proposed sewage flows of 400 gpd to be treated by an individual onlot disposal system. The proposed development is located on the east and west sides of Meadowview Road, approximately 650 feet north of Old York Road in Carroll Township, York County.

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

**Proposed Remedial Response**

**Bear Creek Area Chemical Site, Fairview, Park and Concord Townships Petrolia, Fairview, Karns City and Bruin Boroughs, Butler County**

**Perry Township, Armstrong County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing a remedial response at Bear Creek Area Chemical Site, Fairview, Park and Concord Townships and Petrolia, Fairview, Karns City and Bruin Boroughs, Butler County and in Perry Township, Armstrong County.

**1. Background**

The HSCA was enacted in 1988 to provide for the cleanup of Commonwealth sites that are releasing or threatening the release of hazardous substances. Section 502(a) of the HSCA requires that the Department publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants which present a substantial danger. In accordance with the requirements of section 502(a) of the HSCA, the Hazard Ranking System (HRS) (40 CFR Part 300, Appendix A), established under the Federal Superfund Act, as amended, is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of the HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL. HRS scores are finalized by the Department using the HRS in effect at the time the score is prepared and the proposed listing notice is issued under section 502(c) of the HSCA.

The HRS was developed by the EPA as the method used to evaluate the relative potential of hazardous substance releases to cause health or safety problems, ecological or environmental damage. It is the principal mechanism for placing a site on the National Priorities List (NPL), the list of priority releases for long-term remedial evaluation and response under the Federal Superfund Act. The HRS is calculated by utilizing known information to establish the level of threat presented in four potential pathways of human or environmental exposure: groundwater, surface water, air and soil exposure. Within each pathway of exposure, the HRS considers three categories of factors:

(1) Factors that indicate the presence or likelihood of a release to the environment.

(2) Factors that indicate the nature and quantity of the substances presenting the potential threat.

(3) Factors that indicate the human or environmental targets potentially at risk from the site.

The resultant HRS score represents an estimate of the relative probability and magnitude of harm to human populations or sensitive environments from potential exposure to hazardous substances by the groundwater, surface water, soil exposure or air pathways.

**2. Summary and Purpose**

Placement of a site on the PAPL is used to identify sites which need further study and/or remedial response decisions to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under the HSCA or other authorities and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the sites it has studied. The Department may decide not to immediately proceed with an HSCA remedial action or that no remedial action is necessary.

**3. Technical Evaluation Grants under Act 108**

Under section 510 of the HSCA, the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department regional office in which the site is located. Refer to the Additional Information section.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. The grant will be signed; however, the grant will not be effective until the



proposed remedial response is available for public review. At that time, the municipality may proceed with the review of the Department's proposed remedial response.

#### PAPL

##### A. Effective Date

The sites listed are being placed on the PAPL effective upon publication of this *Pennsylvania Bulletin*.

##### B. Contact Person

Individual site information may be obtained by contacting the Department's regional office in which the site is located and whose address can be found in the Additional Information section.

##### C. Statutory Authority

The PAPL is published under the authority of section 502(a) of the HSCA. Under section 502(b) of the HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under the Environmental Hearing Board Act (35 P.S. §§ 7511 et seq.), nor shall it confer a right or duty upon the Department or any person.

##### D. Review and Public Comment

The HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the 30-day comment period for the sites being added with this publication. Written comments should be mailed to Charles Tordella, Hazardous Sites Cleanup Program, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3418.

The regional office site files contain all information considered by the Department in placing a site on the PAPL. Files are available for review in the appropriate regional Field Operations Office, by appointment only, from 8 a.m. to 4 p.m., Monday through Friday, excluding State holidays. Contact the regional Environmental Cleanup Program Manager whose address can be found in the Additional Information section. The Department considers the written comments received during the formal comment period. Written comments and the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

##### E. Contents of List

This notice places one site on the PAPL. Table 1 lists the site added to the PAPL by this notice. The name of the site, HRS score, municipality, county and the Department region are included in this table. Table 2 lists eight sites currently on the PAPL. Included is the site added by this notice. The name of the sites, HRS score, municipality, county and the Department region are included in this table. The sites are listed in decreasing order of HRS scores.

##### F. Site Listing Summary

The Bear Creek Area Chemical Site (Site) is located in Fairview, Parker and Concord Townships and Petrolia, Fairview, Karns City and Bruin Boroughs, Butler County and in Perry Township, Armstrong County. The site includes, at minimum, 24 areas where the Department knows or has evidence to suggest that industrial wastes were disposed and the surface water, groundwater, soils and sediments that have been contaminated from hazardous substances and contaminants that have migrated from the disposal areas. The industrial wastes were transported to and disposed in various site areas from approximately the 1950s into the 1970s by Francis Spitzer and others. The industrial wastes were generated by Koppers Company (now known as Beazer East, Inc.) and Witco Chemical Corporation (now known as Crompton Corporation) and others.

Various hazardous substances are present in the disposal areas and associated surface water, groundwater and soils within the site. The hazardous substance most frequently detected is resorcinol. Additionally, the following contaminants have been detected in waste and environmental media at most of the disposal areas: meta-benzene disulfonic acid, benzene sulfonic acid, para-phenol sulfonic acid and calcium petronate/KSS (Site contaminants). Resorcinol and Site contaminants have been detected in the groundwater and springs over a wide geographical area, including numerous private and public drinking water wells. Beginning on March 21, 2002, the Department began supplying alternative potable water to what now numbers over 680 residences, businesses and institutions in the Site area whose wells contain or are threatened by contamination with resorcinol or Site contaminants.

The Site consists of two operable units for the purposes of study and remediation. They are operable unit 1 (OU1): the various site disposal areas and OU2: the groundwater impacted or threatened by the release of hazardous substances and contaminants at the site. The Department intends to conduct the following remedial response at OU2: construction of a public water supply system that would provide potable water to persons at the site.

##### G. Additional Information

For additional information, contact Department of Environmental Protection, Northwest Region, Craig Lobins, Environmental Program Manager, Mark Gorman, Chief, Hazardous Sites Cleanup Program, Charles Tordella, Project Officer, 230 Chestnut Street, Meadville, PA 16335-3481.

**Table 1—Site Being Added**

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>Counties</i>	<i>Department Region</i>
Bear Creek Area Chemical	28.46	Fairview, Parker, Concord Townships, Petrolia, Fairview, Karns City, Bruin Borough, Butler County; Perry Township, Armstrong County	Butler, Armstrong	Northwest

**Table 2—PAPL**

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>Department Region</i>
Dupont/New Castle	54.75	New Castle	Lawrence	Northwest
H. K. Porter	48.04	Hopewell Township	Beaver	Southwest

Site	HRS	Municipality	County	Department Region
Gettysburg Foundry	38.20	Cumberland Township	Adams	Southcentral
F. E. Cooper	33.62	Broad Top Township	Bedford	Southcentral
Bear Creek Area Chemical	28.46	Fairview, Parker, Concord Townships, Petrolia, Fairview, Karns City, Bruin Borough, Butler County; Perry Township, Armstrong County	Butler, Armstrong	Northwest
Schiller	24.65	Richmond Township	Crawford	Northwest
Quakertown	22.25	Quakertown	Bucks	Southeast
Mun. and Ind. Disp.	19.58	Elizabeth Township	Allegheny	Southwest

## 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:

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

**Lafayette Meadows Development—Lots 21—23, Forks Township, Northampton County.** Scott R. Campbell, P. G., Earth Resources Group, Inc., P. O. Box 468, Pipersville, PA 18947 has submitted a Final Report (on behalf of Signature Homes, 610 Farm Lane, Doylestown, PA 18901) concerning the remediation of soils found or suspected to have been contaminated with lead and other metals. The report was submitted to document remediation of the site to meet the residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

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

**Former Halliburton Energy Services Property, Bradford Township, McKean County.** Entact Environ-

mental Tactics, 4040 W. Royal Lane, Suite 136, Irving, TX (Halliburton Energy Service, Inc., 350 High St., Bradford, PA) has submitted a Final Report concerning the remediation of soil contaminated with lead, heavy metals, BTEX, PHCs, PAHs and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards. Public notice in the *Bradford Era* will be complete on or about January 18, 2003.

**Scaffold Lick Site, Liberty Township, McKean County.** Environmental Resources Management, 855 Springdale Dr., Exton, PA 19341 (on behalf of Ten Point Hunting Club, 731 Frost Hollow Rd., Easton, PA 18040) has submitted a Remedial Investigation/Risk Assessment Report and Cleanup Plan concerning remediation of soil and groundwater contaminated with lead, OTORG, INORG, PAH, PCBs and CLSOL. The report is intended to document remediation of the site to meet the Site Specific Standards. Public notice in the *Bradford Era* was complete on or about November 29, 2002.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated

substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the Act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department 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:

*Northeast Region: 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.** American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 submitted a Baseline Remedial Investigation Workplan (on behalf of Wabtec, 1001 Air Brake Avenue, Wilmerding, PA 15148) concerning the characterization of site soil and groundwater that was found or suspected to have been contaminated with solvents. The workplan was submitted in partial fulfillment of the Special Industrial Area standard and was approved on January 16, 2003.

#### **DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit Revoked under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

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

**General Permit No. WMGM001D001. Toro Energy Inc.,** 510 Hearn Street, Suite 100, Austin, TX 78703. This general permit determination of applicability was issued on June 22, 2001, to Toro Energy Inc. for the processing and beneficial use of landfill gas as a substitute for natural gas or other fuel. At the request of the permittee, the Department hereby revokes this general permit determination of applicability. This action was taken by the Central Office on January 30, 2003.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit Denied under the Solid Waste Management Act**

**(35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.**

*Southeast Region: Regional Solid Waste Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**General Permit No. WMGR038SE003. Tire Jockey Services, Inc.,** USX Industrial Park Bldg. 238, Fairless Hills, PA 19030, Falls Township, **Bucks County.** Application submitted for a waste tire processing facility for the processing and beneficial use of waste tires under the Waste Tire General Permit No. WMGR038. This action was taken with regard to a resubmittal (AUTH. ID No. 370093) by the applicant. The Department denied coverage under the determination of applicability on January 30, 2003.

