

NOTICES

DEPARTMENT OF AGRICULTURE

Referendum on Continuation of the Pennsylvania Vegetable Marketing and Research Program

I. The Pennsylvania Vegetable Marketing and Research Program (Program) was initially established in 1989 under the provisions of the Pennsylvania Agricultural Commodities Marketing Act of 1968 (act) (3 P. S. §§ 1001—1013). The act requires that the Secretary of Agriculture (Secretary) call a referendum of affected producers every 5 years to determine whether or not a majority of those voting still desire the Program. The Program was continued through a review referendum conducted in 1998. It is now time for another review referendum to determine whether a majority of the vegetable producers will desire the Program to continue.

II. *Referendum Period:* The referendum shall be held from March 17, 2003, until 4 p.m. on March 31, 2003. Completed ballots shall be mailed or hand delivered to the Department of Agriculture, Commodity Promotion Division, Room 311, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Hand-delivered ballots must be received by 4 p.m. on March 31, 2003. Ballots that are mailed must be postmarked by March 31, 2003, and received by April 7, 2003.

III. *Notice of Referendum:* This referendum order, the Program order and official ballot shall be mailed by March 14, 2003, to all affected producers whose names appear on the list of the Pennsylvania vegetable producers maintained in the Office of the Bureau of Markets. Additional copies of the same materials shall be made available at the Office of the Secretary.

IV. *Eligible Voters:* The rules governing the eligibility of

a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is October 31, 2002. Vegetable producers within this Commonwealth who grow one or more acres of vegetables for sale are eligible to vote, as are all producers who, for the purpose of selling, grow vegetables in 1,000 square feet or more of greenhouse area. Greenhouse area used to produce vegetable transplants for outdoor use shall not be included. Producers with 1 or more acres of vegetable production or 1,000 or more square feet of greenhouse vegetable production, as of October 31, 2002, are entitled to vote.

V. *Counting of Ballots:* The ballots will be conveyed and counted by a Teller Committee appointed by the Secretary. The counting of the ballots will begin at 10 a.m. on Thursday, April 10, 2003, in the State Agriculture Building, Harrisburg, PA. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and disseminated to the news media.

VI. *Reporting Irregularities:* Irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary no later than 7 calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot*.

VIII. *Effective Date:* The foregoing order shall be effective from and after February 17, 2003.

DENNIS C. WOLFF,
Acting Secretary

[Pa.B. Doc. No. 03-353. Filed for public inspection February 28, 2003, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 18, 2003.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-13-03	East Penn Interim Bank Emmaus Lehigh County	Emmaus	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-12-03	Clearfield Interim Bank and Trust Company, Clearfield, and Clearfield Bank and Trust Company, Clearfield— Surviving Institution— Clearfield Interim Bank and Trust Company, Clearfield	Clearfield	Approved

Merger application was filed solely to facilitate the acquisition of Clearfield Bank and Trust Company by CBT Financial Corp., Clearfield, a new bank holding company in organization.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-5-03	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	Menno Haven Retirement Community 2075 Scotland Avenue Chambersburg Franklin County	Opened
2-11-03	Orrstown Bank Shippensburg Cumberland County	1355 Orchard Drive Chambersburg Franklin County	Filed
2-12-03	Fidelity Savings Bank Pittsburgh Allegheny County	1339 Freedom Road Cranberry Township Butler County	Filed
2-14-03	Hometowne Heritage Bank Intercourse Lancaster County	1298 Georgetown Road Quarryville Lancaster County	Opened

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-14-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Eleven branch offices to be consolidated with existing branches as follows:	Filed
	<i>To:</i> 3514 West Chester Pike Newtown Square Delaware County	<i>To:</i> 7327 Frankford Avenue Philadelphia Philadelphia County	
	<i>From:</i> 3531 West Chester Pike Newtown Square Delaware County	<i>From:</i> 7425 Frankford Avenue Philadelphia Philadelphia County	
	<i>To:</i> 222 West Main Street Collegeville Montgomery County	<i>To:</i> 3500 Aramingo Avenue Philadelphia Philadelphia County	
	<i>From:</i> 201 Second Avenue Collegeville Montgomery County	<i>From:</i> 3745 Aramingo Avenue Philadelphia Philadelphia County	
	<i>To:</i> 25 East Main Street Lansdale Montgomery County	<i>To:</i> 1515 Market Street Philadelphia Philadelphia County	
	<i>From:</i> 638 East Main Street Lansdale Montgomery County	<i>From:</i> 30 South 15th Street Philadelphia Philadelphia County	
	<i>To:</i> 25 East Main Street Lansdale Montgomery County	<i>To:</i> 6537 Castor Avenue Philadelphia Philadelphia County	
	<i>From:</i> 521 West Main Street Lansdale Montgomery County	<i>From:</i> 6331 Castor Avenue Philadelphia Philadelphia County	
	<i>To:</i> 202 West Ridge Pike Conshohocken Montgomery County	<i>To:</i> 6537 Castor Avenue Philadelphia Philadelphia County	

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
<i>From:</i>	200 West Ridge Pike Conshohocken Montgomery County	<i>From:</i> 6301 Oxford Avenue Philadelphia Philadelphia County	
<i>To:</i>	5 West Germantown Pike East Norriton Montgomery County		
<i>From:</i>	61 East Germantown Pike East Norriton Montgomery County		

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-11-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	70 Commerce Drive Wyomissing Berks County	Authorization Rescinded

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Actng Secretary

[Pa.B. Doc. No. 03-354. Filed for public inspection February 28, 2003, 9:00 a.m.]

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

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.54 to which was added 2.50 percentage points for a total of 7.04 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,
Acting Secretary

[Pa.B. Doc. No. 03-355. Filed for public inspection February 28, 2003, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Pennsylvania Heritage Parks Program Grant Application Announcement for Fiscal Year 2003-2004

The Department of Conservation and Natural Resources (Department) announces that applications are now being accepted for grants to be funded from the 2003-2004 fiscal year Pennsylvania Heritage Parks Program (Program). Funding is subject to an appropriation being made available to the Department for the Program in the upcoming 2003-2004 fiscal year budget. The deadline for submission of applications is Friday, May 16, 2003. Applications must be received by 5 p.m. in the Harrisburg Central Office of the Department's Bureau of Recreation and Conservation. Applications received after this deadline will not be considered for funding. Fax submissions are not acceptable.

It is the intent of the Program to create a system of State Heritage Parks that will preserve and interpret the significant contributions that certain regions of this Commonwealth have made to the industrial heritage of the State and Nation. The historic, cultural, natural, scenic and recreational resources within a State Heritage Park area are inventoried, preserved, enhanced and promoted as a strategy to enhance regional economic development through the attraction of tourists, creation of new jobs, stimulation of small business growth and the promotion of public and private investment opportunities. There are currently 11 designated State Heritage Parks including the Allegheny Ridge State Heritage Park, the Delaware and Lehigh National Heritage Corridor, the Endless Mountains Heritage Region, the Lackawanna Heritage Valley Authority, the Lancaster-York Heritage Region, the Lincoln Highway Heritage Corridor, the Lumber Heritage

Region, the National Road Heritage Park, the Oil Heritage Region, the Rivers of Steel Heritage Area and the Schuylkill River Heritage Corridor.

Designated State Heritage Parks are eligible to apply for grants to undertake heritage park management activities, special purpose studies and implementation projects. Other regions wishing to participate in the Program may apply for feasibility study grants if they meet the following criteria and are prequalified by the Department:

—Must have a strong industrial theme based on one or more of the following industries: coal, oil, iron and steel, lumber, textile, transportation, machine and foundry, and agriculture.

—Must be multicounty in size.

—Must have natural, cultural, historic, recreational and scenic resources of State or National significance.

—Have a broad-based public and private partnership and regional coalition supporting the project.

—Must demonstrate a local commitment and leadership capacity to undertake the initiative.

Program Manual/Application Forms

The Program manual provides more specific information on funding levels, program requirements and the application process for this round of funding. The Program manual and application forms are available from the Department. Since each project type has a specific set of application forms and instructions, specify the type of project when requesting application forms. The Program manual, application forms and additional information about the program can be obtained from Tim Keptner, Chief, Regional Services Division, Bureau of Recreation and Conservation, Pennsylvania Heritage Parks Program, Department of Conservation and Natural Resources, 6th Floor, Rachel Carson State Office Building, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 783-0988.

Persons with a disability who wish to submit an application for Program funding and require assistance with the application should contact Darrel J. Siesholtz at (717) 783-2661 to discuss how the Department may best accommodate their needs. TTY or TDD users should call (800) 654-5984.

MICHAEL DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-356. Filed for public inspection February 28, 2003, 9:00 a.m.]

Snowmobile and ATV Advisory Committee Meeting

The meeting of the Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will be held on Tuesday, March 11, 2003, at 9:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to GERALYN UMSTEAD at (717) 772-9087.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact GERALYN UMSTEAD at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,
Acting Secretary

[Pa.B. Doc. No. 03-357. Filed for public inspection February 28, 2003, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include

the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0057401	S & S Styles Inc. 6801 Easton Road Pipersville, PA 18947-9717	Bucks County Bedminster Township	UNT to Cabin Run	Y
PA0055620	David A. Whinfrey 60 Chapel Hill Road Media, PA 19063	Delaware County Upper Providence Township	Ridley Creek	Y
PA0055816	Walter W. Holmes 138 Kirk Road Boothwyn, PA 19061	Delaware County Concord Township	UNT to Green Creek	Y
PA0031208	Garnet Valley School District 80 Station Road Glen Mills, PA 19342	Delaware County Concord Township	Green Creek	Y
PA0053074	Valley Green Corporate Center c/o Sentry Realty Services Inc. P. O. Box 310 Abington, PA 19001-0310	Montgomery County Whitemarsh Township	Sandy Run Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0061441	Freeman's Mobile Home Park R. R. 1, Box 160-14 Dallas, PA 18612	Wyoming County Monroe Township	Unnamed tributary to Leonard's Creek 4G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0084123	Penn Township Municipal Authority 100 Municipal Bldg. Rd. Duncannon, PA 17020	Perry County Penn Township	Cove Creek 7A	Y

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

PA0103292, Sewage, **Hamilton Township—Village of Ludlow**, US Highway 6 West, Ludlow, PA 16333. This existing facility is located in Hamilton Township, **McKean County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, 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 on the Allegheny River located at River Mile 90, 109.6 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.070 MGD.

<i>Parameters</i>	<i>Loadings</i>			<i>Concentrations</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>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	XX	XX	XX
CBOD ₅	15	23	25	40	50
Total Suspended Solids	18	26	30	45	60
NH ₃ -N (5-1 to 10-31)	12		20		40
Total Residual Chlorine			1.0		2.3
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average			
(10-1 to 4-30)		21,000/100 ml as a geometric average			
pH		6.0 to 9.0 standard units at all times			

The EPA Waiver is in effect.

PA0104396, Industrial Waste, **Village Farms, L. P.**, HW—SR 3001, P. O. Box 200, Ringgold, PA 15770. This proposed facility is located in Ringgold Township, **Jefferson County**.

Description of Proposed Activity: an existing discharge of treated industrial waste.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Allegheny River and Pennsylvania American Water Company located at Kittanning, 30 miles below point of discharge.

The receiving stream, Caylor Run, is in watershed 17-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 301 based on a design flow of 0.0013 MGD.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		100,000/100 ml as a geometric average	
TRC	0.5		1.6
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 401 based on a design flow of various intermittent discharges.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>

This discharge shall consist solely of overflow from the stormwater collection/greenhouse irrigation pond.

The proposed effluent limits for Outfall 601 based on a design flow of 0.09 MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
Total Suspended Solids	XX	XX	30	100	100
pH			6.0 to 9.0 standard units at all times		

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

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
Mercury (Interim)	XX		0.3		0.75
(Final)	XX		0.1		0.25

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
pH	6.0 to 9.0 standard units at all times				

XX—Monitor and report.

The EPA Waiver is in effect.

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

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

PA0027031, Sewage, **Borough of West Chester**, 401 East Gay Street, West Chester, PA 19380. This application is for renewal of an NPDES permit to discharge treated sewage from West Chester Borough's Goose Creek STP in West Goshen Township, **Chester County**. This is an existing discharge to Chester Creek (locally known as Goose Creek).

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

The proposed effluent limits for Outfall 001, based on an average flow of 1.672 MGD are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5	2.3	3.0
(11-1 to 4-30)	4.5	6.8	9.0
Total Residual Chlorine	0.03		0.10
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		
Phenols, Total	0.018	0.036	0.045
Zinc., Total	Monitor and Report		
Chloroform	Monitor and Report		
Lead, Total	Monitor and Report		
Copper, Total	Monitor and Report		

Other Conditions: conditions for future permit modification; implementation of industrial pretreatment program requirements; effective disinfection; and special test methods for certain pollutants.

The EPA Waiver is not in effect.

PA0055573, Industrial Waste, **Sovereign Packaging Group, Inc.**, 765 Pike Springs Road, Phoenixville, PA 19442. This application is for renewal of an NPDES permit to discharge cooling water and stormwater from noncontact cooling tower water and stormwater runoff from the Kimberton Facility in East Pikeland Township, **Chester County**. This is an existing discharge to an unnamed tributary to French Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.016 MGD are as follows:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		
Trichloroethylene	Monitor and Report	Monitor and Report	

This facility was formerly known as Pierce and Stevens Corporation.

The EPA Waiver is in effect.