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

**Permits Issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 400674. Merck & Co. Inc.,** 770 Summeytown Pike, P. O. Box 4, Wp20-208, West Point, PA 19486, Upper Gwynedd Township, **Montgomery County.** Application was made for the renewal of the residual waste processing permit for the Rotary Kiln Incinerator located at the Merck-West Point site. The permit was renewed by the Southeast Regional Office on January 30, 2003.

**Permits Deemed Complete 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.**

*Northcentral Region: Regional Solid Waste Manager; 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 300904. International Paper Co.,** P. O. Box 268, Lock Haven, PA 17745-0268, located in Castanea Township, **Clinton County.** A major permit modification for the Class III Residual Waste Landfill was received. The permit was deemed complete by the Williamsport Regional Office on January 31, 2003.

Persons interested in reviewing the permit may contact David Garg, P. E., Acting Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### **MUNICIPAL WASTE GENERAL PERMITS**

**Permits Issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Muni-**

**pal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

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

**General Permit Application No. WMGM017D0011. Two Particular Acres**, 301 Rittenhouse Road, Royersford, PA 19468. Beneficial use of processed manure, yard waste and the like, for use as a soil additive generated at its facility located in Upper Providence Township, **Montgomery County**. The general permit was issued by Central Office on February 3, 2003.

**Department Initiated General Permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGM020.** The Department of Environmental Protection (Department), Bureau of Land Recycling and Waste Management, authorizes salvage facilities to store and process ferrous/nonferrous metal coated with ash residue and ash residue recovered from municipal waste incineration facilities under General Permit WMGM020. This is a Statewide municipal waste general permit. This municipal waste general permit was issued by the Central Office on January 29, 2003.

Under the terms and conditions of the municipal waste general permit, persons who are permitted to process this ash residue will be required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act, conformance with the Air Pollution Control Act, maintenance of records and routine operation reports.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 25 Pa. Code § 271.811 (relating to authorization for general permit). The Department has determined that the storage and processing of this ferrous/nonferrous metal coated with ash residue and ash residue can be adequately regulated using standard permit conditions.

Persons requesting permit issuance to operate under the terms of the general permit are required to obtain a Determination of Applicability from the Department, prior to commencing activities authorized under the general permit. The following minimum information must be submitted to obtain a Determination of Applicability:

- a. Name and address of the applicant.
- b. Number and title of the general permit.
- c. Proof that the proposed processing of this ash residue is consistent with the general permit.
- d. A signed statement accepting all conditions of the general permit.
- e. Proof of municipal notification.

- f. Proof of identification of interests.
- g. Compliance history information.
- h. An application fee in the amount required under 25 Pa. Code § 271.842(b) made payable to the "Commonwealth of Pennsylvania."
- i. Site facility/operational plan.
- j. Right of entry.

Persons interested in obtaining more information or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## 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.**

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

**40-320-018GP: Regency Thermographics** (64 North Conahan Drive, P. O. Box 2009, Hazleton, PA 18201-0675) for construction and operation of a lithographic printing system (51 sheet-fed presses) at their facility in Hazleton, **Luzerne County**.

**40-320-020GP: Regency Thermographics** (64 North Conahan Drive, P. O. Box 2009, Hazleton, PA 18201-0675) for construction and operation of one web fed lithographic printing press at their facility in Hazleton, **Luzerne County**.

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

**GP3-04-00718: Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137) on January 29, 2003, was authorized to operate a portable nonmetallic processing plant at Palmer Plant in Darlington Township, **Beaver County**.

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

**20-289: Belden and Blake—Kirvan Station** (Dottyville Road, Enterprise, PA 16354) on January 31, 2003, for installation of a compressor engine in Oil Creek Township, **Crawford County**.

**20-290: Belden and Blake—Cozy Station** (Spring Creek Road, Titusville, PA 16354) on January 31, 2003, for installation of a compressor engine in Oil Creek Township, **Crawford 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.**

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

**ER-07-05026: Scranton-Altoona Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105) on January 28, 2003, for emission reduction credits for loading rack and storage tanks at East Freedom Terminal in Freedom Township, **Blair County**.

**67-03110A: Govesan Manufacturing, Inc.** (939 Monocacy Road, York, PA 17404) on January 29, 2003, for construction of a powder coatings manufacturing facility in the City of York, **York County**.

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

**56-00025D: New Enterprise Stone and Lime** (P. O. Box, New Enterprise, PA 16664) on January 30, 2003, for installation of a hot mix asphalt plant at Bakersville Quarry in Jefferson Township, **Somerset County**.

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**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.**

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

**15-0064A: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on January 29, 2003, for operation of three emergency generators in West Goshen Township, **Chester County**.

**23-0091: Union Packaging, LLC** (6250 Baltimore Avenue, Yeadon, PA 19050) on January 29, 2003, for operation of a rotogravure printing press no. 1 in Yeadon Borough, **Delaware County**.

**09-0009B: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914) on January 30, 2003, for operation of a web offset press in New Britain Township, **Bucks County**.

**09-0105A: Naceville Materials** (Springfield Street and Route 309, Coopersburg, PA 19474) on February 3, 2003, for operation of an asphalt batch plant in Springfield Township, **Bucks County**.

**09-0048A: H and K Materials** (300 Skunk Hollow Road, Chalfont, PA 18914) on February 3, 2003, for operation of a batch asphalt plant in Newtown Borough, **Bucks County**.

**09-0110: Riverside Construction Materials, Inc.** (7900 Radcliffe Street, Bristol, PA 19007) on February 4, 2003, for operation of cement handling in Bristol Township, **Bucks County**.

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

**19-00006B: DLM Foods, LLC** (6670 Low Street, Bloomsburg, PA 17815) on January 27, 2003, to transfer plan approval to modify three natural gas/no. 6 fuel oil-fired boilers by changing the amount and type of no. 6 fuel oil the boilers are allowed to burn from H. J. Heinz, LP to DLM Foods, LLC in South Centre Township, **Columbia County**.

**49-00001A: Mt. Carmel Cogeneration, Inc.** (Marion Heights Road, Marion Heights, PA 17832) on January 27, 2003, to authorize an increase in the air volume handled by two fabric collectors used to control the particulate matter emissions from an anthracite culm processing plant, to authorize an increase in the allowable amount of particulate matter emitted from the respective plant (from 7.96 tons to 9.11 tons per 12 consecutive month period), to require the use of a cover on a primary screen only when fugitive emissions are observable rather than all of the time, to extend the plan approval until May 27, 2003, and to extend the authorization to operate the culm processing plant on a temporary basis until May 27, 2003, in Mt. Carmel Township, **Northumberland County**.

**41-303-009: HRI, Inc.** (1750 West College Avenue, State College, PA 16804) on January 31, 2003, to extend the plan approval, as well as the authorization to operate a batch asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis, until May 31, 2003, in the City of Williamsport, **Lycoming County**.

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

**04-00013A: J and L Specialty Steel** (1200 Midland Avenue, Midland, PA 15059) on January 28, 2003, for the Steckel Mill and Melt Shop Modifications at their facility in Midland, **Beaver County**. The Plan Approval for modifications to the pickle line (PA-04-00013B) at the J and L Specialty Steel facility in Midland, PA has recently been issued. This Plan Approval authorizes a NOx emission increase of up to 29.32 tons per year. As a result, the amount of ERCs required in the Steckel Mill Plan Approval (PA-04-00013A) must be revised to account for these emissions. The following condition replaces Special Condition 3(d) in Plan Approval PA-04-00013A and increases the required amount of NOx ERCs by 33 tons:

Condition 3(d): The owner or operator, in accordance with 25 Pa. Code §§ 127.208, 127.209 and 127.211, shall secure by approved ERC registry transaction, 197 tons of NOx ERCs before commencement of operation of the Steckel Mill or increasing Melt Shop Capacity. The total ERCs represent a facility net potential emissions increase of 171.57 tons per year times the 1.15 offset ratio (25 Pa. Code § 127.10).

**32-00311A: IA Construction Co.** (158 Lindsay Road, Zelenople, PA 16063) for operation of their Asphalt Plant to complete plant modifications needed for RAP process addition and stack testing at Homer City Plant in Center Township, **Indiana County**. This plan approval was extended.

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

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

**46-00020: Superior Tube Co.** (3900 Germantown Pike, Colledgeville, PA, 19426) for operation of their facility in Lower Providence Township, **Montgomery County**. This amendment is to finalize changes through Plan Approval, PA-46-0020C. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

**V00-009: United States Mint** (151 North Independence Mall East, Philadelphia, PA 19106-1886) administratively amended on February 3, 2003, to incorporate three catalytic oxidizers (one unit is a back-up unit) from approved installation permits. The Title V Operating Permit was originally issued on December 17, 2001.

**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.**

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

**46-00098: EDON Corp.** (1160 Easton Road, Horsham, PA 19044) on January 29, 2003, for operation of a Synthetic Minor Operating Permit in Horsham Township, **Montgomery County**.

**09-00084: Grand View Hospital** (700 West Lawn Avenue, Sellersville, PA 18960) on January 30, 2003, for operation of a Natural Minor Operating Permit in West Rockhill Township, **Bucks County**.

**09-00035: EnPro Industries, Inc.** (23 Friends Lane, Newtown, PA 18940) on January 31, 2003, for operation of a Synthetic Minor Operating Permit in Newtown Township, **Bucks County**.

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

**06-03079: Interstate Container, LLC** (P. O. Box 317, Grace and Meade Street, Reading, PA 19603) on January 31, 2003, for operation of a corrugated and solid fiber box manufacturing facility controlled by a low NOx burner and flue gas recirculation in the City of Reading, **Berks County**.

**21-05013: Fry Communications, Inc.** (101 Fry Drive, Mechanicsburg, PA 17050) on January 31, 2003, for operation of its lithographic printing operation at Plant No. 1 in Mechanicsburg Borough, **Cumberland County**.

**36-05090: Hershey Foods Corp.** (4000 Running Pump Road, Lancaster, PA 17603) on January 29, 2003, for operation of the Y and S Candies facility in East Hempfield Township, **Lancaster County**.

**38-03030: Washington Street Castings, Inc.** (376 Mountville Drive, Lebanon, PA 17042) on January 28, 2003, for operation of a gray iron foundry in Swatara Township, **Lebanon County**.

**67-03008: York Label** (405 Willow Springs Lane, York, PA 17405) on January 29, 2003, for operation of a label printing facility in East Manchester Township, **York County**.

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

**25-00958: Ridg-U-Rak, Inc., Stateline Facility** (12340 Gay Road, North East, PA 16428) Natural Minor Operating Permit issued for their facility in North East Township, **Erie County**. The facility's sources of emissions are natural gas fired space and process heaters.

**20-00272: Universal Stainless and Alloy Products** (121 Caldwell Street, Titusville, PA 16354) on January 23, 2003, for a Natural Minor Operating Permit to operate a cold rolling steel mill facility in the City of Titusville, **Crawford County**.

**20-00262: Generant Co., Inc.** (18254 Technology Drive, Meadville, PA 16335) on January 28, 2003, for a Natural Minor Operating Permit to operate a valves and pipe fittings manufacturing facility in the City of Meadville, **Crawford County**.

**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.**

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

**09-0018: Moore, North America, Inc.** (100 American Drive, Quakertown, PA 18951) modified on January 31, 2003, for nonheat lithographic printing in Richland Township, **Bucks County**.

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

**67-05031: Wayneco, Inc.** (800 Hanover Road, York, PA 17404) for operation of a woodworking facility in Jackson Township, **York County**. On January 28, 2003, the State-only operating permit was modified to reflect a change in VOC emission limits. This is Revision No. 1 of the operating permit.

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

**V95-085: Episcopal Hospital** (100 East Lehigh Avenue, Philadelphia, PA 19125) administratively amended on January 29, 2003, to change contact information and include a change of ownership to Temple University. The Title V Operating Permit was originally issued on September 23, 1999.

**S00-001: EcoTechnology, Inc.** (7800 Penrose Ferry Road, Philadelphia, PA 19153) administratively amended on January 31, 2003, to change contact information. The Synthetic Minor operating permit was originally issued on June 19, 2001.

**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*

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

**26920110 and NPDES Permit No. PA0200140. Patterson Coal Company** (20 Elizabeth Drive, Smithfield, PA 15478). Permit renewal issued for continued reclamation only of a bituminous surface mine located in German, Georges and Nicholson Townships, **Fayette County**, affecting 267.0 acres. Receiving streams: unnamed tributary to Jacobs Creek and unnamed tributary to South Branch of Browns Run. Application received December 12, 2002. Reclamation only renewal issued January 28, 2003.

**03960110 and NPDES Permit No. PA0202045. Cookport Coal Company** (425 Market Street, Kittanning, PA 16201). Permit renewal issued for continued reclamation only of a bituminous surface/auger mine located in Boggs Township, **Armstrong County**, affecting 59.7 acres. Receiving streams: unnamed tributary to South Fork of Pine Creek. Application received January 2, 2003. Reclamation only renewal issued January 29, 2003.

**03910104 and NPDES Permit No. PA0200158. Big Mack Leasing Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Permit renewal issued for continued reclamation only of a bituminous surface mine located in Plumcreek Township, **Armstrong County**, affecting 59 acres. Receiving streams: two unnamed tributaries to Cherry Run. Application received November 4, 2002. Reclamation only renewal issued January 31, 2003.

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

**11020201 and NPDES Permit No. PA0249181. Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, commencement, operation and restoration of a bituminous coal refuse reprocessing surface mine and for discharge of treated mine drainage in Elder Township, **Cambria County**, affecting 16.9 acres. Receiving streams: Brubaker Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 20, 2002. Permit issued January 31, 2003.

**56020101 and NPDES Permit No. PA0249122. Dunamis Resources, Inc.**, One Energy Place, Suite 4000, Latrobe, PA 15650. Commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Jenner Township, **Somerset County**, affecting 56.6 acres. Receiving streams: unnamed tributary to/and Roaring Run classified for CWF. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir (Cambria-Somerset Authority). Application received January 2, 2002. Permit issued January 28, 2003.

**56970101 and NPDES Permit No. PA0234346. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Somerset Township, **Somerset County**, affecting 88.0 acres. Receiving streams: unnamed tributaries to the East Branch Coxes Creek classified for TSF. There are no potable water

supply intakes within 10 miles downstream. Application received November 14, 2002. Permit issued January 6, 2003.

**32920101 and NPDES Permit No. PA059953. Pitt Mining Company**, 423 Weiss Road, Shelocta, PA 15774, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 272.3 acres. Receiving streams: two branches of an unnamed tributary to Gobbler Creek to Crooked Creek to the Allegheny River classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 15, 2002. Permit issued January 6, 2003.

**11970106 and NPDES Permit No. PA0234591. Laurel Sand & Stone, Inc.**, 163 Cricket Lane, P. O. Box 629, Carrolltown, PA 15722, permit transfer from Laurel Land Development, Inc., P. O. Box 629, Carrolltown, PA 15722 for continued operation of a bituminous surface and sandstone removal mine and for discharge of treated mine drainage in Jackson Township, **Cambria County**, affecting 75.5 acres. Receiving streams: unnamed tributary to South Branch of Blacklick Creek; unnamed tributaries to Hinkston Run; and Bracken Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 29, 2002. Permit issued January 6, 2003.

**11920107 and NPDES Permit No. PA0599522. E. P. Bender Coal Company, Inc.**, Main and Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Reade Township, **Cambria County**, affecting 56.5 acres. Receiving streams: Powell Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 21, 2002. Permit issued December 10, 2002.

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

**11733701. NPDES Permit N/A, BethEnergy Mines, Inc.** (P. O. Box 29, Ebensburg, PA 15931), to revise the permit for the Cambria Slope 33 Mine in Cambria Township, **Cambria County**, to add 34 acres and fly ash disposal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed 34, no additional discharges, classified for N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued January 28, 2003.

**11733701. NPDES Permit N/A, Robindale Energy Services, Inc.** (1001 Broad St., Suite 130, Johnstown, PA 15906), to transfer the permit for the Cambria Slope Mine 33 in Cambria Township, **Cambria County** to transfer from BethEnergy Mines, Inc., Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued January 28, 2003.

**30841316. Consol Pennsylvania Coal Company.** (172 Route 519, Eighty-Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County**, ACOE Pittsburgh District. (Windridge, PA Quadrangle N: 6.3 inches; W: 7.4 inches to N: 7.1 inches; W: 7.1 inches and N: 5.9 inches; W: 5.7 inches to N: 4.65 inches; W: 8.05 inches)

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the mitigation of any impacts to the streams over the 19A and 20A longwall panels.

Written comments, or objections on the request for section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office identified previously. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments, or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the McMurray District Mining Office, by appointment, at the address previously listed. Permit issued December 9, 2002.

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

**33920103 and NPDES Permit No. PA0211125. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801). Renewal of an existing a bituminous strip operation in Pine Creek Township, **Jefferson County** affecting 156.3 acres. This renewal is issued for reclamation only. Receiving streams: One unnamed tributary to O'Donnell Run and three unnamed tributaries to Five Mile Run. Application received October 2, 2002. Permit issued January 27, 2003.

**10950103 and NPDES Permit No. PA0226963. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous strip and auger operation in Concord Township, **Butler County** affecting 67.2 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributaries to Bear Creek and Bear Creek. Application received November 26, 2002. Permit issued January 30, 2003.

#### *Noncoal Permits Actions*

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

**32020301 and NPDES Permit No. PA0249149. Ridge Energy Company**, 265 Swamp Road, Suite 3000, Clymer, PA 15728, commencement, operation and restoration of a noncoal surface mine and for discharge of treated mine drainage in Cherryhill Township, **Indiana County**, affecting 8.4 acres. Receiving stream: Rose Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 28, 2002. Permit issued January 8, 2003.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (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.*

**21034008. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Middlesex and North Middleton Townships, **Cumberland County** with an expiration date of February 22, 2004. Permit issued January 28, 2003.

**22034002. Hall Explosives, Inc** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Paxtang Borough and Paxtang Township, **Dauphin County** with an expiration date of February 22, 2004. Permit issued January 28, 2003.

**46034002. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Skippack Township, **Montgomery County** with an expiration date of February 22, 2004. Permit issued January 28, 2003.

**67034003. Fitz & Smith, Inc.** (483 East Locust Street, Dallastown, PA 17313), construction blasting in Manchester Township, **York County** with an expiration date of May 22, 2003. Permit issued January 28, 2003.

**06034001. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Exeter Township, **Berks County** with an expiration date of December 31, 2004. Permit issued January 29, 2003.

**21034009. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), construction blasting in Carlisle, **Cumberland County** with an expiration date of January 25, 2007. Permit issued January 29, 2003.

**28034003. Charles E. Brake Company, Inc.** (6450 Lincoln Way West, St. Thomas, PA 17252), construction blasting in Chambersburg Borough, **Franklin County** with an expiration date of September 27, 2003. Permit issued January 29, 2003.

**38034002. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in North Cornwall Township, **Lebanon County** with an expiration date of February 27, 2008. Permit issued January 29, 2003.

**67034004. Fitz & Smith, Inc.** (483 East Locust Street, Dallastown, PA 17313), construction blasting in Manchester Township, **York County** with an expiration date of April 27, 2003. Permit issued January 29, 2003.

**06034002. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Maiden Creek Township, **Berks County** with an expiration date of December 31, 2004. Permit issued January 30, 2003.