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

PA0013218, Industrial, SIC 3081, **Tredegar Film Products—Pottsville, Inc.**, P. O. Box 160, Maple Avenue, Mar Lin, PA 17951-0160. This proposed facility is located in Norwegian, **Schuylkill County**.

Description of Proposed Activity: Renewal of an NPDES Permit.

The receiving stream, Schuylkill River, is in the State Water Plan watershed no. 3A and is classified for CWF. The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on the Schuylkill River, 49 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0255.

<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>
BOD ₅		5.50		
Total Suspended Solids		4.00		
Oil and Grease	3.20	6.15	15.0	30.0
pH		6.0 to 9.0 at all times.		

Outfall 002 is permitted to discharge uncontaminated stormwater only.

PA0063681, Industrial, SIC Code 7513, **Penske Truck Leasing Co., L. P.**, Route 10, Green Hills, Reading, PA 19603. This proposed facility is located in North Manheim Township, **Schuylkill County**.

The receiving stream, Schuylkill River, is in the State Water Plan watershed no. 03A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on the Schuylkill River, approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.000125 MGD are.

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

The EPA waiver is in effect.

PA0036765, Sewage, **Tyler Memorial Hospital**, 880 SR 6 W, Tunkhannock, PA 18657. This proposed facility is located in Tunkhannock Township, **Wyoming County**.

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

The receiving stream, Taques Creek, is in the State Water Plan watershed no. 4F and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Danville Water Company is located on the Susquehanna River, approximately 80 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .02417.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	9		18
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

PA0032859, Sewerage, **Department of Transportation, District 5**, 1713 Lehigh Street, Allentown, PA 18103-4727. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary of Pocono Creek in Pocono Township, Monroe County.

The receiving stream, Pocono Creek, is in the State Water Plan watershed no. 01E and is classified for HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for City of Easton is located on the Delaware River, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.009 MGD are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
NH ₃ -N (5-1 to 10-31)	7.5	15

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	A minimum of 6.0 mg/l at all times	
pH	6.0 to 9.0 standard units at all times.	

The EPA waiver is in effect.

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

PA0030643, Sewage, SIC Code 4952, **Shippensburg Borough**, P. O. Box 129, Shippensburg, PA 17257. This facility is located in Shippensburg Borough, **Franklin County**.

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

The receiving stream, Middle Spring Creek, is in Watershed 7-B and classified for CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located in North Middleton Township, Cumberland County. The discharge is not expected to affect the water supply.

The proposed amended effluent limits for Outfall 001 for a design flow of 3.3 MGD: The draft amended permit proposes removal of interim and final requirements and effluent limitations for antimony and mercury based on the results of the Toxic Reduction Evaluation Phase I Report.

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

The EPA waiver is not in effect.

PA0081931, Sewage, **Shawnee Valley Ambulance**, 166 Valley Road, P. O. Box 8, Schellsburg, PA 15559. This facility is located in Napier Township, **Bedford County**.

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

The receiving stream, unnamed tributary Shawnee Branch, is in Watershed 11-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for the Bedford Water Authority is located on the Raystown Branch Juniata River, approximately 6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 0.001 for a design flow of 0.0004 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Residual Chlorine	1.5	2.5
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	32,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

PA0046426-A1, Sewage, **Franklin Township Sewer Authority**, 570 Rolling Meadows Road, Waynesburg, PA 15370. This application is for amendment of an NPDES permit to discharge treated sewage from Franklin Township Wastewater Treatment Plant in Franklin Township, **Greene County**.

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

Outfall 001: existing discharge, design flow of 1.25 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	4.0	6.0		8.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,400/100 ml as a geometric mean			
Total Residual Chlorine	0.3			1.1
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0219363, Sewage, **Pyramid Healthcare, Inc.**, 1512 12th Avenue, Altoona, PA 16601. This application is for issuance of an NPDES permit to discharge treated sewage from Pyramid Healthcare STP No. 2 in Reade Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Powell Run, which are classified as CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company on the West Branch Susquehanna River near Milton.

Outfall 001: new discharge, design flow of 0.00172 mgd.

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

The EPA waiver is in effect.

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

PA0238937, Sewage, **Middlesex Township**, 133 Browns Hill Road, Valencia, PA 16059-3101. This proposed facility is located in Middlesex Township, **Butler County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Zelienople Municipal Water Company intake on the Connoquenessing Creek located at Zelienople, approximately 18 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.625 MGD.

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX				
CBOD ₅	130	209	25	40	50
Total Suspended Solids	156	235	30	45	60
NH ₃ -N (5-1 to 10-31)	10.4		2		4
(11-1 to 4-30)	31.3		6		23
Phosphorus (as P) (4-1 to 10-31)	10.4		2		4

<i>Parameters</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>	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average		
Ultraviolet Light Intensity (µw/cm)			2,900/100 ml as a geometric average		
Dissolved Oxygen			XX		
pH			Minimum of 4 mg/l at all times.		
			6.0 to 9.0 standard units at all times		

XX—Monitor and Report

The EPA Waiver is in effect.

PA0239054, Sewage, **Robert F. Deinert**, 604 Elmwood Avenue, Grove City, PA 16127. This proposed facility is located in Wayne Township, **Crawford County**.

Description of Proposed Activity: New existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Franklin General Authority on French Creek located at Franklin, approximately 15 miles below point of discharge.

The receiving stream, unnamed tributary to Sugar Creek, is in watershed 16D and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine		Monitor and Report	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0239062, Sewage, **Norbert F. Dietrich**, 30002 Lake Creek Road, Cochranon, PA 16314. This proposed facility is located in Wayne Township, **Crawford County**.

Description of Proposed Activity: New existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Franklin General Authority on French Creek located at Franklin, approximately 15 miles below point of discharge.

The receiving stream, unnamed tributary to Sugar Creek, is in watershed 16D and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine		Monitor and Report	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0238953, Sewage, **El Ameen Majied**, 2122 Philadelphia Road, Springboro, PA 16435. This proposed facility is located in Beaver Township, **Crawford County**.

Description of Proposed Activity: New existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, sulfates, chlorides and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is Lake Erie.

The receiving stream, unnamed tributary to West Branch Conneaut Creek, is in watershed 15A and classified for CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		XX
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

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).

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

WQM Permit No. 4503402, Farda Realty Associates, L. P. c/o The Summit Resort, P. O. Box 130, Tannersville, PA 18372. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: This project consists of the construction of a 100,000 GPD wastewater treatment facility to service the proposed Tannersville Factory Stores Complex to be located on the west side of Interstate 80 at the SR 715 intersection in Pocono Township, Monroe County. The proposed facility will be

constructed in two stages, of 50,000 GPD each, ultimately comprising a 100,000 GPD facility.

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

WQM Permit No. 2103402, Sewerage, Shawn Snyder, 501 Conodoguinet Avenue, Carlisle, PA 17013. This proposed facility is located in Lower Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve a residence on Meadowbrook Drive.

WQM Permit No. 0703401, Sewerage, Michael Mahr, Jr., 217 East Walnut Avenue, Altoona, PA 16601. This proposed facility is located in Freedom Township.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their residence on SR 164.

NPDES Stormwater Individual Permit

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

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

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

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in

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

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

Persons with a disability who require an auxiliary aid, service or other accommodation to participate during the

30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

Potter County Conservation District: 107 Market St., Coudersport, PA 16915, (814) 274-8411, Ext. 4.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>
PAI2045303001	Coudersport Borough Authority 201 South West St. Coudersport, PA 16915

<i>County and Municipality</i>	<i>Receiving Water/Use</i>
Potter County Coudersport Borough	Mill Creek HQ-CWF

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

Butler Conservation District: 122 McCune Drive, Butler, PA 16001-6501, (724) 284-5270.

NPDES Permit PAI2061003001, Stormwater, **Knoch Farms Development LLC**, 2000 Mount Troy Road, Pittsburgh, PA 15212-1399 has applied to discharge stormwater associated with a construction activity located in Clinton and Jefferson Townships, **Butler County** to Little Buffalo Creek, HQ-TSF.

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 4089527-A1, Public Water Supply.

Applicant	Bonham Nursing Center
Township or Borough	Stillwater Borough, Carbon County
Responsible Official	James Bonham 477 Bonnieville Road Stillwater, PA 17878
Type of Facility	Community Water System
Consulting Engineer	Paul A. Krizan, P. E. Larson Design Group 1000 Commerce Park Drive Williamsport, PA 17701
Application Received Date	January 31, 2003
Description of Action	Addition of treatment to include a water softener, granulated carbon filter and particle filter units.

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

Permit No. 0603501, Public Water Supply.

Applicant	Reading Area Water Authority
Municipality	City of Reading
County	Berks
Responsible Official	Anthony J. Consentino, Executive Director 815 Washington Street Reading, PA 19601
Type of Facility	PWS
Consulting Engineer	Thomas L. Weld, Jr., P. E. BCM Engineers 920 Germantown Pike Plymouth, PA 19462

Application Received January 24, 2003
 Date
 Description of Action Construction of an 800 gpm high service booster pumping station.

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

Application No. Minor Amendment, Public Water Supply.

Applicant **Stony Fork Associates, LLC**
 4232 Fowler Ave.
 Baltimore, MD 21236

Township Stony Fork Township

Responsible Official Sherman T. Hill, President
 Stony Fork Associates, LLC
 4232 Fowler Ave.
 Baltimore, MD 21236

Type of Facility PWS—Transfer from H. Lyle Taylor, Country Living MHP to Stony Fork Associates, LLC

Application Received February 4, 2003
 Date

MINOR AMENDMENT

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

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

Application No. Minor Amendment.

Applicant **Silver Springs Mountain Water Company**

Township or Borough Silver Lake Township

Responsible Official Francis Flynn
 Silver Springs Mountain Water Company
 Box 1365
 Friendsville, PA 18818

Type of Facility Bottled Water System

Application Received January 23, 2003
 Date

Description of Action Transfer of ownership of Silver Springs Mountain Water Company public water supply facilities from Patricia Flynn and Sandra L. Kelley to Patricia Flynn and Andrea S. Aukema.

Application No. 3480075, Minor Amendment.

Applicant **Hometown Mountain View, LLC**

Township or Borough Lehigh Township
Northampton County

Responsible Official Barry McCabe, President
 150 North Wacker Drive, Suite 900
 Chicago, IL 60606

Type of Facility Community Water System

Application Received January 30, 2003
 Date
 Description of Action Transfer PWS operations permit No. 3480075, issued May 8, 2001, to Mountain View MHC

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 Coordina-

tor 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:

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

Mike Menapace Property, Sugarloaf Township, **Columbia County**. Quad 3 Group, Inc., on behalf of Mike Menapace, 550 Church Road, Mountaintop, PA 18707, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with No. 2 Fuel Oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Press Enterprise* on February 28, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit Application No. 101376. Forge Inc., 5245 Bleigh Ave., Philadelphia, PA 19136-4225, Philadelphia City, **Philadelphia County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 20, 2002.

Permit Application No. 101226. Savoys Transfer Station, P. O. Box 339, Claymont, DE 19703-0339, Chester Township, **Delaware County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 26, 2002.

Permit Application No. 101659. Champion Recycling Inc. c/o Galante Hauling, 16 Yeaton Lane, Glenmoore, PA 19343, East Caln Township, **Chester County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 24, 2002.

Permit Application No. 101237. J. P. Mascaro & Sons Inc., 320 Godshall Dr., Harleysville, PA 19438-2008, Franconia Township, **Montgomery County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 24, 2002.

Permit Application No. 101497. Great Valley Recycling Inc., 320 Godshall Dr., Harleysville, PA 19438, Bridgeport Borough, **Montgomery County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 24, 2002.

Permit Application No. 101631. Eldredge Inc., 898 Fernhill Rd., West Chester, PA 19380-4202, West Goshen Township, **Chester County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 23, 2002.

Permit Application No. 101390. Waste Mgmt. of Indian Valley, 400 Progress Dr., Telford, PA 18969-1191, Hilltown Township, **Bucks County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 19, 2002.

Permit Application No. 101468. Republic Svc. of Pa., 4145 E. Baltimore Pike, Media, PA 19063, Philadelphia City, **Philadelphia County**. Application for a radiation protection action plan for the Girard Point MSW transfer station. The application was received by the Southeast Regional Office on December 23, 2002.

Permit Application No. 100973. Republic Svc. of Pa., 4145 E. Baltimore Pike, Media, PA 19063, Philadelphia City, **Philadelphia County**. Application for a radiation protection action plan for the Quickway MSW transfer station. The application was received by the Southeast Regional Office on December 23, 2002.

Permit Application No. 101413. Republic Svc. of Pa., 4145 E. Baltimore Pike, Media, PA 19063, Chester City, **Delaware County**. Application for a radiation protection action plan for the McCusker MSW transfer station. The application was received by the Southeast Regional Office on December 23, 2002.

Permit Application No. 101639. L & S Demo Recycling, 884 Brook Rd., Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 24, 2002.

Permit Application No. 101609. BFI Waste Sys. of North America Inc., 400 River Rd., Conshohocken, PA 19428-2600, Upper Merion Township, **Montgomery County**. Application for a radiation protection action plan for the River Road MSW transfer station. The application was received by the Southeast Regional Office on December 26, 2002.

Permit Application No. 101463. BFI Waste Sys. of North America Inc., 2904 S. Delaware Ave., Philadelphia, PA 19148-5106, Philadelphia City, **Philadelphia County**. Application for a radiation protection action plan for the TRC MSW transfer station. The application was received by the Southeast Regional Office on December 26, 2002.