**36034007. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in East Cocalico Township, **Lancaster County** with an expiration date of December 31, 2004. Permit issued January 30, 2003.

**36034008. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in the City of Lancaster, **Lancaster County** with an expiration date of December 31, 2004. Permit issued January 30, 2003.

**67034005. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Fairview Township, **York County** with an expiration date of December 31, 2004. Permit issued January 30, 2003.

**67034006. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Conewago Township, **York County** with an expiration date of December 31, 2004. Permit issued January 30, 2003.



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

**11024001. Geological Technologies, Inc.**, 715 Baltimore Street, Martinsburg, WV 25401. Twin Rock, PA sewer line, Blacklick Township, **Cambria County**. Duration of is approximately 6 days. Permit issued January 10, 2003.

**07034001. T. L. Long Excavating, Inc.**, R. D. 1, Box 667, Martinsburg, PA 16667. Young Farm Supply—Pit Excavation in Taylor Township, **Blair County**. Approximately 30 days duration. Permit issued January 10, 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.*

**E51-201. Philadelphia Water Department**, 1101 Market Street, 4th Floor, Aramark Tower, Philadelphia, PA 19107-2934, City and **County of Philadelphia**, ACOE Philadelphia District.

To perform the following activities associated with the Cobbs Creek Marshall Road Stream Restoration Project:

1. To remove an abandoned bridge abutment and a variety of debris in and along Cobbs Creek (WWF) and the 100-year floodplain. Work will also include the removal of invasive/non-native vegetation and to revegetate with native species in accordance with a management plan.

2. To regrade and maintain approximately 900 linear feet of Cobbs Creek into a more stable configuration utilizing fluvial geomorphology and bioengineering principles. Work will include the placement of root wads, rock J-hook vanes, rock cross vanes and approximately 180 linear feet of boulder bank stabilization to protect the location of an exposed sanitary sewer line.

The upstream portion of the project begins near Marshall Road just west of the intersection of Spruce Street and Cobbs Creek Parkway (Philadelphia USGS Quadrangle N: 15.0 inches; W: 17.5 inches) and terminates in the vicinity of Catherine Street (Lansdowne USGS Quadrangle N: 15.0 inches; W: 0 inch).

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

**E48-305. Upper Mount Bethel Development Group, Inc.**, P. O. Box 73 Stroudsburg, PA 18360. Upper

Mount Bethel Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To remove the existing structures and to construct and maintain the following water obstructions and encroachments associated with the Saddle Creek residential subdivision: (1) dual 10-foot by 5-foot concrete box culvert having a 1-foot culvert depression in Jacoby Creek at Sta. 4 + 70 of Saddle Creek Drive; (2) a 10-foot by 6-foot concrete box culvert having a 1-foot culvert depression in Jacoby Creek and 0.25 acre of adjacent wetlands at Sta. 37 + 10 of Jacoby Run Road; and (3) two stormwater outfall structures and associated energy dissipators in the floodway of Jacoby Creek. The permittee is required to provide 0.25 acre of replacement wetlands. The project is located northeast of the intersection of Million Dollar Highway and Laurel Hill Road (Stroudsburg, PA-NJ Quadrangle N: 8.8 inches; W: 2.3 inches).

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

**E36-746. BGT Realty Company**, P. O. Box 476, 345 S. Reading Road, Ephrata, PA 17522 in Ephrata Township and Ephrata Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 4-foot by 6-foot concrete box culvert 32 feet long and to relocate and maintain approximately 360 feet of an unnamed tributary to Cocalico Creek (WWF) into an existing swale also tributary to Cocalico Creek at a point within the BGT Realty Company property located at 345 South Reading Road (Ephrata, PA Quadrangle N: 9.25 inches; W: 10.2 inches) in Ephrata Township and Ephrata Borough, Lancaster County.

**E01-236. Huntington Township**, P. O. Box 247, York Springs, PA 17372 in Huntington Township, **Adams County**, ACOE Baltimore District.

To remove three corrugated metal pipe culverts, construct and maintain three corrugated metal pipe culverts and repair an existing concrete pipe culvert all in unnamed tributaries to Bermudian Creek (WWF) (Biglerville, PA Quadrangle N: 20.7 inches; W: 2.5 inches) in Huntington Township, Adams County. One of the corrugated metal pipe culverts and the concrete pipe culvert are authorized by a waiver and the final pipe qualifies under a joint permit.

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

**E49-266. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Streambed paving SR 1025, in East Chillisquaque Township, **Northumberland County**, ACOE Susquehanna River Basin District (Northumberland, PA Quadrangle N: 20.0 inches; W: 6.9 inches).

To perform streambed paving in Chillisquaque Creek along SR 1025, Segment 0090, Offset 1006. This project proposes to permanently impact 35 linear feet of Chillisquaque Creek, which is designated a WWF and a TSF does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-190. Spring Township Supervisors**, P. O. Box 12, Beaver Springs, PA 17812-0012. Water Obstruction and Encroachment Permit application, in Spring Township, **Snyder County**, ACOE Susquehanna River Basin District (Beaver Springs, PA Quadrangle N: 22.2 inches; W: 11.3 inches).

To perform 250 feet of vegetation and debris removal from an unnamed tributary to Beaver Creek, along the southern right-of-way of the Middlecreek Community Center. This permit only authorizes the previous work as previously performed and does not authorize any future maintenance functions.

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

**E02-1401. Allegheny County Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. Borough of Pitcairn, **Allegheny County**, ACOE Pittsburgh District.

To remove existing structures, to relocate and maintain approximately 516 feet of Dirty Camp Run (WWF), to construct and maintain two stormwater outfall extensions to the stream and to construct and maintain a 20 foot by 7 foot replacement concrete culvert approximately 26 feet long in Dirty Camp Run. The project will improve stream flow and provide roadway support to Pitcairn Road. The project is located on the west side of Pitcairn Road approximately 2,500 feet north of its intersection with Wall Avenue. To mitigate for the stream impacts the applicant will plant and maintain a riparian buffer along both banks of the relocated channel and a portion of a tributary to the relocated channel. Japanese Knotweed will also be eradicated within the project area (Braddock, PA Quadrangle N: 7.8 inches; W: 3.8 inches).

**E04-288. Cooper & Cooper Company**, 2703 U. S. Route 30, Hookstown, PA 15050. Greene Township, **Beaver County**, ACOE Pittsburgh District.

To operate and maintain the existing fill along the right bank of an unnamed tributary to Mill Creek (TSF) for the purpose of constructing a truck garage and parking area and expanding a steel fabrication business. The project is located on the west side of Silver Slipper Road, approximately 600 feet southeast from the intersection of Silver Slipper Road and U.S. Route 30. This permit also authorizes the construction and maintenance of an 18-inch diameter outfall structure (Hookstown, PA Quadrangle N: 14.2 inches; W: 13.0 inches).

**E32-443. Green Township Supervisors**, 1492 Route 240 Highway, Commodore, PA 15729. Green Township, **Indiana County**, ACOE Pittsburgh District.

To remove the existing structure known as Bakers Run Bridge and to construct and maintain a bridge having a normal clear span of 44.5 feet and an underclearance of 6.5 feet across Two Lick Creek South Branch (HQ-CWF). Also, to place and maintain rock riprap at the bridge and fill in 0.01 acre of palustrine forested wetland with de minimis impact. The structure is located on T-916 approximately 1,500 feet north of SR 580 (Commodore, PA Quadrangle N: 8.7 inches; W: 2.8 inches).

**E63-530. McHolme Builders, Inc.**, 315 Paydays Drive, Elizabeth, PA 15037. Peters Township, **Washington County**, ACOE Pittsburgh District.

To place and maintain fill in 0.41 acre of wetlands within the Chartiers Creek watershed, to construct and maintain a stormwater detention basin within a tributary to Chartiers Creek (WWF), to reconstruct and maintain approximately 100 feet of the same stream channel with R-7 riprap choked out with R-2 riprap and to construct and maintain various outfalls to tributaries to Chartiers Creek and Brush Run (WWF) for a proposed 329 unit new housing development known as Hidden Brook Manor. The proposed development is located off Route 19 between Valley Brook Road and Hidden Valley Road. To

compensate for wetland impact the applicant will construct .31 acre of wetland and to pay to the Wetland Replacement Fund. This project also proposes to culvert or fill in approximately 370 feet of stream channels, these channels qualify for authorization under the Department's waiver 105.12(a)(2). This permit also includes approval of the environmental assessment for a nonjurisdictional dam as required by 105.16(b) (Bridgeville, PA Quadrangle N: 8.4 inches; W: 16.0 inches).

**E63-536. Peters Township**, 610 East McMurray Road, McMurray, PA 15317. Peters Township, **Washington County**, ACOE Pittsburgh District.

To remove the existing bridge (Pelipetz Drive Bridge) and to construct and maintain a new bridge consisting of twin box culverts, each having a span of 14.0 feet with an underclearance of 7.0 feet (1.0 foot depressed below the streambed) in the channel of Brush Run (WWF) for the purpose of improving Pelipetz Drive, to operate and maintain the existing 54-inch diameter culvert on the left bank of said stream and to construct and maintain an extension to the existing 54-inch diameter culvert on the downstream end consisting of a 54-inch diameter culvert approximately 16.0 feet in length for the purpose of improving an adjacent parking lot. The project is located on Pelipetz Drive, approximately 255 feet southwest from the intersection of Valley Brook Road and Pelipetz Drive. This permit also authorizes the construction and maintenance of 18 feet of bank stabilization located on the left bank of said stream, approximately 190 feet upstream from said bridge (Bridgeville, PA Quadrangle N: 6.5 inches; W: 13.8 inches).

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

**E61-257, General Authority of the City of Franklin**, 430 13th St., Franklin, PA 16323-1317. Culvert in an unnamed tributary to French Creek, in the City of Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 4.9 inches; W: 15.1 inches).