Permit Application No. 101477. BFI Waste Sys. of North America Inc., 2209 S. 58th St., Philadelphia, PA 19143, Philadelphia City, **Philadelphia County**. Application for a radiation protection action plan for the Transcyclery MSW transfer station. The application was received by the Southeast Regional Office on December 26, 2002.

Permit Application No. 100817. Waste Sys. Auth. of Eastern Montgomery County, Ste. 300, One Lafayette Pl., Norristown, PA 19401, Upper Dublin Township, **Montgomery County**. Application for a radiation protection action plan for the Abington MSW transfer station. The application was received by the Southeast Regional Office on December 23, 2002.

Permit Application No. 101076. Lower Merion Township, 75 E. Lancaster Ave., Ardmore, PA 19003-2323, Lower Merion Township, **Montgomery County**. Application for a radiation protection action plan for the Lower Merion MSW transfer station. The application was received by the Southeast Regional Office on December 23, 2002.

Permit Application No. 101432. Onyx Waste Svc. Inc., P. O. Box 30, Norristown, PA 19404, Norristown Borough, **Montgomery County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 23, 2002.

Permit Application No. 101290. Waste Mgmt. of Pa. Inc., 1121 Bordentown Rd., Morrisville, PA 19067, Philadelphia City, **Philadelphia County**. Application for a radiation protection action plan for the Philadelphia Transfer and Recycling MSW transfer station. The application was received by the Southeast Regional Office on December 20, 2002.

Permit Application No. 101224. Waste Mgmt. of Delaware Valley South, 408 S. Oak Ave., P. O. Box 427, Primos, PA 19108, Upper Darby Township, **Delaware County**. Application for a radiation protection action plan for a MSW transfer station. The application was received by the Southeast Regional Office on December 23, 2002.

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

Permit Application No. 101538. WSI—Sandy Run Landfill Inc., 995 Landfill Road, Hopewell, PA 16650, Broad Top, Hopewell, **Bedford County**. The application is for leachate recirculation for Sandy Run Landfill. The application was determined to be administrative complete by the Southcentral Regional Office on February 12, 2003.

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

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on

a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

39-399-057: GEO Specialty Chemicals (Trimet Products Group) (2409 North Cedar Crest Boulevard, Allentown, PA 18104) for installation of an air cleaning device to collect dust from the calcium formate plant which includes conveying, screening and packaging operations at the facility in South Whitehall Township, **Lehigh County**.

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

28-03044: Tarco Roofing Materials, Inc. (8650 Molly Pitcher Highway North, Antrim, PA 17225) for construction of an asphalt coater and associated storage tanks in Antrim Township, **Franklin County**. This construction is subject to 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture and Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels.

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

59-00002A: Dominion Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) for the modification of two 4,200 horsepower natural gas-fired reciprocating internal combustion compressor engines at the Tioga Compressor Station in Farmington Township, **Tioga County**. The proposed modification is an increase of 65 tons for a 12 consecutive month period in the amount of CO which the engines would be allowed to emit.

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

65-00693A: USA Valley Facility, Inc. (R. D. 2, Box 282A, Irwin, PA 15642) for replacement installation of a ground flare at their facility in Penn Township, **Westmoreland County**.

65-00853A: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) for installation of Boilers, Battery 1B, 2, Coke Pushing, Flares at Monessen Coke Plant in Monessen, **Westmoreland County**.

04-00706B: Beaver Valley Slag, Inc. (1150 Brodhead Road, Monaca, PA 15061) for installation of a screening plant at Black's Run Slag Mine in Center Township, **Beaver County**.

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

10-335B: Penn United Carbide, A Division of Penn United Technology, Inc. (196 Alwine Road, Saxonburg, PA 16056) for construction of a silicon carbide powder manufacturing and carbide tooling production facility in Saxonburg, **Butler County**.

33-0147A: Dominion Transmission, Inc.—Big Run Compressor Station (Bowers Road, Big Run, PA 15715) for replacement of existing IR engine with new CAT clean burn engine and installation of a dehydration system in Gaskill Township, **Jefferson County**.

10-079C: BNZ Materials, Inc. (191 Front Street, Zelenople, PA 16063), for modification of kiln no. 1 to support plans to produce two new types of cast insulating fire brick in Zelenople Borough, **Butler County**. This is a Title V facility.

25-883A: Millcreek Township (3608 West 26th St., Erie, PA 16506) for modification of existing permit to increase the production rate from 80 tons per hour to 120 tons per hour at the Drum Mix Asphalt Plant in Millcreek Township, **Erie County**.

24-009C: Weyerhaeuser Co.—Johnsonburg Mill (100 Center Street, Johnsonburg, PA 15845) for installation of a wet scrubber on each Pulverized Coal Boiler (Units 040 and 041) for control of SO₂ emissions at the Weyerhaeuser-Johnsonburg Mill in the borough of Johnsonburg, **Elk County**. Weyerhaeuser Company-Johnsonburg Mill is a Title V facility.

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

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

09-0027C: Fres-co System USA, Inc. (3005 State Road, Telford, PA 18969) for installation of a rubber roller resurfacing lathe with the associated cyclone and baghouse at the Fres-co industrial printing/manufacturing facility in West Rockhill Township, **Bucks County**. The installation of a rubber roller resurfacing lathe with the associated cyclone and baghouse will result in the emissions of 0.022 ton per year of particulate matter. 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.

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

06-03097: Kore-Mart LTD (P. O. Box 175, Hamburg, PA 19526) for construction of a core sand reclaim unit controlled by a fabric collector in Borough of Hamburg, **Berks County**. The facility is a non-Title V (State-only) facility. This construction will result in a potential emission of 2.6 tpy of particulate. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

36-03034A: Purina Mills, Inc. (3029 Hempland Road, Lancaster, PA 17601) for construction of a new pellet mill controlled by a high-efficiency cyclone at the animal feed mill in East Hempfield Township, **Lancaster County**. The facility is a non-Title V (State-only) facility. This construction will result in an estimated 4.68 tpy of particulate. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

38-05023B: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) for construction of a shredder for shredding unused and rejected shingles at the Prescott Quarry in South Lebanon Township, **Lebanon County**. This plan approval will be incorporated into the facility's current application for a State-only operating permit and will include appropriate requirements designed to keep the source operating within all applicable air quality requirements.

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

41-310-012: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for construction of a stone crushing plant containing various pieces of sandstone crushing, screening, conveying, and the like, equipment at the Hagerman's Run (Plant 12) site in Armstrong Township, **Lycoming County**.

Some of the stone crushing, screening, conveying, and the like, equipment for which plan approval has been requested was previously constructed and operated under the "General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)" but is no longer eligible to operate under this general plan approval and operating permit. The remainder of the equipment for which plan approval has been requested will be new to the site. The particulate matter emissions (including PM₁₀) from this equipment will be controlled by two fabric collectors and a water spray dust suppression system. The particulate matter emissions (including PM₁₀) from the use of plant roadways will be controlled by a water truck and a truck wash station. The applicant projects that the resultant PM₁₀ emissions will be up to 99.53 tons per year, most of which would occur as a result of truck traffic on plant roadways.

The Department's review of the information contained in the application indicates that the respective stone crushing plant will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code

§§ 127.1 and 127.12 and the requirements of Subpart 000 of the Federal Standards of Performance for New Stationary Sources (Standards of Performance for Nonmetallic Mineral Processing Plants). Based on this finding, the Department intends to approve the application and issue plan approval for the construction of the respective plant.

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

1. The air contaminant emissions from the crushing, screening, conveying, and the like, equipment shall be controlled by two fabric collectors and a water spray dust suppression system.

2. The crushing, screening, conveying, and the like, equipment shall not operate if the fabric collectors and water spray dust suppression system are inoperable.

3. The fabric collectors shall not emit particulate matter in excess of .02 grain per dry standard cubic foot.

4. The fabric collector shall be equipped with instrumentation to continuously monitor the pressure differential across the collectors and the associated air compressors shall be equipped with an air dryer and oil trap. Spare fabric collector bags shall also be kept on hand.

5. The water spray dust suppression system shall be connected to on-demand water source capable of delivering an adequate supply of water at any time.

6. A water truck shall be kept onsite and used, as needed, for the control of fugitive dust from plant roadways, stockpile areas, and the like.

7. All trucks exiting the facility shall pass through a truck wash station to remove dirt and mud from truck tires, undercarriages, and the like.

8. All trucks loaded from the facility's mineral filler storage silo shall be enclosed.

9. This plan approval does not authorize the construction, installation or operation of any generators, engines or engine/generator sets.

10. The facility shall not process more than 2,076,250 tons of stone per year nor shall the secondary crushing portion of the facility operate more than 3,218.19 hours per year.

11. Records shall be maintained of the tons of stone processed by the facility each month as well as the hours the secondary crushing portion of the facility operates each month. All records shall be retained for at least 5 years and shall be made available to the Department upon request.

OPERATING PERMITS

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

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

46-00198: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041). The Title V Operating Permit has been revised to address changes in permit contact, changes to the pressure drop ranges through the baghouses to match manufacturer's specifications,

changes to the flow rate through the scrubber to match manufacturer's specifications and correcting site inventory mapping for sources at the facility in Upper Hanover Township, **Montgomery County**. The revisions to the Title V Operating Permit were made under 25 Pa. Code § 127.450. The changes made to the permit do not result in an increase of emissions.

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

67-05043: Crown Cork and Seal, Inc. (One Crown Way, Philadelphia, PA 19154) for manufacturing of three piece containers in Penn Township, **York County**. The facility is a major emitter of VOCs and the HAP, glycol ether, which are primarily emitted by the can coating operations at the facility. 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.

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

49-00004: Resilite Sports Products, Inc. (P. O. Box 764, Sunbury, PA 17801) for renewal of the Title V operating permit for their athletic mat manufacturing facility in Point Township, **Northumberland County**. The facility is currently operating under TVOP 49-00004, which was issued January 16, 1998. The facility's sources include one no. 2 fuel oil fired boiler, mat finish and cure operations, adhesive application operations, a ground water remediation system, spray equipment cleanup operations and a storage tank, which have the potential to emit major quantities of VOCs and HAPs. The facility has the potential to emit NOx, CO, PM10 and SOx below the major emission thresholds. The facility is subject to all applicable regulatory requirements of Reasonably Available Control Technology. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

46-00059: Handelok Bag Co. (701A West Fifth Street, Lansdale, PA 19446) for operation of seven flexographic printing presses at Handelok's facility in the Borough of Lansdale, **Montgomery County**. The facility is a nonmajor facility. The seven flexographic printing presses will emit 17.6 tons of VOCs per year. The Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

23-00069: EI Dupont De Nemours and Co. (500 South Ridgeway Avenue, Glenolden, PA 19036) for operation of their pharmaceutical site in Glenolden Borough, **Delaware County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include three boilers. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00120: Degussa Construction Chemical Operation, Inc. (Route 113 and Beaver Dam Rd., Bristol, PA 19007) for operation of their cement and paint manufacturing site in the Bristol Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include four paint/cement mixing and packaging lines and one baghouse. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00138: Hopewell Veterinary Hospital (640 North Cedar Road, Jenkintown, PA 19046) for operation of their veterinary clinic/hospital in Abington Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility's main source is a Type 4 Pathological Waste Incinerator. This Natural Minor facility does not have the potential to emit any criteria pollutant emissions greater than 24.9 tpy. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

48-303-006A: ABE Materials (Easton Division of Haines and Kibblehouse, P. O. Box 196, Skippack, PA 19474) for operation of a batch asphalt plant and associated air cleaning device at the Easton Asphalt Plant at 5137 Lower Mud Run Road, Lower Mount Bethel Township, **Northampton County**.

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

55-00003: Susquehanna University (514 University Avenue, Selinsgrove, PA 17870-1075), for their university campus in Selinsgrove Borough, **Snyder County**. The facility's main sources include 2 bituminous coal fired boilers, a natural gas/no. 2 fuel oil fired boiler, 11 smaller natural gas fired furnaces, 19 smaller no. 2 fuel oil fired furnaces, 6 natural gas fired emergency generators, 3 propane fired emergency generators and 2 parts cleaning stations. These sources have the potential to emit major quantities of SO_x and PM₁₀. The facility has taken restrictions to limit SO_x and PM₁₀ emissions below the major emission thresholds. The facility has the potential to emit VOCs, NO_x, CO and HAPs below the major emission thresholds. The proposed State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00004: The Colonial Furniture Co. (P. O. Box 117, Freeburg, PA 17827-0117), for their wood furniture manufacturing facility in Freeburg Borough, **Snyder County**. The facility's main sources include four no. 2 fuel oil fired boilers, six coating spray booths and wood-working operations. These sources have the potential to emit major quantities of VOCs and HAPs. The facility has taken restrictions to limit VOC and HAP emissions below the major emission thresholds. The facility has the potential to emit PM₁₀, NO_x, CO and SO_x below the major emission thresholds. The proposed State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

10-00309: Heckett Multiserv, Plant Number 16 (Route 8 South, Butler, PA 16001) for a Natural Minor Permit to operate a slag processing plant in Butler, **Butler County**.

33-00016: PW Hardwood, LLC (11424 Route 36, Brookville, PA 15825) for a Natural Minor Permit to operate a sawmill, planing equipment and drying kilns in Oliver Township, **Jefferson County**.