To remove the existing culvert and to construct and maintain three 29-foot long, 4-foot diameter HDPE plastic culverts in an unnamed tributary to French Creek in the floodplain of French Creek approximately 0.7 mile east of the intersection of Waterworks Road and Stone Road for access to a municipal water well field. Project also includes the excavation of the channel for approximately 130 feet upstream of the culverts, filling the channel with the excavated material for approximately 75 feet downstream of the culverts and the construction and maintenance of a concrete encased, 1.25-foot diameter waterline across the unnamed tributary upstream and adjacent to the proposed culverts.

#### DAM SAFETY

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

**D67-539. Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103. To rebuild, operate and maintain Fairview Church Detention Dam across a tributary to Codorus Creek (WWF) impacting 0.44 acre of wetlands (PEM) and 330 feet of stream and providing 0.87 acre of wetland mitigation, as part of the Interstate 83, Exit 15, safety improvement project (York, PA Quadrangle N: 8.1 inches; W: 10.8 inches) in York Township, **York County**.

## SPECIAL NOTICES

### Certification to Perform Radon-Related Activities in this Commonwealth

In the month of January 2003, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Lionel Barnaby	62 Madison Lane White Hall, PA 18052	Testing
Joseph Blanda	521 Mt. Pleasant Street Greensburg, PA 15601	Mitigation
Roger Burens, Jr. Air Quality Control, Inc.	241 King Manor Drive Suite D King of Prussia, PA 19406	Testing
Alan Clyde	2224 Donovan Court Coplay, PA 18037	Testing
Paul Duhamel RHIS, Inc.	100 Old Kennett Road Wilmington, DE 19807	Testing
Todd Giddings & Associates, Inc.	3049 Enterprise Drive State College, PA 16801	Mitigation
Ronald Heist	195 Phillips Park Drive South Williamsport, PA 17702	Testing
Rob Lunny	2370 York Road Suite A-9,C Jamison, PA 18929	Testing
Paul Malmquist	658 Center Hill Road P. O. Box 160 Upper Black Eddy, PA 18972	Testing
Anne Niblett	3201 Addison Drive Wilmington, DE 19808	Testing
Thomas Otell	808 Seventh Avenue Ford City, PA 16226	Mitigation
Wayne Phinney	P. O. Box 275 Fountainville, PA 18923	Testing
Roger Priest	P. O. Box 200 Salfordville, PA 18958	Testing
David Scholtz	P. O. Box 118 Effort, PA 18330	Laboratory
Alan Skursky	804 Green Ridge Road New Oxford, PA 17350	Testing
Wayne Stevens	483 North Main Street Moscow, PA 18444	Testing and Mitigation
Bruce Thomas Absolute Radon Services, Inc.	17 Fosterville Road Greensburg, PA 15601	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Ulm	2920 Liberty Way Liberty Borough, PA 15133	Mitigation

[Pa.B. Doc. No. 03-272. Filed for public inspection February 14, 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 any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance*

DEP ID: 580-2200-009. Title: Use of Electronic/Oxygen Detectors in Lieu of Approved Flame Safety Lamps. Description: The purpose of this policy is to specify how an approved electronic methane/oxygen detector can be used instead of an approved flame safety lamp. This guidance applies to all Bureau personnel who inspect underground bituminous coal mines and all mine officials and miners responsible for either using or providing flame safety lamps. Anticipated Effective Date: March 30, 2003. Comment Period Ends: March 14, 2003. Contact: Paul Hummel, (724) 439-7469, [pahummel@state.pa.us](mailto:pahummel@state.pa.us).

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-273. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Orphan Mine Discharge Task Force Meeting Change

The meeting of the Mining and Reclamation Advisory Board's new task force to examine orphan mine dis-

charges scheduled for February 19, 2003, at 8 a.m. has been moved to the auditorium of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA. The purpose of the meeting is to examine the scope of problems associated with abandoned and/or orphaned mine discharges throughout this Commonwealth and to discuss the organization of task force subcommittees.

Questions concerning this meeting should be directed to Joe Schueck, (717) 783-5633, [jschueck@state.pa.us](mailto:jschueck@state.pa.us). The agenda and meeting materials for the February 19, 2003, 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 in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Joe Schueck, (717) 783-5633, [jschueck@state.pa.us](mailto:jschueck@state.pa.us) or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-274. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Radiation Protection Advisory Committee Meeting Change

The March 5, 2003, meeting of the Radiation Protection Advisory Committee has been rescheduled to May 28, 2003, at 9 a.m. in the Rachel Carson State Office Building, 14th Floor Conference Room, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to L. Ray Urciuolo, (717) 783-9730, [lurciuolo@state.pa.us](mailto:lurciuolo@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 in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact L. Ray Urciuolo, (717) 783-9730 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-275. Filed for public inspection February 14, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Angela Jane Pavilion for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Angela Jane Pavilion has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This 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, ra-paexcept@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 telephone numbers 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. 03-276. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Application of Coordinated Health System, Orthopedic Specialty Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Coordinated Health System, Orthopedic Specialty Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.A1 (relating to the size of the general operating room in surgical suites); 7.7.A2 (relating to size of ORs for ortho procedures); 7.7.A3 (relating to plaster traps in sinks); 7.7.B1 (relating to size of pre-op patient holding rooms); 7.7.B2 (relating to size of post-anesthetic care units); 7.7.C9 (relating to anesthesia workroom); 7.7.C10 (relating to minimum storage area of equipment storage rooms); 7.7.C14 (relating to Phase II recovery or step-down recovery rooms); 7.7.C20 (relating to area for preparation and examination of frozen sections); and Table 7.5 (relating to medical gases).

This 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, ra-paexcept@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 and telephone numbers 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. 03-277. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Application of Divine Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Divine Providence Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.10.C4 (relating to toilets in CT scanning rooms).

This 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, ra-paexcept@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 telephone numbers 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. 03-278. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Application of Healthsouth Rehabilitation Hospital for Special Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Healthsouth Rehabilitation Hospital for Special Services has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This 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, ra-paexcept@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 telephone numbers 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. 03-279. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Application of Lock Haven Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lock Haven Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26 (relating to additional committees).

This 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, ra-paexcept@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 telephone numbers 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. 03-280. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Application of The Williamsport Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Williamsport Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifi-

cally requests exemption from the following standards contained in this publication: Table 7.5 section 7.16A2 (relating to medical air outlets in the autopsy room).

This 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, ra-paexcept@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 and telephone numbers 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. 03-281. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee) of the Department of Health (Department) will hold a public hearing and a public meeting on April 21, 2003. The public hearing and public meeting will be held in Room 100 (First Floor), Labor and Industry Building, Forster and Seventh Streets, Harrisburg.

The primary purpose of the public hearing is to obtain suggestions for health research priorities under the Tobacco Settlement/Act 77, Commonwealth Universal Research Enhancement Program, for the State fiscal year 2003-04.

The public hearing will be held from 9:30 a.m. to 12 p.m. Comments must be submitted in writing by 2:30 p.m. on April 1, 2003, to David Hooper, Department of Health, Bureau of Health Statistics, Health Research Program, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914, dhooper@state.pa.us. Written comments must be limited to two typewritten pages. Persons wishing to present written statements orally at the public hearing must contact David Hooper at (717) 783-2548 by 2:30 p.m. on April 1, 2003, to make a reservation for testifying at the hearing. Oral testimony will be limited to 3 minutes. Persons will be scheduled on a first come, first served basis, as time permits.

After the public hearing, a public meeting of the Committee will be held from 1 p.m. to 4:30 p.m. The purpose of the meeting is to discuss the research priorities for the State fiscal year 2003-04. This meeting is open to the public. No reservations are required to attend the public meeting.

Current State fiscal year 2002-03 priorities for both formula funded and nonformula funded health research are posted on the Department's website (<http://>

www.health.state.pa.us) under the Tobacco Settlement/Act 77, Commonwealth Universal Research Enhancement Program.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Patricia W. Potrzebowski, (717) 783-2548 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services, (800) 654-5984.

This hearing and meeting are subject to cancellation without notice.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-282. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, March 19, 2003, and Thursday, March 20, 2003.

The meetings will be held from 9 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Thomas M. DeMelfi, (717) 783-0572 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services, (800) 654-5984.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-283. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on March 12, 2003, from 10 a.m. to 2 p.m. The meeting will be held in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact William J. Neil, (717) 787-5900 or for speech and/or hearing impaired persons V/TT, (717) 783-6514 or the Pennsylvania AT&T Relay Services, (800) 654-5984.

This meeting is subject to cancellation without notice.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-284. Filed for public inspection February 14, 2003, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Cancellation of February and March Meetings

The February 18, 2003, and March 18, 2003, Environmental Quality Board (Board) meetings have been canceled. The next meeting of the Board is scheduled for Tuesday, April 15, 2003, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's website at <http://www.dep.state.pa.us>.

Questions concerning the Board's next scheduled meeting may be directed to Sharon Trostle or Michele Tate at (717) 783-8727 or e-mail [shrostle@state.pa.us](mailto:shrostle@state.pa.us) or [mtate@state.pa.us](mailto:mtate@state.pa.us), respectively.

KATHLEEN A. MCGINTY,  
*Acting Chairperson*

[Pa.B. Doc. No. 03-285. Filed for public inspection February 14, 2003, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeownership Choice Program

The Housing Finance Agency (Agency) is this Commonwealth's leading provider of capital for affordable homes and apartments. As a leader, the Agency is always seeking new methods to serve the housing and community needs of all Commonwealth residents. To this end, the Agency has set aside funds to continue the Homeownership Choice Program (Program).

The Program is designed to provide funds for the development of single family homes, for purchase, in urban communities. The Program is intended to be a part of a municipality's comprehensive approach to increase the net investment in housing in urban areas while building mixed-income communities and encouraging diversity of homeownership.

The Program encourages market-sensitive and innovative land use planning concepts in urban areas and works in concert with commercial development and community and downtown revitalization efforts. The Program focuses on new construction and the development of new homeownership opportunities and the transformation of disinvested urban neighborhoods into attractive places to live, thereby offering a viable alternative to suburbia and sprawl development.

Program proposals require partnerships among the municipality and for-profit and nonprofit builders/developers. The Program funding is just a part of the overall financing. To date, approved proposals have combined Program funds with many various municipal, State and Federal program funding, as well as private moneys and commercial development activities. For example, in the first 3 years, Program loans of \$17.15 million have leveraged over \$154 million in additional housing and infrastructure investment in 14 communities in this Commonwealth.

This year, the Agency has committed an additional \$7.5 million to the Program. Program proposals must be based upon the requirements in the Request for Proposals (RFP). Applicants seeking Program funding in 2003 must attend a preapplication meeting at the Agency. Meetings have been scheduled for March 4, 2003, and March 27, 2003, at 2101 North Front Street, Harrisburg, PA. The RFP for the 2003 Program, including due dates for proposals, is available on the Agency's website ([www.phfa.org](http://www.phfa.org)). Information to register for the mandatory preapplication meetings is also available at [www.phfa.org](http://www.phfa.org) or by contacting Robert F. Bobincheck, Associate Director—Office of Strategic Planning and Policy, (717) 780-1801, [bbobincheck@phfa.org](mailto:bbobincheck@phfa.org).

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 03-286. Filed for public inspection February 14, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
35-26	Pennsylvania Commission on Crime and Delinquency Constables' Education and Training	2/4/03

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-287. Filed for public inspection February 14, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

David J. Evans, M.D.; Hearing

### Appeal of David J. Evans, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-045

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for March 12, 2003, at 10 a.m. Each

party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 18, 2003. A hearing shall occur on April 3, 2003, at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. No prehearing memoranda or other written submissions is required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 19, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 26, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-288. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Ritchie T. Marsh; Prehearing

### Appeal of Ritchie T. Marsh under 40 P. S. §§ 991.2101—991.2193; Doc. No. HC03-01-042

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for March 18, 2003, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 21, 2003. A hearing date shall be determined, if necessary, at the prehearing/settlement conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special



evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before March 4, 2003, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. A report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 7, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 14, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-289. Filed for public inspection February 14, 2003, 9:00 a.m.]

### **The Medical Protective Company; Physicians and Surgeons Professional Liability; Rate and Rule Revision; Occurrence and Claims Made Programs**

On February 3, 2003, the Insurance Department (Department) received from The Medical Protective Company a filing for a rate level change for physicians and surgeons professional liability insurance.

The Medical Protective Company requests an overall 15.7% increase to be effective July 1, 2003.

Unless formal administrative action is taken prior to March 20, 2003, the subject filing may be deemed approved by operation of law.

A copy of the filing will be available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS,

Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-290. Filed for public inspection February 14, 2003, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policy. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of William K. Wagner; file no. 02-193-09101; Progressive Insurance Company; doc. no. PH02-12-011; March 4, 2003, 12:30 p.m.

Appeal of Michael A. and Pamala J. Ruggieri; file no. 02-265-06599; Encompass Insurance Company; doc. no. PH03-01-015; April 8, 2003, 10:30 a.m.

Appeal of Leontine A. Robinson; file no. 02-267-06666; Progressive Insurance Company; doc. no. PH03-01-019; April 8, 2003, 11:30 a.m.

Appeal of Dale Smith; file no. 02-265-06312; Allstate Insurance Company; doc. no. PH02-12-016; April 8, 2003, 1 p.m.

Appeal of Andrew J. and Constantina A. Berkelbach; file no. 02-280-06872; Allstate Insurance Company; doc. no. PH03-01-041; April 8, 2003, 2:30 p.m.

Appeal of Richard Spirawck, Jr.; file no. 03-278-00066; Rutgers Casualty Insurance Company; doc. no. PH03-01-039; April 9, 2003, 9 a.m.

Appeal of Marielaine Gunnells; file no. 02-280-06369; Amex Assurance Company; doc. no. PH03-01-029; April 9, 2003, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of

replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-291. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Leader Insurance Company; file no. 02-267-05587; Shirley Glenn; doc. no. PH02-12-019; April 9, 2003, 2:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and

stating what remedial action, if any, is required. The Commissioner's order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-292. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Shirley A. Rowe; file no. 02-181-10494; Goodville Mutual Insurance Company; doc. no. P03-01-037; March 4, 2003, 10:30 a.m.

Appeal of Stephen and Karen Shields; file no. 02-188-08556; Nationwide Insurance Company; doc. no. P03-01-040; March 11, 2003, 10:30 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Maureen P. Trunzo; file no. 02-265-06782; State Farm Fire and Casualty Insurance Company; doc. no. PH03-01-038; April 9, 2003, 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like necessary, to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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

hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 03-293. Filed for public inspection February 14, 2003, 9:00 a.m.]

Robin E. Rosenberg, M.D.; Prehearing

**Appeal of Robin E. Rosenberg, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-044**

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for March 18, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 21, 2003. A hearing date shall be determined, if necessary, at the prehearing/settlement conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before March 4, 2003, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. A report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 7, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before February 14, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 03-294. Filed for public inspection February 14, 2003, 9:00 a.m.]

**Surplus Lines Agents and Interested Parties; Export List of Insurance Coverages**

In June 2002, the Insurance Commissioner (Commissioner) determined that certain insurance coverages were generally unavailable in the authorized market and declared those coverages as exportable. A list of exportable coverages was published at 32 Pa.B. 2730 (June 1, 2002). Accordingly, for those insurance coverages that are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

The Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Commissioner is soliciting comments regarding the current export list. Persons may request in writing that a coverage be added or removed from the list.

Persons wishing to comment on the Commissioner's current export list are invited to submit a written statement within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA, 17120, fax (717) 787-8557, cbybee@state.pa.us. After consideration of all comments received, the Commissioner will publish a notice in the *Pennsylvania Bulletin* providing a 15-day opportunity to comment on proposed changes before formal publication of the revised list.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 03-295. Filed for public inspection February 14, 2003, 9:00 a.m.]

Amanda J. Troy; Hearing

**License Denial; Doc. No. AG03-01-043**

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 prehearing telephone conference initiated by this office is scheduled for February 27, 2003, at 10 a.m. Each party shall provide the Hearings Administrator a tele-

phone number to be used for the telephone conference on or before February 18, 2003. A hearing shall occur on March 19, 2003, at 10:30 a. m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

If an attorney or representative for a party attending the prehearing telephone conference and the hearing does not have complete settlement authority relative to this matter, the party or person with full settlement authority shall be available by telephone during the conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 5, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 12, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-296. Filed for public inspection February 14, 2003, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

### Executive Board

Resolution #CB-02-360, Dated January 15, 2003. This resolution authorizes the side letter between the Commonwealth and AFSCME to amend Article 21 of the Master Agreement and Recommendation 21 of the Master Memorandum concerning shift differentials for Health Facility Quality Examiners/Supervisor in the Department of Health effective January 4, 2003.

Resolution #CB-03-016, Dated January 17, 2003. This resolution authorizes the side letter between the Commonwealth and ISSU concerning the staffing requirements for those PLCB State stores that will be open on Sunday beginning February 9, 2003.

### Governor's Office

Administrative Circular No. 02-30—Placing of Decals and Logos on Commonwealth Vehicles, Dated December 19, 2002.

Administrative Circular No. 02-31—Winterization of State Vehicles and Commonwealth Garage Parking and Hours of Operation, Dated December 19, 2002.

Administrative Circular No. 03-01—Inauguration Day, Dated January 3, 2003.

Administrative Circular No. 03-02—Distribution of the 2003 Governor's Annual Work Force Report, Dated January 8, 2003.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 03-297. Filed for public inspection February 14, 2003, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Lackawanna County, Wine & Spirits Shoppe #3508, 60 Keystone Industrial Park, Dunmore, PA 18512-1508.

*Lease Expiration Date:* May 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,600 net useable square feet of new or existing retail commercial space located in the immediate vicinity of the intersection of the Oneill Highway and Industrial Park Road, Dunmore.

*Proposals due:* March 7, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Lycoming County, Wine & Spirits Shoppe #4110, Loyal Plaza Shopping Center, 1903 East 3rd Street, Williamsport, PA 17701-3901.

*Lease Expiration Date:* April 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 9,500 net useable square feet of new or existing retail commercial space located in the immedi-

ate vicinity of Loyal Plaza Shopping Center, Williamsport, Loyalsock Township.

*Proposals due:* March 7, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Luzerne County, Wine & Spirits Shoppe #4031, 46 East Broad Street, Hazleton, PA 18201-6521.

*Lease Expiration Date:* November 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 4,500 net useable square feet of new or existing retail commercial space located within 1/2 mile of the intersection of SR 924 and West Broad Street, Hazleton.

*Proposals due:* March 7, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

DAVID M. SANKO,  
*Acting Chairperson*

[Pa.B. Doc. No. 03-298. Filed for public inspection February 14, 2003, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Emergency Hearing to Address Increased Cost of Fuel and Resin

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on March 5, 2003, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is: (1) to receive testimony and exhibits to consider an increase in minimum wholesale prices as a result of the increasing cost of diesel fuel used in delivering milk products to retailers; (2) to receive testimony and exhibits to consider an increase in container costs due to an increase in the cost of resin; and (3) to receive testimony and exhibits to consider an increase in the Class I over-order premium, as a result of increasing fuel costs.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board by 4 p.m. on February 24, 2003, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board by 4 p.m. on February 24, 2003, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that

fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on February 25, 2003, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on February 28, 2003, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these sections require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on February 19, 2003.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

BEVERLY R. MINOR

*Acting Secretary*

[Pa.B. Doc. No. 03-299. Filed for public inspection February 14, 2003, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Request for Proposals to Conduct a Review and Evaluation of Performance Metrics and Related Remedies; Doc. No. D-03SPS007

The Pennsylvania Public Utility Commission (Commission) is seeking a consulting firm to conduct the Review and Evaluation of Performance Metrics and Related Remedies (Review) of Verizon Pennsylvania Inc. (Verizon). This Review is required by the Commission's December 10, 2002, Order at M-00011468, which is available on the Commission's website at <http://puc.paonline.com/Search.asp>. The focus of this Review will be the calculation and reporting of Verizon's new performance metrics and related remedies for a 3-month period, currently anticipated to be April, May and June of 2003. A Request for Proposal (RFP) will be prepared and issued by the Commission in the near future and will be posted on the

Commission's website at <http://puc.paonline.com>. It is anticipated that the review will begin in May 2003, coinciding with the anticipated receipt of Verizon's performance report for April 2003, representing Verizon's first performance measured under the 2003 Pennsylvania Carrier-to-Carrier Guidelines (metrics) and 2003 Pennsylvania Performance Assurance Plan (remedies). A preproposal meeting will be held to answer specific questions about the project and may be scheduled as early as February 19, 2003. The date will be announced in the RFP cover letter to be posted on the Commission's website. Questions related to the release of the RFP should be directed to Louis Mazza, Project Officer, (717) 772-0300, fax (717) 783-9866, lomazza@state.pa.us.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 03-300. Filed for public inspection February 14, 2003, 9:00 a.m.]

**Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. 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 10, 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.

**Application of the following for approval to begin operating as common carrier for transportation of persons as described under the application.**

**A-00119555. Ruth Ann McFadden and Carl A. McFadden** (P. O. Box 43, Peach Bottom, Lancaster County, PA 17563)—persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Vectour of Pennsylvania, Inc.; Doc. No. A-00108988C02*

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 Vectour of Pennsylvania, Inc., respondent, maintains its principal place of business at 1200 Conroy Place, Easton, PA 18040.
2. That respondent was issued a certificate of public convenience by this Commission on April 11, 1990, at Docket No. A-00108988.
3. That, on September 10, 2002, respondent was sent an initial assessment of \$814. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$814.
4. That respondent has an outstanding assessment of \$814. 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. Howard Delivery Service, Inc.; Doc. No. A-00099671C02; A-00099671*

### 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 Howard Delivery Service, Inc., respondent, maintains its principal place of business at 1900 W. 16th St., Broadview, IL 60152.
2. That respondent was issued a certificate of public convenience by this Commission on June 21, 1976, at Application Docket No. A-00099671.
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-00099671.

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. Leroy Langston; Doc. No. A-00087153C02; A-00087153*

### 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 Leroy Langston, respondent, maintains his principal place of business at 401 S. Slocumb Street, Goldsboro, NC 27530.

2. That respondent was issued a certificate of public convenience by this Commission on May 31, 1960, at Application Docket No. A-00087153.

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-00087153.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Michael E. Hoffman

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter

imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Delaware Valley  
Transportation Company t/a Pocono Mountain Trails;  
Doc. No. A-00010363C0101*

**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 Delaware Valley Transportation Company, t/a Pocono Mountain Trails, respondent, maintains its principal place of business at P. O. Box W, Blairstown, Warren County, New Jersey 07825.

2. That respondent was issued a certificate of public convenience by this Commission on June 25, 1934, at Docket No. A-00010363.

3. That respondent, on August 31, 1999, was sent an initial assessment of \$16. Respondent failed to pay the supplemental assessment; therefore, a balance was due of \$16.

4. That respondent has an outstanding assessment of \$16.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S.A. § 510(c).

6. That respondent, by failing to pay the assessment, violated 66 Pa.C.S.A. § 510(c).

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience has been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience has been revoked.

Respectfully submitted,

George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265



## VERIFICATION

I, George T. Mahan, 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: \_\_\_\_\_

George T. Mahan, Director

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this 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 (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing the penalty set forth in the complaint.

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 Audits, 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 enter an order imposing the penalty set forth in the complaint.

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 this complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-301. Filed for public inspection February 14, 2003, 9:00 a.m.]

**Telecommunications**

**A-311103F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions Investment, LLC.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions Investment, LLC for

approval of an Opt-In Master Interconnection and Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions Investment, LLC, by its counsel, filed on January 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an Opt-In Master Interconnection and Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions Investment, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-302. Filed for public inspection February 14, 2003, 9:00 a.m.]

**Telecommunications**

**A-310923F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions Operations, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions Operations, Inc. for approval of an Opt-In Master Interconnection and Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions Operations, Inc., by its counsel, filed on January 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an Opt-In Master Interconnection and Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions Operations, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-303. Filed for public inspection February 14, 2003, 9:00 a.m.]

**Telecommunications**

**A-310470F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business**

**Solutions of Pennsylvania, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions of Pennsylvania, Inc. for approval of an Opt-In Master Interconnection and Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions of Pennsylvania, Inc., by its counsel, filed on January 27, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an Opt-In Master Interconnection and Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and Adelphia Business Solutions of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-304. Filed for public inspection February 14, 2003, 9:00 a.m.]

### Telecommunications

**A-310547F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Susquehanna Adelphia Business Solutions.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Susquehanna Adelphia Business Solutions for approval of an Opt-In Master Interconnection and Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Susquehanna Adelphia Business Solutions, by its counsel, filed on January 27, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an Opt-In Master Interconnection and Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and Susquehanna Adelphia Business Solutions joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-305. Filed for public inspection February 14, 2003, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-012.4, Electrical Investigation and Repairs, PRPA Facilities, until 2 p.m. on Thursday, March 6, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available February 18, 2003. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held February 27, 2003, at 10 a.m. at PRPA's Main Office, Port of Philadelphia Adm. Bldg., 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA, 19134.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 03-306. Filed for public inspection February 14, 2003, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

March 14, 2003	Jan Kowalewski (Age 50 Retirement Credit for Prior Service)	1 p.m.
March 21, 2003	Mary L. Potts (Electing AA Service Credit)	1 p.m.
March 24, 2003	James G. Pettit (D) (Distribution of Death Benefit)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 03-307. Filed for public inspection February 14, 2003, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

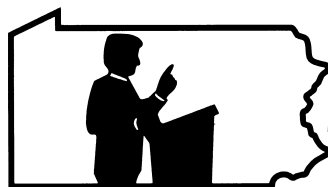
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



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.

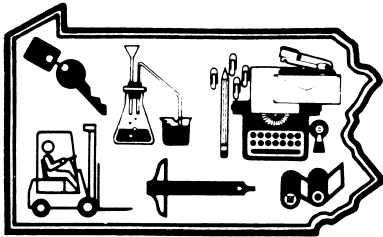
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## 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

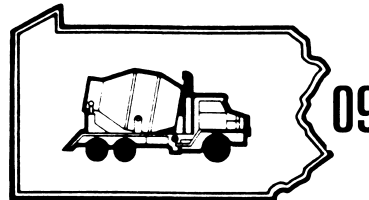
BARBARA HAFER,  
*State Treasurer*



### Commodities

**087020** One each of a Truck Mounted Attenuator System for installation at the back of a truck. Unit must meet AASHTO-FHWA requirement for crash testing of work zone devices NCHRP 350 criteria for 62 mph.

**Department:** Transportation  
**Location:** 2105 Lincoln Hwy. East, Lancaster, PA 17602  
**Duration:** One time purchase  
**Contact:** Jeralyn Rettew, (717) 299-7621 EXT 322



### Construction & Construction Maintenance

**2-2-00060** Replaces Bid No. 2-2-00058 REBID This contract will provide manpower, equipment and all guiderail material for the emergency repair of approximately 5,000 linear feet of strong and/or weak post guiderail (and other guiderail components as needed) at accident damage sites located on Interstate 80, within Clearfield County. The contractor shall be responsible for the removal and disposal of damaged guiderail and installation of new guiderail at accident sites within 5 working days after notification by Department personnel on an as needed basis. All requests for bid packages must be requested by fax (814) 768-0735 or telephone (814) 765-0524. Attention: Debbie Swank, Purchasing Agent. All bidders must be prequalified to bid on this contract. PA Prevailing Wage does apply.

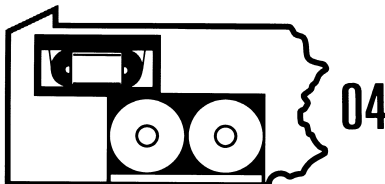
**Department:** Transportation  
**Location:** Interstate 80, District 2-2, Clearfield County  
**Duration:** One year contract with an option of one (1) Year Renewal  
**Contact:** Debbie Swank, Purchasing, (814) 765-0524

**113 1063** Contractor will perform scheduled service and respond to safety calls to inspect, clean, lubricate, adjust and replace when necessary components of facility automated doors. Routine maintenance will be performed twice per year. Additional specifications available upon request.

**Department:** Military Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Dr., Pittsburgh, PA 16206  
**Duration:** 07/01/2003—06/30/2005  
**Contact:** Ken Wilson, (412) 665-7627

**CL-577 - Locker Room/Restroom Additions**, Stadium Clarion University of Pennsylvania is soliciting bids for construction of an 1,800 square foot locker room, additions/modifications to the existing stadium stands and restrooms and installation of an EPDM roof on the existing locker room at its stadium facility. The new locker room will be constructed adjacent to the existing locker room and will be a new block building complete with showers, lockers, plumbing, heating, lighting, EPDM roofing, etc. The additions to the existing stands and restrooms is to provide and/or increase handicap accessibility. In addition, the existing locker room roof of approximately 9,200 sq. ft. will be removed and an insulated EPDM roof installed. Contracts will be awarded for general, plumbing, HVAC and electrical construction. Pre-Bid Meeting: 10 A.M., February 20, 2003, in McEntire Maintenance Building. Bids Due: 2 p.m., March 13, 2003. Bid packages available from contact person - \$30 nonrefundable fee payable by check to the University.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion County, Clarion, PA  
**Duration:** 120 days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Specialist, (814) 393-2240



### Audio/Video

**113 1061** Contractor to provide all parts and labor necessary to maintain Facility telephone system. Equipment to be maintained: PBX (Northern Telecom Option CIC Release 21) with Modem. Meridian 8 port/11 hour mail system. Alpha Interrupted Power System (UPS) Meridian 2250 console tele series call accounting.