61-00185: Heath Oil Co. (5609 State Road, Route 8, R. D. 1, Harrisville, PA 16038) for a Natural Minor Permit to operate a petroleum product distillation facility in the Borough of Barkeyville, **Venango County**.

37-00261: Hickman Williams and Co. (Route 18, Wampum Industrial Park, Wampum, PA 16157) for a Natural Minor Permit to operate metallurgical coke packaging facility in New Beaver Borough, **Lawrence County**.

25-00892: Norse Pipeline, LLC—Union City Compressor Station (Route 178, Union City, PA 16438) for operation of three internal combustion compressor engines and associated equipment in Union Township, **Erie County**.

25-00928: Zurn Industries, Inc.—Specification Drainage Operations (1801 Pittsburgh Avenue, Erie, PA 16514) for operation of their surface coating facility in the City of Erie, **Erie County**.

10-00303: C.U.E., Inc. (11 Leonberg Road, Cranberry Township, PA 16066) for a Synthetic Minor Operating Permit to operate a polyurethane plastic casting facility in Cranberry Township, **Butler County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

Coal Applications Received

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids pH*	35 mg/l	70 mg/l	90 mg/l
Alkalinity greater than acidity*		greater than 6.0; less than 9.0	

*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

40733203T2. HUD, Inc. t/a Emerald Anthracite II (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634), transfer of an existing coal refuse reprocessing operation from UGI Development Company in Hanover Township, **Luzerne County** affecting 38.8 acres, receiving stream: none. Application received February 3, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

17860123 and NPDES Permit No. PA0115436. Hepburnia Coal Company, P. O. Box I, Grampian, PA 16838. Revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 286.0 to 291.0 acres. The permit is located in Knox-Ferguson-Jordan Townships, **Clearfield County**. Receiving streams: unnamed tributaries to Carson Run (CWF); unnamed tributaries to McNeel Run, (CWF). Application received January 23, 2003.

17930115 and NPDES Permit No. PA0219568. River Hill Coal Co., Inc., P. O. Box 141, Kylertown, PA 16847. Transfer of an existing bituminous surface mine-auger permit from K & J Coal Co., Inc. This permit is located in Chest Township, **Clearfield County** and affects 118 acres. Receiving streams: unnamed tributary to Wilson Run, unnamed tributary to Chest Creek (CWF). Application received January 31, 2003.

17960121 and NPDES Permit No. PA0220485. River Hill Coal Co., Inc., P. O. Box 141, Kylertown, PA

16847. Transfer of an existing bituminous surface mine-auger permit from K & J Coal Co., Inc. This permit is located in Chest and Ferguson Townships, **Clearfield County** and affects 297.5 acres. Receiving streams: unnamed tributary to Wilson Run, McMasters Run (CWF). Application received January 31, 2003.

17020103 and NPDES Permit No. PA0243221. River Hill Coal Co., Inc., P. O. Box 141, Kylertown, PA 16847. Transfer of an existing bituminous surface mine-auger permit application from K & J Coal Co., Inc. This permit application is located in Chest and Ferguson Townships, **Clearfield County** and affects 161 acres. Receiving streams: unnamed tributary to Wilson Run, unnamed tributary to Chest Creek (CWF). Application received January 31, 2003.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

56970105 and NPDES Permit No. PA0234630. Sherpa Mining Contractors, Inc., P. O. Box 4459, 1738 Snowfield Drive, Hidden Valley, PA 15502, permit transfer from Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630 and continued operation of a bituminous surface mine in Paint Township, **Somerset County**, affecting 171.0 acres. Receiving streams: unnamed tributary to/and Stonycreek River (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stonycreek Surface Water Intake. Application received February 6, 2003.

56950111 and NPDES Permit No. PA0213225. Sherpa Mining Contractors, Inc., P. O. Box 4459, 1738 Snowfield Drive, Hidden Valley, PA 15502, permit transfer from Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630 and for continued operation of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 248.5 acres. Receiving streams: unnamed tributary to Shade Creek and Shade

Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stonycreek Surface Water Intake. Application received February 6, 2003.

56970104 and NPDES Permit No. PA0234541. Sherpa Mining Contractors, Inc., P. O. Box 4459, 1738 Snowfield Drive, Hidden Valley, PA 15502, permit transfer from Heritage Mining Company, P. O. Box 126, Cresson, PA 16630 and for continued operation of a bituminous surface mine in Shade Township, **Somerset County**, affecting 86.4 acres. Receiving streams: unnamed tributaries to Stonycreek River (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stonycreek Surface Water Intake. Application received February 6, 2003.

11030201 and NPDES Permit No. PA0249394. Alpine Coal Company, Inc., 3920 Market Street, Camp Hill, PA 17011, commencement, operation and restoration of a bituminous coal refuse reprocessing mine in Barr Township, **Cambria County**, affecting 41.6 acres. Receiving streams: Moss Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 6, 2003.

56880103 and NPDES Permit No. PA0598143. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, permit renewal and for continued operation of a bituminous surface mine and for discharge of treated mine drainage in Summit Township, **Somerset County**, affecting 785.0 acres. Receiving streams: unnamed tributary to Casselman River, the Casselman River, two unnamed tributaries to Lick Run, Lick Run, two unnamed tributaries to Bigby Creek and one unnamed tributary to Cranberry Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 4, 2003.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

33030101 and NPDES Permit No. PA0242292. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801). Commencement, operation and restoration of a bituminous surface strip operation in Washington Township, **Jefferson County** affecting 108.0 acres. Receiving

streams: two unnamed tributaries to Horm Run and Horm Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application to include a landuse change from forestland to cropland on the Warren E. Vivian property. Application received February 5, 2003.

1229-33030101-E-1. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801). Application for a stream encroachment to construct and maintain support facilities within 100 feet of unnamed tributary no. 2 to Horm Run in Washington Township, **Jefferson County** affecting 108.0 acres. Receiving streams: Two unnamed tributaries to Horm Run and Horm Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 5, 2003.

24030101 and NPDES Permit No. PA0242306. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface strip operation in Horton Township, **Elk County** affecting 53.2 acres. Receiving streams: Little Toby Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 6, 2003.

Coal Applications Returned

1475-10020104-E-3. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to mine through and replace a section of unnamed tributary No. 4 to Findlay Run. This section is located from a point approximately 150 feet upstream from the confluence with Findlay Run then continuing upstream a distance of approximately 900 feet in Clay Township, **Butler County** affecting 535.0 acres. Receiving streams: unnamed tributary to Findlay Run. Application received October 4, 2002. Application returned: February 6, 2003.

Noncoal Applications Received

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

*The parameter is applicable at all times

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

28840302C3 and NPDES Permit PA0614289. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201), renewal of existing discharge of treated mine drainage in Greene Township, **Franklin County**. Receiving stream:

Conococheague Creek (CWF). There are no existing downstream potable water supply intakes within 10 miles of the discharge points. Application received February 3, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

14030801. Donn G. Fetterolf, 126 Red Power Drive, Aaronsburg, PA 16820. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Haines Township, **Centre County** affecting 1 acre. Receiving streams: unnamed intermittent tributary, tributary to Pine Creek. Application received January 22, 2003.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

Large Industrial Minerals Applications Returned

32010301, John P. Shawley (R. R. 1, Box 93A, Saltsburg, PA 15681-9505), commencement, operation and restoration of bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 85.4 acres, receiving stream unnamed tributary to Big Run (CWF) to Blacklegs Creek (CWF) and Sulphur Run (CWF) to Kiskiminetas River. Application received January 10, 2001. Application returned: January 29, 2003.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

20030301, Lakeland Sand & Gravel, Inc. (7013 Atlantic Lake Road, Hartstown, PA 16131). Commencement, operation and restoration of a sand and gravel operation in Sadsbury Township, **Crawford County** affecting 81.0 acres. Receiving streams: Conneaut Outlet (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 6, 2003.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E08-398, Wysox Creek Watershed Association, P. O. Box 174, Rome, PA 18834-9711. Watershed Restoration Project, in Orwell Township, **Bradford County**, ACOE Baltimore District (LeRaysville, PA Quadrangle N: 20.2 inches; W: 15.7 inches).

The application proposes to construct, operate and maintain a stream bank stabilization project on Johnson Creek and Beaver Creek (tributary to Johnson Creek), both of which are designated as CWF. The project intends to use rock vane structures, riprap bank stabilization, channel realignment and vegetation to achieve the stabilization. The constructed project length extends 2,100 linear feet in both watersheds with an increase in-stream length of approximately 200 linear feet. An additional 0.17 acre of wetland will be permanently impacted as a result of completing this project.

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

E65-819, Norwin Public Library, 299 Third Street, Irwin, PA 15642. Irwin Borough, **Westmoreland County**, ACOE Pittsburgh District.

To place and maintain fill in 0.02 acre of wetland and along the right bank of an unnamed tributary to Tinkers Run (TSF) and to construct and maintain a 50-foot long, 5-foot high wall and stream bank protection and two outfall structures at the right bank of said stream for the purpose of construction of a library and parking facilities. The project is located along the west side of Caruthers Lane approximately 0.2 mile south of SR 30 (Irwin, PA Quadrangle N: 13.8 inches; W: 10.42 inches).

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

E20-523, Howard E. Fisher, 680 Cliff Mine Road, Coraopolis, PA 15108. Howard E. Fisher Solid Fill Dock, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 21.0 inches; W: 8.1 inches).

To repair and maintain an existing 10.5-foot wide solid fill dock extending approximately 52.5 feet into the west side of Conneaut Lake at 11018 Aldina Drive approximately 0.8 mile north of SR 322. Work completed prior to obtaining this permit consisted of replacing the deteriorated wood perimeter with new plywood and posts.

E37-148, City of New Castle, 230 N. Jefferson Street, New Castle, PA 16101, West Bank Interceptor and Trunk Line Sewer System Project, in City of New Castle, **Lawrence County**, ACOE Pittsburgh District (New Castle North, New Castle South and Bessemer).

The purpose of the application is to construct a new sewer interceptor system along the western bank of the Shenango River (WWF) between Grant Street and the New Castle Wastewater Treatment Plant. The sewer will begin at Grant Street near the existing grant street bridge. The sewer will follow the former New Castle and Beaver Valley Railroad for approximately 3 miles south to

the Pittsburgh and Lake Erie overpass, at which point the sewer will diverge from the railroad and enter into the City of New Castle at S. Wayne Street. The alignment will remain in S. Wayne Street down to an existing 48-inch storm sewer crossing under the railroad. This railroad crossing will be rehabilitated and utilized to convey the flow to the wastewater treatment plant adjacent to SR 0018 (Montgomery Avenue).

The project will involve the replacement of four stormwater outfalls to the Shenango River (drop inlet 1—24 inch diameter pipe, drop inlet 2—36 inch diameter pipe, drop inlets 3 and 4—12 inch diameter pipe) and a 24 inch pipe diameter stormwater outfall will be constructed to the Mahoning River (WWF). Portions of the project are located in the 100-year floodplain of the Shenango and Mahoning Rivers.

E62-352A, Kinzua Warren Joint Authority, Mead Township Building, Mead Blvd., P. O. Box 412, Clarendon, PA 16313, Kinzua-Warren Phase II Sewer Project, in Mead and Pleasant Townships, **Warren County**, ACOE Pittsburgh District (Clarendon, Sheffield and Warren).

The purpose of the application is to provide public sewage service to 290 units in 6 areas of Mead and Pleasant Townships, Warren County. The total project area is 500 acres, with 37 disposed acres. Approximately 80,000 linear feet of low-pressure sewer line and a pump station will be constructed.

The project will have the following temporary impacts: three wetland crossings of PEM wetland.

Seven stream crossings of unnamed tributaries to the Allegheny River (CWF) at the following locations:

<i>Latitude</i>	<i>Longitude</i>
41°49'55.0"	79°4'32.8"
41°49'55.6"	79°4'32.9"
41°50'7.9"	79°4'18.87"
41°50'8.3"	79°4'18.5"
41°50'14.5"	79°4'14.77"
41°47'25.6"	79°4'7.82"
41°49'55.6"	79°4'32.9"

Two Crossings of Dutchman Run (HQ-CWF)

<i>Latitude</i>	<i>Longitude</i>
41°47'44.3"	79°5'28"
41°47'38.6"	79°5'20.3"

One Crossing of Farnsworth Branch (HW-CWF)

<i>Latitude</i>	<i>Longitude</i>
41°45'6.6"	79°7'28.7"

Two Crossings of W. Branch Tionesta Creek

<i>Latitude</i>	<i>Longitude</i>
41°46'18.2"	79°6'6.9"
41°45'34"	79°10'12"

Three Crossings of unnamed tributaries to Six Mile Run (HQ-CWF)

<i>Latitude</i>	<i>Longitude</i>
41°45'1.9"	79°3'42.5"
41°45'47.3"	79°2'8.8"
41°45'28.1"	79°3'10.8"

Four Crossings to Six Mile Run (HQ-CWF)

<i>Latitude</i>	<i>Longitude</i>
41°45'44.2"	79°2'55.3"
41°45'48.2"	79°2'28.5"

<i>Latitude</i>	<i>Longitude</i>
41°45'50.1"	79°2'11.2"
41°45'28.1"	79°3'10.8"

Three Crossings to unnamed tributaries of W. Branch Tionesta Creek (HQ-CWF)

<i>Latitude</i>	<i>Longitude</i>
41°46'10.1"	79°8'50.3"
41°46'28.2"	79°7'56.0"
41°45'34"	79°10'12"

One Crossing to Elkhorn Run (HQ-CWF)

<i>Latitude</i>	<i>Longitude</i>
41°44'34.8"	79°10'12.1"

One Crossing to Mead Run (HQ-CWF)

<i>Latitude</i>	<i>Longitude</i>
41°46'4.8"	79°41'9'31.4"

Replace the existing single span steel stringer bridge that carries T-374 (Morris Road) over Licking Creek (CWF). The existing structure has an overall length of approximately 17.05 meters, a clear span of 15.9 meters and an underclearance of 2.78 meters. This will be replaced with a composite steel I-beam bridge having a clear span of 19.8 meters and an underclearance of 3.626 meters. The new bridge will be shifted downstream approximately 9.5 meters. The project will also impact 0.03 acre of PEM wetland to accommodate the shift of the bridge location and widening of T-374.

ENVIRONMENTAL ASSESSMENTS

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

D06-446EA. Womelsdorf-Robeson Joint Authority, P. O. Box 94, Womelsdorf, PA 19567. Heidelberg Township, **Berks County**. ACOE Philadelphia District.

Project proposes to breach Furnace Creek Dam across Furnace Creek (HQ-CWF, MF), restore the stream within the reservoir and relocate/restore the stream below the dam to its historic location for the purpose of eliminating a public safety hazard and restore the stream to a free flowing condition. The dam is located approximately 4,700 feet southwest of the intersection of Furnace Street (T493) and T368 (Womelsdorf, PA Quadrangle N: 14.5 inches; W: 3.2 inches).

DAM SAFETY

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

D26-115. Arnold and Gloria Burchianti, 150 Church Street, Smithfield, PA 15478. To modify, operate and maintain Burchianti Dam across a tributary to York Run (WWF), directly and indirectly impacting approximately 270 feet of stream channel for the purpose of recreation (Smithfield, PA Quadrangle N: 12.35 inches; W: 9.5 inches) in Nicholson Township, **Fayette 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 Law (35 P. S. §§ 691.1—
691.1001).**

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

NPDES Permit No. PA0050202, Industrial Waste, **National Railroad Passenger Corporation**, 30th Street Station, 30th and Market Streets, Philadelphia, PA. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Renewal to discharge into Schuylkill River/3F Watershed.

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

NPDES Permit No. PA0062944, Sewage, **Robert Barker**, 618 Quaker Plain Road, Bangor, PA 18013. This proposed facility is located in Upper Mount Bethel Township, **Northampton County** and discharges to an unnamed tributary to Martins Creek.

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

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

NPDES Permit No. PA0033057, Sewage, **Crestview Village Mobile Home Park**, 455B Middlecreek Road, Lititz, PA 17543. This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Iron Run in Watershed 7-D.

NPDES Permit No. PA0082490 and WQM Permit No. 568S039, Amendment, Sewage, **The Pike Restaurant and Lounge**, 985 Baltimore Pike, Gettysburg, PA 17325. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Transfer of Permits.

NPDES Permit No. PA0083674 and WQM Permit No. 0192403, Amendment, Sewage, **Rainworth, Inc.**, 1979 Biglerville Road, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Transfer of Permits for the "former" Lincoln Logs Restaurant.

WQM Permit No. 2102409, Sewerage, **Michael and Gayniale Nowak**, 299 Springfield Road, Shippensburg, PA 17257. This proposed facility is located in Upper Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow treatment facility consisting of septic tank, dosing tank, sand filter and tablet chlorination with contact tank.

NPDES Permit No. PAG123569, CAFO, **John Huber**, 22 West Mill Port Road, Lititz, PA 17543. This proposed facility is located in Northeast Madison Township, **Perry County**.

Description of Proposed Action/Activity: Authorization for operation of a 768-AEU finishing hog CAFO in Watershed 7-A.

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

NPDES Permit No. PA0003107, Industrial Waste, **Anchor Glass Container Corporation**, P. O. Box 30182, Tampa, FL 33630-3182 is authorized to discharge from a facility located at Anchor Glass Plant, South Connellsville, **Fayette County** to receiving waters named Youghiogheny River.

NPDES Permit No. PA0097276, Industrial Waste, **Fairchance Borough Council**, 125 West Church Street, Fairchance, PA 15436 is authorized to discharge from a facility located at Fairchance Borough Water Treatment Plant, Georges Township, **Fayette County** to receiving waters named Cave Hollow Creek.

NPDES Permit No. PA0026841-A2, Sewage, **Borough of Oakmont**, Fifth Street and Virginia Avenue, P. O. Box 206, Oakmont, PA 15139-0206 is authorized to discharge from a facility located at Oakmont Wastewater Treatment Plant, Oakmont Borough, **Allegheny County** to receiving waters named Allegheny River.

NPDES Permit No. PA0027243, Sewage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642-2018 is authorized to discharge from a facility located at

Youghiogheny STP, North Huntingdon Township, **Westmoreland County** to receiving waters named Youghiogheny River.

NPDES Permit No. PA0032174, Sewage, **Frank Perano, GSP Management Company**, P. O. Box 677, Morgantown, PA 19543 is authorized to discharge from a facility located at Interstate Mobile Village STP, Donegal Township, **Washington County** to receiving waters named unnamed tributary of Bonar Creek.

NPDES Permit No. PA0090786, Sewage, **Hempfield Township Supervisors**, R. D. 9, Box 427, Greensburg, PA 15601 is authorized to discharge from a facility located at Hempfield Park STP, Hempfield Township, **Westmoreland County** to receiving waters named unnamed tributary of Brush Creek.

NPDES Permit No. PA0096628, Sewage, **Hamill Manufacturing Company, Inc.**, 500 Pleasant Valley Road, Trafford, PA 15085 is authorized to discharge from

<i>Parameter</i>	<i>Avg. Mon.</i>	<i>Max. Daily</i>
Aluminum	2.1	4.2
Manganese	0.8	1.6
Total Iron	5.8	11.6

NPDES Permit No. PA0219321, Sewage, **Shanksville Borough**, P. O. Box 58, Shanksville, PA 15560-0058 is authorized to discharge from a facility located at the Shanksville Borough STP, Stonycreek Township, **Somerset County** to receiving waters named Stony Creek.

Permit No. 0202202, Industrial Waste, **Viacom, Inc.**, 11 Stanwix Street, Pittsburgh, PA 15222. Construction of groundwater treatment system—Lot No. 3 located in Trafford Borough, **Westmoreland County** to serve former Westinghouse Power Circuit Break Facility—Trafford Plant.

Permit No. 2602403, Sewerage, **Menallen Township Sewer Authority**, P. O. Box 576, New Salem, PA 15468. Construction of Rock Works Sewage Treatment Plant, five remote pump stations and gravity sewer collection system located in Menallen Township, **Fayette County** to serve Searights, Dearth, Rock Works, Balsinger, Haddenville, U. S. Route 40 and Menallen Township.

Permit No. 2602405, Sewerage, **Tim J. Piwowar, Dunlap, Inc.**, 1310 Pittsburgh Road, P. O. Box 2092, Uniontown, PA 15401. Construction of small flow sewage treatment facility located in North Union Township, **Fayette County** to serve Arctic Cove Sewage Treatment Plant.

Permit No. 5602406, Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501. Construction of pump station and force main located in Somerset Township, **Somerset County** to serve Somerset Crossings.

Permit No. 5602409, Sewerage, **Timothy L. Woy**, P. O. Box 32, Jennerstown, PA 15547. Construction of a sewage treatment plant located in Jenner Township, **Somerset County** to serve the Timothy L. Woy single residence.

Permit No. 6301408, Sewerage, **West Alexander Borough Municipal Authority**, P. O. Box 299, West Alexander, PA 15376. Construction of sanitary sewer

a facility located at Hamill Manufacturing STP, Penn Township, **Westmoreland County** to receiving waters named Lyons Run.

NPDES Permit No. PA0097942, Sewage, **Dunlap, Inc.**, 1310 Pittsburgh Road, P. O. Box 2092, Uniontown, PA 15401 is authorized to discharge from a facility located at Arctic Cove Restaurant Site STP, North Union Township, **Fayette County** to receiving waters named Redstone Creek.

NPDES Permit No. PA0098761, Sewage, **NWL Company**, 1001 LaFayette Drive, Farmington, PA 15437 is authorized to discharge from a facility located at Nemaocolin Woodlands Sewage Treatment Plant, Wharton Township, **Fayette County** to receiving waters named unnamed tributary of Deadman Run.

This notice reflects changes from the notice published at 32 Pa.B. 5677 (November 16, 2002).

<i>Avg. Mon.</i>	<i>Avg. Weekly</i>	<i>Max. Daily</i>	<i>Instantaneous Maximum</i>
0.5		1.0	1.25
0.2		0.4	0.5
1.4		2.8	3.5

system located in West Alexander Borough, **Washington County** to serve West Alexander.

Permit No. 6591410-A1, Sewage, **Westmoreland County Industrial Park Authority**, 2 North Main Street, Suite 601, Greensburg, PA 15601-2405. Construction of outfall sewer located in Upper Burrell Township, **Westmoreland County** to serve Written Hollow Outfall Sewer.

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

WQM Permit No. 2502428, Sewerage, **Freleigh's Whispering Pines Mobile Home Park**, 2158 Rice Avenue, Lake City, PA 16423. This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment plant to serve an existing mobile home park.

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 the construction and operation of a small flow treatment facility to serve a two apartment dwelling.

WQM Permit No. 2502413, Sewerage, **Borough of Girard**, 34 Main Street West, Girard, PA 16417. This proposed facility is located in Borough of Girard, **Erie County**.

Description of Proposed Action/Activity: This project is for the replacement of a gravity sewer line between Rice Avenue and the Girard Borough sewage treatment plant.

WQM Permit No. 2502424, Sewerage, **Maleno Developers, Inc.**, 2236 West 38th Street, Erie, PA 16506. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage lift station and force main proposed to service "The Meadows at Summit Development."

WQM Permit No. 2502408, Sewerage, **City of Erie**, 626 State Street, Room 504, Erie, PA 16501-1150. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This project is for the replacement of the Holland Street lift station and the installation of sanitary force main to service existing facilities and future development along the Erie bayfront.

WQM Permit No. 2502427, Sewerage, **Harborcreek Township Sewer Authority**, 5601 Buffalo Road, Harborcreek, PA 16421-1625. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage lift station and force main to serve an existing mobile home park.

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

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

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

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

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

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

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.

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101030	Johnstown Zambias, L. P. 300 Market Street Johnstown, PA 15901	Cambria County Richland Township	Sandy Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS102708	Pennsylvania General Energy Corporation 208 Liberty Street Warren, PA 16365	Forest	Jenks Township	Little Salmon Creek HQ-CWF

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

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

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

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

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Darby Township Delaware County	PAG2002303005	James Weiss 902 Old Eagle School Rd., Suite 965 Wayne, PA and Giant Food Stores P. O. Box 249 Carlisle, PA	Cobbs Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Ridley Township Delaware County	PAG2002303003	Commerce Bank 1100 Atrium Way Mt. Laurel, NJ 08054	Crum Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Moreland Township Montgomery County	PAG2004603012	Patrick Deacon 2840 Limekiln Pike Glenside, PA 19038	Pennypack Creek TSF-M	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Moreland Township Montgomery County	PAR10T910	Arcadia Land Company 100 West Lancaster Ave. Wayne, PA 19087	Pennypack Creek WF-M	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAG2004603015	Sam Braccia 715 Norristown Road Horsham, PA 19044	Little Neshaminy Creek WF-M	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>
Skippack Township Montgomery County	PAG2004603006	Charles Caikoski 2938 Woodlyn Avenue Fairview Village, PA 19409	Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hoffman Home Equestrian Center 815 Orphanage Road Littlestown, PA 17340 Mt. Joy Township	PAG2000103001	Fred Garmin P. O. Box 4777 Gettysburg, PA 17325	Lousy Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Spring Township Berks County	PAR10C452	Frederick Snow, Pres. Brandolini Co. 1301 Lancaster Ave. Berwyn, PA 19312	Municipal Storm Sewer CWF Secondary Water: Wyomissing Creek	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Spring Township Berks County	PAR10C456	Walter Greth Greth Dev. Group P. O. Box 305 Temple, PA 19560	Unnamed tributary/Cacoosing Creek Tributary/Tulpehocken Creek CWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Hampden Township	PAG2002103005	William Shrader 1149 Harrisburg Pike Carlisle, PA 17013	Cedar Run CWF	Cumberland County Conservation District (717) 240-7812
Greene Township	PAG2002803003	Beechwood Associates 20 East Burd Street Shippensburg, PA 17257	Conococheague Creek CWF	Franklin County Conservation District (717) 264-8074
Southampton Township	PAG2002803002	JED Martin Family L. P. 4961 Cumberland Highway Chambersburg, PA 17201	Middle Spring Creek CWF Furnace Run CWF	Franklin County Conservation District (717) 264-8074
Greene Township	PAG2002803001	Sheldon Starr Sycamore Meadows 798 Starr Ave. Chambersburg, PA 17201	Conococheague Creek CWF	Franklin County Conservation District (717) 264-8074
East Cocalico Township Lancaster County	PAG2003603002	Weaverland Menn Conference 633 Stricklertown Rd. Newmanstown, PA 17073	Little Cocalico Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Earl Township Lancaster County	PAG2003603010	Pleasant Valley Mennonite School 144 Pleasant Valley Rd. Ephrata, PA 17522	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2003603011	Witmer Fire Protective Assoc. 455 Mt. Sidney Rd. Lancaster, PA 17602	Stauffer Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Earl Township Lancaster County	PAG2003603013	Linfred G. Sensenig 1018 Ranck Rd. New Holland, PA 17557	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Township Lancaster County	PAG2003603014	BGT Realty Co. 345 S. Reading Rd. Ephrata, PA 17527	UNT Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003603015	Bond Collins Builders P. O. Box 146 Millersville, PA 17551	UNT Little Conestoga WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2003603016	High Properties 1853 William Penn Way Lancaster, PA 17605	UNT Big Conestoga WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Centre County Boggs Township	PAR10F173	Department of Transportation 1924-30 Daisy St. Clearfield, PA 16830	Bald Eagle Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clinton County Woodward Township	PAR101905R	David T. Webb P. O. Box 907 Lock Haven, PA 17745	Reeds Run CWF	Clinton County Conservation District 216 Spring Run Rd. Rm. 104 Mill Hall, PA 17751-9543 (570) 726-3798, Ext. 5
Potter County Coudersport Borough	PAG2005303001	Coudersport Borough Authority 201 S. West St. Coudersport, PA 16915	Allegheny River CWF	Potter County Conservation District 107 Market St. Coudersport, PA 16915 (814) 274-8411, Ext. 4
Tioga County Jackson Township	PAG2045903003	Jackson Township Municipal Authority Leo Parchesky P. O. Box 61 Millerton, PA 16936	Hammond Creek CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Armstrong County Washington and Sugarcreek Townships	PAG2000B03001	Kittanning Suburban Joint Water Authority R. D. 1 Box 23 Adrian, PA 16210	Allegheny River WWF Huling Run TSF Limestone Run WWF	Armstrong County Conservation District (724) 548-3425
Washington County South Strabane Township	PAG2006303003	Edward Morascyzk 382 West Chestnut St. Washington, PA 15301	UNT to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Washington County Peters Township	PAG2006303005	Donaldson's Crossroads Assoc. c/o Zamagias Properties 336 4th Avenue Pittsburgh, PA 15222	Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Erie County Fairview Township	PAG2002503004	Don Meyers 800 State Street Erie, PA 16501	Trout Run CWF; MF	Erie Conservation District (814) 825-6403