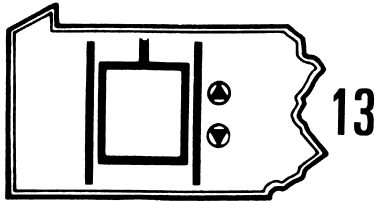
**Department:** Military Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Dr., Pittsburgh, PA 16206  
**Duration:** 07/01/2003—06/30/2006  
**Contact:** Ken Wilson, (412) 665-6727

**Harbold & Diehm** The project is a 3-phased project, summer sessions 2003, winter session 2004, and summer sessions 2004. It will include, but is not limited to, a new roof, communications and electrical upgrades, AC in basement data room, new HVAC units in the corridors, PTAC units in the rooms, lobby renovations, new toilet/shower rooms, new emergency generator, and new finishes throughout the buildings. A sprinkler/fire protection installation will be completed during the summer 2003, and is under separate contracts. The general contractor will be responsible for coordinating the renovation primes and the two sprinkler/fire protection primes, i.e., plumbing and electrical.

**Department:** Education  
**Location:** <http://muweb.millersville.edu/muonline/direction.html>  
**Contact:** Bernadette Wendler

**PR10006453** Repair concrete walkway at the front entrance of the Forum Building, South Drive.

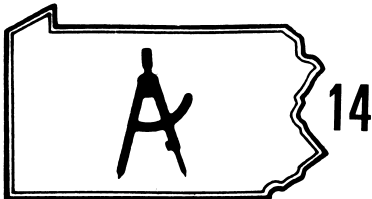
**Department:** General Services  
**Location:** Department of General Services, Bureau of Maintenance Management, Forum Building, Harrisburg, PA 17125  
**Duration:** Contract Period: March 28, 2003, through June 30, 2003.  
**Contact:** Charles Klischer, (717) 787-6463



### Elevator Maintenance

**113-1064** Contractor to provide all equipment and fully qualified mechanics necessary to maintain and test facility elevators. Additional specifications available upon request.

**Department:** Military Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Dr., Pittsburgh, PA 16206  
**Duration:** 07/01/2003—06/30/2006  
**Contact:** Ken Wilson, (412) 665-6727



### 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).

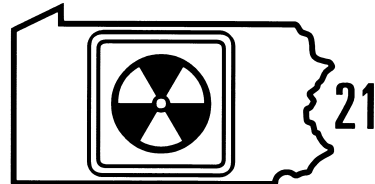
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Financial and Insurance Consulting

**FIN-AID 02-03** The Hiram G. Andrews Center is seeking Financial Aid Consultation and Management Services to provide the following: Determine student eligibility for Pell, FSEOG, FWS, and other Federal programs; assist in administering these programs, disbursing program funds and preparing all required Federal government reports; and provide staff training and on-site consultations. To obtain a bid package, request may be submitted to the attention of K.J. Zakraysek, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905, FAX to 814-255-8370, or e-mail to [zkakraysek@state.pa.us](mailto:zkakraysek@state.pa.us). This will not result in a contract for employment.

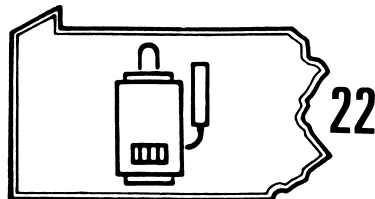
**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** For the five year term of 7-1-03 to 6-30-08  
**Contact:** Kenneth J. Zakraysek, Purchasing Agent, (814) 255-8210



### Hazardous Material Services

**PR10007418** Contractor shall provide the necessary equipment and personnel for Microbial Remediation at the Harrisstown #2 Building.

**Department:** General Services  
**Location:** Department of General Services, Bureau of Maintenance Management, Harrisstown #2 Bldg., 333 Market Street, Harrisburg, PA 17101  
**Duration:** Contract Period: 03-28-03 through 06-30-03.  
**Contact:** Frank Szekeres, (717) 705-5860



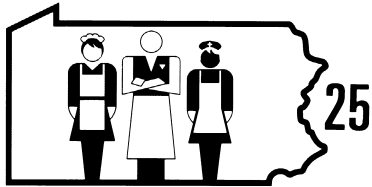
### HVAC Services

**30876001** Contractor to furnish all labor, parts and equipment to maintain York Model OT260 Open Turbopak Liquid Chilling System (Central Air Conditioning) at the Altoona Center.

**Department:** Public Welfare  
**Location:** Altoona Center, DPW, 1515 Fourth St., Altoona, PA 16601  
**Duration:** Contract is anticipated to begin July 1, 2003, and end June 30, 2006.  
**Contact:** Cora Davis, PA 1, (814) 472-0288

**MI-818 SMC HVAC Upgrade** Project Title: MI-818 SMC HVAC Upgrades. Remove existing roofing and chiller, etc. Furnish and install chiller, cooling tower, cooling electrical appurtenances, etc. and repair roof. Estimated Range: \$349,350.00 to \$411,000.00 HVAC and Electrical Construction. Contact Jill M. Coleman by email ([jcoleman@millersville.edu](mailto:jcoleman@millersville.edu)) or fax (717) 871-5622 to obtain plans and specifications. Prebid conference 02/12/2003 at 10:00 a.m. Opening 03/05/2003 at 10:00 a.m.

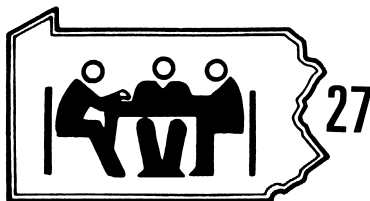
**Department:** State System of Higher Education  
**Location:** Millersville University of PA, Millersville, PA  
**Duration:** 120 calendar days from the date of the Notice to Proceed  
**Contact:** Jill M. Coleman, (717) 872-3730



### Laundry/Dry Cleaning & Linen/Uniform Rental

**113 1060** Contractor to provide laundry services for resident clothing. Approximate quantity of laundry is 7,000 pounds per month. Service will require pickup and delivery to be three times per week. Additional specifications available upon request.

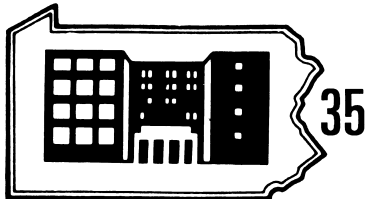
**Department:** Military Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Dr., Pittsburgh, PA 15206  
**Duration:** 07/01/2003—06/30/2006  
**Contact:** Ken Wilson, (412) 665-6727



### Lodging/Meeting Facilities

**461908** A facility in Pennsylvania within the City Limits of Downtown Pittsburgh, May 11-16, 2003. With "Classroom Style" Room for 100 attendees, two "Breakout Rooms" for 30 attendees each, and one "Networking Room" for 50 attendees, as specified. All Rooms, to be equipped with required Personal Computers, A/V Equipment, etc., as specified. Lunch and Breaks (am and pm) for 100 attendees as specified. Up to Fifty Single Lodging Rooms for May 11, and up to One Hundred Single Lodging Rooms May 12 through 15, 2003, with 1:00 pm checkout. "FREE" On-Site Parking for all attendees as specified. Fax request for Bid Package to Wendy Heberlig at (717) 783-4438. Include Proper Business Name, Mailing Address with Contact Person and Telephone Number.

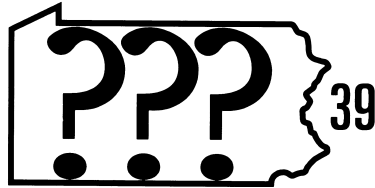
**Department:** Transportation  
**Location:** In Pennsylvania - Within City Limits of Pittsburgh.  
**Duration:** May 11 through 16, 2003.  
**Contact:** Wendy Heberlig, (717) 787-4299



### Real Estate Services

**93563** LEASE MULTI-PURPOSE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Corrections with 12,884 useable square feet of multi-purpose space with a minimum parking for 6 vehicles, within Pittsburgh, Allegheny County, PA. Downtown locations will be considered. For more information on SFP #93563 which is due on March 10, 2003 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download a SFP package or call (717) 787-4394.

**Department:** Corrections  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Jennings K. Ward, (717) 787-7412



### Miscellaneous

**Tutor 01-03** The Hiram G. Andrews Center is seeking Professional Tutor Services on an as-needed basis for students enrolled in degree programs in accordance with established Work Scope contained in the bid documents. To obtain a bid package, request may be submitted to the attention of K.J. Zakraysek, Hiram G. Andrews Center, 727 Goucher St., Johnstown, PA 15905, FAX to 814-255-8370, or e-mail to [kzakraysek@state.pa.us](mailto:kzakraysek@state.pa.us). This will not result in a contract for employment.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** For the five year term of 7-1-03 to 6-30-08  
**Contact:** Kenneth J. Zakraysek, Purchasing Agent, (814) 255-8210

**RFP-2003-1** The Public School Employees' Retirement System is soliciting bids for a competent, independent contractor who will accept sole responsibility for the preparation and distribution of election ballots to its members and will receive, validate and tabulate votes and certify election results. PSERS conducted secret ballot elections among its 145,000 active certified members, 134,000 annuitants, 4,5000 school board members and 98,000 non-certified members. A preproposal meeting will be held in PSERS Main Office, 5 North 5th Street, Harrisburg, PA on February 20, 2003 at 1:00 pm - Contact agency for copy of Request for Proposal. Agency requires name, company name, address, telephone number and e-mail address.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Contact:** Rebecca A. Snead, (717) 720-4607

[Pa.B. Doc. No. 03-308. Filed for public inspection February 14, 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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DONALD T. CUNNINGHAM, Jr.  
*Acting Secretary*

## STATE CONTRACTS INFORMATION

**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."

DONALD T. CUNNINGHAM, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-309. Filed for public inspection February 14, 2003, 9:00 a.m.]

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