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>
Luzerne County Berwick Township	PAR232213	Leggett & Platt 515 Salem Boulevard Berwick, PA 18603	Tributary to Susquehanna River CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Johnstown City Cambria County	PAR806226	99th RSC 99 Soldiers Lane Coraopolis, PA 15108	UNT to Solomons Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Bradford McKean County	PAR328303	Werzalit of America, Inc.	Tunungwant Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Cumberland County Lower Frankford Township	PAG043700	Shawn Snyder 501 Conodoguinet Avenue Carlisle, PA 17013	UNT Conodoguinet Creek WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Blair County Freedom Township	PAG043701	Michael Mahr, Jr. 217 E. Walnut Ave. Altoona, PA 16601	South Dry Run WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Jenner Township Somerset County	PAG046266	Timothy L. Woy P. O. Box 32 Jennerstown, PA 15547	UNT to Roaring Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Pittsfield Township Warren County	PAG048869	Howard Hull 858 Nagle Road Erie, PA 16511-2111	Miles Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Penn Township Butler County	PAG048514	Michael A. Traficante 6155 Penn Drive Butler, PA 16002	Unnamed tributary to Thorn Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wolf Creek Township Mercer County	PAG048472	Cleveland Eddinger 148 Stoneboro Road Grove City, PA 16127	Unnamed tributary to Wolf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Farmington Township Warren County	PAG048522	Martha L. Haner R. R. 4, Box 219 Rowley Road Sugar Grove, PA 16350	Unnamed tributary to Kiantone Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Farmington Township Warren County	PAG048872	John J. Salapek 131 Scranton Hollow Road Warren, PA 16365	Unnamed tributary to Mud Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048873	Joseph N. Mangione 493 Quaker Hill Road Warren, PA 16365	Unnamed tributary to Conewango Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<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>
Bucks County Bristol Township	PAG050040	Getty Properties Corporation 125 Jericho Turnpike Suite 302 Jericho, NY 11753	Mill Creek-2E	Southeast Region Water Management (610) 832-6130

General Permit Type—PAG-9

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Plainfield Township Northampton County	PAG092209	Lawson Septic Service, Inc. 1261 Church Road Penn Argyl, PA 18072	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

Permit No. 4503501, Public Water Supply.

Applicant	Stroudsburg Area School District 123 Linden Street Stroudsburg, PA 18360
Borough or Township	Hamilton Township
County	Schuylkill County
Type of Facility	Elementary School Corrosion Control Treatment
Consulting Engineer	Gregory Wilhelm, P. E. Walter B. Satterthwaite Associates, Inc. 720 Old Fernhill Road West Chester, PA 19380

Permit to Construct January 28, 2003
 Issued

Operations Permit issued to **Whitehall Township Authority**, 1901 Schadt Avenue, Whitehall, PA 18052, PWS ID 3390081, Whitehall Township, **Lehigh County** on December 12, 2002, for the operation of facilities approved under Construction Permit Minor Amendment.

Operations Permit issued to **Francis Golomb t/a Pleasant View Mobile Home Park**, R. R. 1, Box 1495, Berwick, PA 18603, PWS ID 2400043, Salem Township, **Luzerne County** on January 7, 2003, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **Paradise Springs Vended Water System**, 7 Spruce Street, Pine Grove, PA 17963, PWS ID 3546484, Pine Grove Township, **Schuylkill County** on January 13, 2003, for the operation of facilities approved under Construction Permit 5400501.

Operations Permit issued to **Pellam Terrace Mobile Home Court**, Box 52, R. R. 1, Harvey's Lake, PA 18618, PWS ID 2400050, Dallas Township, **Luzerne County** on January 23, 2003, for the operation of facilities approved under Construction Permits 4089529 and 4089530.

Permit No. N/A, Minor Amendment. Public Water Supply.

Applicant **Eagle Springs, Inc.**
 88 West Donaldson Street
 Tremont, PA 17981

Borough or Township Heginn Township
 County **Schuylkill County**

Type of Facility Bulk Water Hauling

Consulting Engineer Alfred Benesch & Company
 400 One Norwegian Plaza
 Pottsville, PA 17901

Permit to Construct February 6, 2003
 Issued

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

Permit No. 2102507 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Municipality Silver Spring Township
 County **Cumberland**

Type of Facility Construction of new residual waste lagoons at Silver Spring filtration plant.

Consulting Engineer Anthony J. Basile, P. E.
 American Water Works Service Company
 1025 Laurel Oak Road
 Voorhees, NJ 08043

Permit to Construct February 6, 2003
 Issued:

Permit No. 6702518, Public Water Supply.

Applicant **The York Water Company**
 Municipality York Township
 County **York**

Type of Facility PWS Construction Permit for the proposed Green Valley Road Booster Station. The station will include two 50 gpm pumps and one 400 gpm pump.

Consulting Engineer Jeffrey R. Hines, P. E.
 York Water Company
 130 E. Market St.
 P. O. Box 15089
 York, PA 17405-7089

Permit to Construct January 10, 2003
 Issued:

Operations Permit issued to **United Mobile Homes, Inc.**, 3060043, Greenwich Township, **Berks County** on February 7, 2003, for the operation of facilities approved under Construction Permit No. 0601501.

Operations Permit issued to **Sparkeling Clear Water**, 7386514, North Londonderry Township, **Lebanon County** on February 4, 2003, for the operation of facilities approved under Construction Permit No. 3803501.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Glen Hope Borough	P. O. Box 112 Glen Hope, PA 16645	Clearfield

Plan Description: The approved plan provides for the relocation of the proposed sewage treatment plant approximately 850 feet to the northeast. Additionally the one pump station in this area will be eliminated and replaced with grinder pumps and pressure sewers. 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.

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>
Blair Township	575 Cedarcrest Drive Duncansville, PA 16635	Blair County

Plan Description: The approved plan provides for construction of approximately 1,200 linear feet of 8 inch sewer line on the south side of North Juniata Street to serve eight equivalent dwelling units currently utilizing onlot sewage systems. The sewage will be treated at the Hollidaysburg Borough Sewage Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Caernarvon Township	P. O. Box 294 Morgantown, PA 19543	Berks County

Plan Description: The approved plan provides for the upgrade and expansion of the Caernarvon Township Municipal Sewer Authority wastewater treatment plant by the construction of a 0.7 MGD sequencing batch reactor process. The plan also provides for the extension of public sewers to the Hertzler Lane area and to the Inn at Morgantown/Heritage restaurant area as defined in the plan. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Spruce Hill Township	R. R. 2 Box 1105 Port Royal, PA 17082	Juniata County

Plan Description: The approved plan provides for the implementation of an onlot sewage disposal system management program that will require pumping and inspection of onlot sewage disposal systems on a scheduled basis. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Marietta-Donnegal Joint Authority	P. O. Box 167 Marietta, PA 17547	Lancaster County

Plan Description: The approved plan provides for the upgrade and expansion of the existing Marietta-Donnegal Joint Authority wastewater treatment facility by the construction of 0.75 mgd sequencing batch reactor process. 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Peters Township	610 East McMurray Road McMurray, PA 15317	Washington

Plan Description: The approved plan provides for construction of a 500-gallon per day single residence sewage treatment plant to serve the Vidnovic single family home. The property is located at 250 Hill Place Road. The proposed discharge point is an unnamed tributary of

Reservoir No. 2, classified as a HQ, WWF. 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. The Department's review of the sewage facility revision has not identified any significant impacts resulting from this proposal.

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.

PPL—Harwood 69kV Substation, Hazle Township, Luzerne County. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report was submitted to document remediation of the site to meet the residential Statewide Health Standard.

PPL—Nazareth Switching Yard, Bushkill Township, Northampton County. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 has submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report was submitted to document remediation of the site to meet the residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of 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:

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

Castrol Heavy Duty Lubricants, Inc.—Montgomery Facility, Clinton Township, **Lycoming County**. Z & A Environmental Services, LLC, on behalf of Castrol

Heavy Duty Lubricants, Inc., 9300 Pulaski Highway, Baltimore, MD 21220, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 13, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Modification 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.

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

Permit No. 101509. New Morgan Landfill Co., Inc., P. O. Box 128, Morgantown, PA 19543-0128, New Morgan Borough, **Berks County**. The permit modification is for increase in average daily volume for the Conestoga Landfill. The permit modification was approved by the Southcentral Regional Office on February 10, 2003.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301626. White Pines Corporation, 320 Godshall Drive, Harleysville, PA 19438, for the White Pines Landfill located in Pine Township, **Columbia County**. A major permit modification was issued for a Radiation Protection Action Plan. The permit modification was issued by the Williamsport Regional Office on February 12, 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.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 100419. J & J Landfill, CBF, Inc., Route 21, P. O. Box 266, McClellandtown, PA 15458. Expansion of a municipal waste landfill in German Township, **Fayette County**. Permit issued in the Regional Office on February 13, 2003.

Persons interested in reviewing the permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000; TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984.

AIR QUALITY

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

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

GP1-22-03054: Pinnacle Health System (218 South 2nd Street, Harrisburg, PA 17101-2099) on February 10, 2003, for operation of a small gas and No. 2 oil fired combustion unit under GP1 in Lower Paxton Township, **Dauphin County**.

GP1-28-03010: Ventura Foods, LLC (1501 Orchard Drive, Chambersburg, PA 17201) on February 12, 2003, for operation of a small gas and No. 2 oil fired combustion unit under GP1 in Chambersburg Borough, **Franklin County**.

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

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

46-0014E: 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.

35-303-011D: Dunmore Materials (Division of Haines and Kibblehouse, Inc.) (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on February 12, 2003, for modification of a batch asphalt plant to utilize waste derived liquid fuel as an alternate fuel at their facility on Dunham Drive, Dunmore Borough, **Lackawanna County**.

48-309-118: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) on February 11, 2003, for major modification (Prevention of Significant Deterioration/PSD Approval) of the Portland Cement Manufacturing Operations and the installation of additional air cleaning devices at Nazareth Plants I—III in Nazareth Borough and Upper Nazareth Township, **Northampton County**.

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

36-05104A: Ephrata Manufacturing Co. (104 West Pine Street, Ephrata, PA 17522) on February 12, 2003, for construction of a baghouse to control emissions from a

sand muller and a sand conveying system in Ephrata Borough, **Lancaster County**.

36-05126A: McMinn's Asphalt Co., Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on February 11, 2003, for construction of a hot mix batch asphalt plant controlled by a fabric filter baghouse in West Donegal Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities; and section 116b(b) of Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels.

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

32-00354B: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) on February 13, 2003, for construction of Coal Prep Plant at Ernest 5 Mine in Rayne Township, **Indiana County**.

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

43-170E: Werner Co.—Greenville Division (93 Werner Road, Greenville, PA 16125) on January 31, 2003, for modifications to the pultrusion process in Sugar Grove Township, **Mercer County**.

25-0955C: Foam Fabricators, Inc. (6550 West 26th Street, Erie, PA 16506) on January 30, 2003, for modifications to the polystyrene fabrication process in Erie, **Erie County**.

25-971F: Erie Plating Co. (656 West 12th Street, Erie, PA 16512) on January 22, 2003, for operation of solution tanks and scrubber in Erie, **Erie County**.

25-971G: Erie Plating Co. (656 West 12th Street, Erie, PA 16512) on January 22, 2003, for operation of 11 solution tanks and scrubbers in Erie, **Erie County**.

25-971E: Erie Plating Co. (656 West 12th Street, Erie, PA 16512) on January 22, 2003, for operation of solution tanks and mist eliminators in Erie, **Erie County**.

43-329A: White Rock Silica Sand Co., Inc. (331 Methodist Road, Greenville, PA 16125) on January 27, 2003, for operation of a diesel generator in Hempfield Township, **Mercer County**.

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

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

46-0036E: Visteon SYS LLC (2750 Morris Road, Lansdale, PA 19446) on February 12, 2003, for operation of a selective solder No. 9 in Worcester Township.

09-0128: East Coast Sign Advertising (5058 Route 13 North, Bristol, PA 19007) on February 12, 2003, for operation of paint spray booths in Bristol Township.

15-0104A: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) on February 12, 2003, for operation of line No. 1, 2 and 3 fryer in Oxford Borough.

23-0058: Haverford College (370 Lancaster Avenue, Haverford, PA 19041) on February 12, 2003, for operation of three 1,000 kW peak generators in Haverford Township.

23-0001P: Sunoco, Inc. (R and M) (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) on February 12, 2003, for operation of low NOx burners for RACT No. 6 boiler in Marcus Hook Borough.

23-0001R: Sunoco, Inc. (R and M) (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) on February 12, 2003, for operation of spud burners on No. 7 boiler in Marcus Hook Borough.

46-327-017: SPS Technologies, Inc. (Highland Avenue, Jenkintown, PA 19046) modified February 13, 2003, for operation of a vapor degreaser in Abington Township.

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

53-0009D: National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) on February 7, 2003, for operation of a 4,445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a temporary basis, until June 7, 2003, at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The plan approval has been extended.

08-316-013A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on January 31, 2003, to authorize operation of a hardboard press (Line II/Trimboard) and associated air cleaning device (a scrubber) on a temporary basis until June 1, 2003, in Wysox Township, **Bradford County**.

08-0004A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on January 31, 2003, to authorize operation of a woodwaste fired boiler and associated air cleaning device (an electrostatic precipitator) on a temporary basis until June 1, 2003, in Wysox Township, **Bradford County**.

08-302-039: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on January 31, 2003, to authorize operation of two woodwaste fired boilers and associated air cleaning devices (an electrostatic precipitator and a selective noncatalytic reduction system) on a temporary basis until June 1, 2003, in Wysox Township, **Bradford County**.

08-316-014: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on January 31, 2003, to authorize operation of a wood fiber blending facility and its associated air cleaning device (a fabric collector) and a steam heated hydraulic press (Die Form Press) on a temporary basis until June 1, 2003, in Wysox Township, **Bradford County**. This revision also limits the particulate emissions from the fabric collector to 0.11 pound per hour and 0.48 ton in any 12 consecutive month period.

08-318-024A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on January 31, 2003, to authorize operation of a hardboard products surface coating operation (Coating II) on a temporary basis until June 1, 2003, in Wysox Township, **Bradford County**.

18-00011D: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on February 12, 2003, for operation of four VOC/HAP-containing material storage tanks and associated distribution systems on a temporary basis, until June 12, 2003, in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

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

65-657A: Tresco Paving Corp. (P. O. Box 14004, Pittsburgh, PA 15239) on February 3, 2003, for installation of a drum mix asphalt plant TPC in Salem Township, **Westmoreland County**. This plan approval was extended.

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

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

23-00014: Kimberly-Clark PA LLC (Front and Avenue of the States, Chester, PA 19013) for operation of a Title V facility that operates in the City of Chester, **Delaware County**. The Title V Operating Permit was revised as a result of a change in ownership from the parent company, Kimberly-Clark Corporation, to the wholly owned facility, Kimberly-Clark PA, LLC.

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

06-05033: Texas Eastern Transmission LP (P. O. Box 1642, Houston, TX 77251-1642) on February 11, 2003, for operation of a natural gas transmission compressor station at the Bernville Compressor Station in North Heidelberg Township, **Berks County**. This is renewal No. 1 of the operating permit.

21-05009: PPL Martins Creek LLC (Two North Ninth Street, Allentown, PA 18101) on February 13, 2003, for operation of a combustion turbine site in Lower Allen Township, **Cumberland County**. This is renewal No. 1 of the operating permit.

22-05011: PPL Martins Creek LLC (Two North Ninth Street, Allentown, PA 18101) on February 12, 2003, for operation of a combustion turbine site in the City of Harrisburg, **Dauphin County**. This is renewal No. 1 of the operating permit.

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

18-00003: PPL Martins Creek, LLC (2 North Ninth Street, Allentown, PA 18101-1179) issued a renewal Title V operating permit on January 14, 2003, for their Lock Haven Combustion Turbine Site. This facility is in Bald Eagle Township, **Clinton County**. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00003: PPL Martins Creek, LLC (2 North Ninth Street, Allentown, PA 18101-1179) issued a renewal Title V operating permit on January 14, 2003, for their Williamsport Combustion Turbine Site in Williamsport, **Lycoming County**. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

60-00007: United States Penitentiary, Lewisburg (P. O. Box 1000, Lewisburg, PA 17837) issued a renewal Title V operating permit January 16, 2003, for their Federal correctional facility in Kelly Township, **Union County**. The facility's sources include 4 natural gas/no. 2

fuel oil fired boilers, 42 natural gas fired heaters, 2 natural gas fired bake ovens, 2 natural gas fired drying ovens, 2 natural gas fired burnoff ovens and 1 emergency generator. The renewal Title V operating permit includes all applicable regulatory requirements including the Federal Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc). The renewal Title V operating permit contains all applicable monitoring, recordkeeping and reporting conditions.

47-00001: PPL Montour, LLC (2 North Ninth Street, Allentown, PA 18101-1179) issued a revised Title V operating permit on January 27, 2003, to include terms and conditions for the operation of an electrostatic precipitator and a selective catalytic reduction system to control emissions from unit no. 1. These air cleaning devices were constructed under plan approvals OP 47-0001E. This revision also incorporated the renewal of the Phase II (acid rain) Title IV permit. The acid rain permit is effective through December 31, 2007. This facility is located in Derry Township, **Montour County**. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00001: Sunbury Generation, LLC (1088 Springhurst Drive, Green Bay, WI 54304) issued a revised Title V operating permit on February 5, 2003, to allow for the incorporated renewal of the Phase II (acid rain) Title IV permit. The acid rain permit is effective through December 31, 2007. This facility is in Shamokin Dam Borough, **Snyder County**. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00001: Reliant Energy Mid Atlantic Power Holding (1088 Springhurst Drive, Green Bay, WI 54304) for issuance of a revised Title V operating permit on February 5, 2003, to allow for the incorporated renewal of the Phase II (acid rain) Title IV permit for their Shawville electricity generating facility in Bradford Township, **Clearfield County**. The acid rain permit is effective through December 31, 2007. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

25-00688: Hamot Medical Center (201 State Street, Erie, PA 16550) for operation of three boilers, a hospital medical infectious waste incinerator and eight emergency generators in the city of Erie, **Erie County**. The Title V Operating Permit was issued on February 10, 2003. The facility, because of rulemaking, 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.

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.

AQ-SE-0001: Glasgow, Inc. (Church Road, King of Prussia, PA 19406) reissued February 13, 2003, for operation of a portable stone crushing plant in Plymouth Township.

15-00084: Latta Veterinary Clinic (725 East Washington Street, West Chester, PA 19380) February 13, 2003, for operation of a Natural Minor Operating Permit in West Goshen Township.

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

28-03012: Martins Famous Pastry Shoppe (1000 Potato Roll Lane, Chambersburg, PA 17201) on February 12, 2003, for operation of a snack food plant in Antrim Township, **Franklin County**.

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

08-00019: Stroehmann Bakeries L. C. (901 North Elmer Avenue, Sayre, PA 18840) for issuance of a State-only operating permit on January 10, 2003, for their bread bakery in Sayre Borough, **Bradford County**. This State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

08-00018: Athens Area School District (204 Willow Street, Athens, PA 18810) for issuance of a State-only operating permit on January 16, 2003, for their Harlan Rowe Middle School Campus in Athens Borough, **Bradford County**. This State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00045: Department of Corrections (P. O. Box 1000, Houtzdale, PA 16698-1000) for issuance of a State-only (Synthetic Minor) operating permit on January 10, 2003, for the State Correctional Institution at Houtzdale in Woodward Township, **Clearfield County**. The facility's main sources include two bituminous coal/no. 2 fuel oil fired boilers, one no. 2 fuel oil fired boiler, two diesel fired emergency generators, one ash silo and one hydrated lime silo. The State-only (Synthetic Minor) operating permit includes all applicable regulatory requirements including the Federal Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc). The State-only (Synthetic Minor) operating permit contains all applicable monitoring, recordkeeping and reporting conditions.

14-00008: Cerro Metal Products Co. (P. O. Box 388, Bellefonte, PA 16823) for issuance of a State-only (Synthetic Minor) operating permit on January 30, 2003, for their copper rolling and drawing facility in Spring Township, **Centre County**. The facility's main sources include three natural gas/no. 2 fuel oil fired boilers, one natural gas/no. 2 fuel oil fired brass chip dryer, six melter holder electric induction furnaces, five natural gas fired billet furnaces, three natural gas/no. 2 fuel oil fired small rod coil annealing furnaces, six natural gas fired buzzer furnaces, large rod brass pickling operation and graphite machining operation. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00047: Howes Leather Corp. (50 Cooper Road, Curwensville, PA 16833) for issuance of a State-only (Synthetic Minor) operating permit on January 9, 2003, for their leather tanning and finishing facility in

Curwensville Borough, **Clearfield County**. The facility's main sources include a two natural gas/no. 2 fuel oil fired boilers and one no. 2 fuel oil fired boiler. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00037: H. Warshow and Sons, Inc. (747 South Front Street, Milton, PA 17847) for issuance of a State-only (Synthetic Minor) operating permit on January 28, 2003, for their textile dyeing and finishing facility in Milton Municipality, **Northumberland County**. The facility's main sources include one natural gas/no. 2 fuel oil fired boiler, one natural gas/no. 2 fuel oil fired heat exchanger, one Artos dryer, one Krantz dryer and two jigs. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

08-00020: Calvin C. Cole, Inc. (809 North Elmira Street, Sayre, PA 18840) for issuance of a State-only operating permit on January 10, 2003, for their hot drum mix asphalt plant facility in Athens Township, **Bradford County**. The facility's main sources include a hot mix asphalt plant and diesel fired electric generator. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00030: Clearfield Machine Co. (3rd and Everett Street, P. O. Box 992A, Clearfield, PA 16830) for issuance of a State-only operating permit on January 21, 2003, for their gray and ductile iron foundry in Clearfield Borough, **Clearfield County**. The facility's main sources include two natural gas/no. 2 fuel oil fired melting furnaces, one molding sand reclamation system, mold painting operation, mold pouring, cooling and shakeout operation, cleaning and finishing operation. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

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

59-00004: Ward Manufacturing, Inc. (115 Gulick Street P. O. Box 9, Blossburg, PA 1692-0009) for issuance of a revised Title V operating permit on December 19, 2002, to include a minor operating permit modification allowing the replacement of a double cone wet cap with a seal cap and a particulate drop out box to control particulate emissions from the cupola for their facility in Blossburg Borough, **Tioga County**. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

12-00002: GKN Sinter Metals (R. R. 2 Box 47, Emporium, PA 15834) for issuance of a revised operating permit, Revision No. 2, on January 28, 2003, for their powdered metal parts manufacturing facility in Shippen Township, **Cameron County**. The revision of this permit is to incorporate the moving of electric sintering furnaces PF 12 and PF 71, the removal of the Aeropulse fabric collector from all the electric sintering furnaces at the facility, the incorporation of TIER I requirements for all the electric sintering furnaces at the facility, the removal

of heat treat operations (Source IDs P207, P209 and P217) from the facility, the removal of two Buzzer Industrial Equipment furnaces from the facility and the addition of two Lucifer Furnace, Inc. electric heat treat furnaces. This revision also includes the change in Federal tax ID from 25-1677695-1 to 38-3354796-1. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

42-00122: Kane Magnetics Acquisition, LLC (700 Elk Avenue, Kane, PA 16735-1068) the Title V permit (issued July 6, 1999) was administratively amended on February 11, 2003, to reflect the change in ownership from Kane Magnetics International, Inc. to Kane Magnetics Acquisition, LLC in Kane Borough, **McKean County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

17020108 and NPDES Permit No. PA0243299. R. B. Contracting, R. R. 1, Box 13, Curwensville, PA 16833. Commencement, operation and restoration of a bituminous surface mine permit in Jordan Township, **Clearfield County** affecting 15.8 acres. Receiving streams: Comfort Run to North Witmer Run to Clearfield Creek. Application received October 2, 2002. Permit issued February 5, 2003.

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

26020104 and NPDES Permit No. PA0250201. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit for commencement, operation and reclamation of a bituminous surface mine located in Springfield Township, **Fayette County**, affecting 43.4 acres. Receiving stream: unnamed tributary to Poplar Run. Application received July 26, 2002. Permit issued February 14, 2002.

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

56960108 and NPDES Permit No. PA0234265. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 101.0 acres. Receiving streams: unnamed tributary to Buffalo Creek; Buffalo Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 3, 2003. Permit issued February 10, 2003.

56000104 and NPDES Permit No. PA0235270. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit revision to conduct surface mining activities within 100 feet of two unnamed tributaries to Tubs Run and for discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 147.2 acres. Receiving streams: unnamed tributaries to Tubs Run; Tubs Run (WWF). There are no potable water supply intakes within 10 miles downstream. Application received December 12, 2002. Permit issued February 13, 2003.

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

24991301. NPDES Permit PA0235466, Rosebud Mining Co. (R. D. 9, Box 379A, Kittanning, PA 16201), to operate the Little Toby Mine in Horton Township, **Elk County** to, to operate a new underground mine, Surface Acres Proposed 18.6, Underground Acres Proposed 1346, SCP Acres Proposed 1173, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary "A" to Little Toby Creek (CWF). The first downstream potable water supply intake from the point of discharge is N/A. Permit issued February 6, 2003.

Noncoal Permits Actions

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

58020822. Timothy Fisher (R. R. 1, Box 96B, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received April 26, 2002. Permit issued February 7, 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.

46034004. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Montgomery Township, **Montgomery County** with an expiration date of March 4, 2004. Permit issued February 6, 2003.

46034003. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Horsham Township, **Montgomery County** with an expiration date of March 4, 2004. Permit issued February 6, 2003.

45034006. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Smithfield

Township, **Monroe County** with an expiration date of January 31, 2006. Permit issued February 6, 2003.

48034003. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Allen Township, **Northampton County** with an expiration date of June 30, 2003. Permit issued February 6, 2003.

46034005. AMROC, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Plymouth Township, **Montgomery County** with an expiration date of March 4, 2004. Permit issued February 6, 2003.

48034004. AMROC, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Upper Nazareth Township, **Northampton County** with an expiration date of March 9, 2004. Permit issued February 6, 2003.

28034004. Borough of Waynesboro (57 East Main Street, Waynesboro, PA 17268), construction blasting in Waynesboro Borough, **Franklin County** with an expiration date of September 4, 2003. Permit issued February 6, 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

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

E40-589. Keystone Operating Partnership, L. P. c/o Keystone Property Trust, 200 Four Falls Corporate Center, West Conshohocken, PA 19428. Hazle Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place fill in 3.07 acres of regulated waters, including 2.0 acres of wetlands and 1.07 acres of open water, within the watershed of Stony Creek, for the purpose of constructing a warehouse/manufacturing and distribution facility on a 50.4-acre site. The permittee is required to provide 2.0 acres of replacement wetlands. The project is located on Lot 1A in the Humboldt Industrial Park, along the south side of SR 0924, approximately 0.75 mile west of the SR 0924/SR 0081 interchange (Conyngham, PA Quadrangle N: 11.1 inches; W: 5.5 inches).

E48-324. CTHL-1, Inc., 824 Eighth Avenue, Bethlehem, PA 18018. Palmer Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall structure consisting of a 10-foot by 5-foot concrete box culvert and associated energy dissipator in Bushkill Creek for the purpose of conveying stormwater runoff from Tatamy

Hunt and The Villages at Mill Race residential subdivisions directly to the stream channel. The project is located approximately 1,500 feet north of the intersection of Bushkill Drive and Newlins Road (Easton, PA-NJ Quadrangle N: 19.5 inches; W: 17.0 inches).

E39-411. Lehigh County, 17 South Seventh Street, Allentown, PA 18101-2400. Coplay Borough, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To repair and maintain the Lehigh County portion of the Chestnut Street Bridge across the Lehigh River with repairs consisting of the placement of grout bags in a scoured area along Pier No. 4. The project is located at the intersection of Chestnut Street and the Lehigh River (Catasauqua, PA Quadrangle N: 9.2 inches; W: 15.9 inches).

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

E14-432. Jesse W. Burkholder, 165 Burkholder Lane, Spring Mills, PA 16875-8001. Culvert Construction, in Penn Township, **Centre County**, ACOE Baltimore District (Spring Mills, PA Quadrangle N: 20.00 inches; W: 0.30 inch).

To construct and maintain two side-by-side 30-inch diameter by 60 feet long culvert pipes depressed in the streambed of an unnamed tributary to Penns Creek off Paradise Road about 1.5 miles from the intersection of Paradise Road with Route 45. The project will not impact wetlands while impacting approximately 70 feet of waterway. The unnamed tributary to Penns Creek is a CWF stream. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-231. Town of Bloomsburg, 201 East Second Street, Bloomsburg, PA 17815. Fill in Floodway Fringe, in the Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 9.50 inches; W: 21.90 inches).

To maintain fill in an area of approximately 0.19 acre and measuring about 262 feet long by 12 to 40 feet in width by about 6 feet in depth in the floodway fringe of the North Branch Susquehanna River between 10th Street and Fort McClure Boulevard in the Town of Bloomsburg, Columbia County. This permit was issued under section 105.13(e) "Small Projects."

E41-488. Charles Bidelspacher, III, 428 Market Street, Williamsport, PA 17707. Recreation Area, in the City of Williamsport and Woodward Township, **Lycoming County**, ACOE Baltimore District (Williamsport, PA Quadrangle N: 5.5 inches; W: 6.25 inches).

To operate and maintain 142 structures in the floodway and 63 floating docks located on the West Branch of the Susquehanna River. The docks are authorized for installation from April 15 to October 15 of the same year. The property is located at the southern most point of Reach Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-380. Adelpia Communications Corp., 1 North Main Street, Coudersport, PA 16915. Adelpia Data Center Stormwater Outfall, in Coudersport Borough, **Potter County**, ACOE Pittsburgh District (Coudersport, PA Quadrangle N: 3.0 inches; W: 4.0 inches).

To construct, operate and maintain a stormwater conveyance pipe and outfall structure in and along the Allegheny River. The stormwater conveyance shall be

constructed with a 30-inch diameter high-density plastic pipe. The outfall structure shall be constructed with a R-7 riprap. Since the Allegheny River is a wild trout fishery, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. Since the Allegheny River is also a stock trout fishery no construction or future repair work shall be done in or along the stream channel between March 1 and June 15 without the prior written approval of the Fish and Boat Commission. The project is located along the southern right-of-way of SR 0006 approximately 2,250 feet west of SR 3017 and SR 006 intersection. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E55-189. Union-Chapman Regional Authority, R. R. 1, Box 598, Port Treverton, PA 17864. Water Obstruction and Encroachment Permit application, in Union Township, **Snyder County**, ACOE Susquehanna River Basin District (Pillow, PA Quadrangle N: 13.6 inches; W: 0.7 inch).

To construct and maintain 220 feet of 10-inch outfall sewer line in the floodplain of the Susquehanna River located along SR 0015 along the eastern right-of-way of SR 0015 near Port Treverton in Union Township, Snyder County. This permit was issued under section 105.13(e) "Small Projects."

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

E02-1378. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. Findlay Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain the following structures as part of the construction of 2.2 miles of new four-lane, divided, limited-access highway known as section 54B of the Southern Beltway (Findlay Connector) located in Findlay Township, Allegheny County:

Two parallel bridges having three spans at 191.5 feet, 235.0 feet and 191.5 feet and an underclearance of 92.0 feet over Potato Garden Run (WWF), Station 253+00 (Clinton, PA Quadrangle N: 15.3 inches; W: 7.2 inches). 40-27-33/80-18-06.

Two 36-inch diameter outfalls in Potato Garden Run (WWF), Stations 252+00 and 252+10 (Clinton, PA Quadrangle N: 15.3 inches; W: 7.2 inches). 40-27-33/80-18-6.

A 360 foot long, 33-inch diameter concrete pipe in an unnamed tributary to Potato Garden Run (WWF), Station 230+00 (Clinton, PA Quadrangle N: 16.1 inches; W: 6.3 inches). This pipe qualifies for Department waiver 105.12(a)(2). 40-27-49/80-17-43.

Two parallel bridges having one span of 185.0 feet and an underclearance of 26.0 feet over an unnamed tributary to Potato Garden Run (WWF), Station 215+00 (Clinton, PA Quadrangle N: 16.7 inches; W: 5.7 inches). 40-28-1/80-17-28.

A temporary stream crossing consisting of five 36-inch diameter corrugated metal pipes in Potato Garden Run (WWF), Station 252+30 (Clinton, PA Quadrangle N: 15.3 inches; W: 7.2 inches).

A temporary stream crossing consisting of three 24-inch diameter corrugated metal pipes in an unnamed tributary to Potato Garden Run (WWF), Station 216+00 (Clinton, PA Quadrangle N: 16.7 inches; W: 5.7 inches).

Also, to relocate and maintain 1,478 linear feet of an unnamed tributary to Potato Garden Run (WWF), Station 208+95 right to Station 219+72 left (Clinton, PA Quadrangle N: 16.7 inches; W: 5.7 inches). 40-28-1/80-17-28.

To compensate for the wetland impacts, the applicant is proposing creation of 2.531 acres of replacement wetlands in the Raredon Run Watershed.

To permanently place and maintain fill in 2.481 acres of wetland (2.381 acres PEM, 0.1 acre PSS) and to temporarily place and maintain fill in 0.106 acre of wetlands (0.073 acre PEM, 0.033 acre PSS). Begin: (Clinton, PA Quadrangle N: 14.4 inches; W: 7.7 inches; End: Clinton, PA Quadrangle N: 16.6 inches; W: 5.6 inches).

ENVIRONMENTAL ASSESSMENTS

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

EA06-004: Ryan K. Inch, Pioneer Crossing Land-fill, 727 Red Lane Road, Birdsboro, PA 19508, in Exeter Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a stream improvement project consisting of: (1) trash and debris removal; (2) placement of riprap scour protection; (3) removal of gravel washed from adjacent roadways; (4) removal of an existing 24-inch CMP; (5) replacement of an existing 14-inch steel pipe culvert with a 2-foot by 4-foot concrete box culvert; (6) eradication of invasive plant species; and (7) installation of native riparian plantings in and along 1,250 feet of an unnamed tributary to the Schuylkill River (WWF) near the intersection of Lincoln Road and South Center Road (Birdsboro, PA Quadrangle N: 4.3 inches; W: 8.2 inches) in Exeter Township, Berks County.

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

D21-006EA. Darren Bennett, 165 Creek Road, Newville, PA 17214. West Pennsboro and Upper Frankford Townships, **Cumberland County**, ACOE Baltimore District.

To breach and remove the Black Dam across Conodoguinet Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,200 feet southwest of the intersection of Crossroad School Road (T438) and Creek Road (T427) (Plainfield, PA Quadrangle N: 12.5 inches; W: 17.05 inches).

[Pa.B. Doc. No. 03-358. Filed for public inspection February 28, 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) at the Public Participation Center page. The "January 2003 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2003.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 254-5400-001. Title: Best Management Practices (BMPs) for the Management of Waste from Land Clearing, Grubbing, and Excavation (LCGE). Description: The Commonwealth's municipal waste regulations, amended and published as final on December 23, 2000, retained the permit exemption for activities relating to the use of waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative materials. However, due to problems associated with mismanagement of these materials, the final regulations include mandatory implementation of BMPs. This manual discusses the BMPs that should be followed for operations involving land clearing, grubbing and excavation materials, including environmental concerns that precipitated the need for these practices. Effective Date: March 1, 2003. Contact: Habib Sharifihoessin, (717) 787-7381, hsharifiho@state.pa.us.

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-359. Filed for public inspection February 28, 2003, 9:00 a.m.]

Laboratory Accreditation Advisory Committee; Ad Hoc Workgroup Meeting

The Department of Environmental Protection's Laboratory Accreditation Advisory Committee (Committee) established an ad hoc workgroup to consider education, training and proficiency requirements for persons receiving accreditation and performing testing and analysis through accreditation by rule.

The ad hoc workgroup will meet on March 5, 2003, at 9 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg. Questions concerning this meeting should be directed to Richard Sheibley, Chief, Laboratory Accreditation Program, Bureau of Laboratories, (717) 705-2425, rsheibley@state.pa.us.

The ad hoc work group will report its deliberations at the full Committee meeting scheduled for April 8, 2003.

KATHLEEN A. MCGINTY
Acting Secretary

[Pa.B. Doc. No. 03-360. Filed for public inspection February 28, 2003, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Draft Standing Practice Order

The Department of Public Welfare (Department) announces its intent to issue the Standing Practice Order (Order) to govern Medical Assistance provider appeals heard before the Bureau of Hearings and Appeals (Bureau). Once issued, this Order will govern practice before the Bureau.

The act of December 3, 2002 (P.L. _____, No. 142) added 67 Pa.C.S. Chapter 11 (relating to Medical Assistance hearings and appeals). Section 1102(g) of 67 Pa.C.S. (relating to hearings before the Bureau) requires the Department to issue a standing order establishing rules governing practice before the Bureau prior to July 1, 2003, after receiving comment by interested parties. Chapter 11 of 67 Pa.C.S. provides a statutory framework for the provider appeal process that mandates, among other things, prompt adjudications, reasonable and necessary discovery and impartial adjudications to be implemented through the standing order. The goal of this Order is to ensure the just and speedy determination of provider appeals. The Order is organized to allow a reader to follow the basic order in 1 Pa.C.S. Part II (relating to General Rules of Administrative Practice and Procedure) (GRAPP). However, as set forth in Rule 2(b) (relating to construction and application of rules), the GRAPP provisions are inapplicable unless a provision to the contrary appears in Annex A to this notice.

The following draft practice order accommodates the important goals embodied in 67 Pa.C.S. Chapter 11 by providing for the mandatory disclosure of information by both sides, a 120-day discovery period and the filing of detailed position papers by each party. The draft general order adopts many of the procedural rules of GRAPP. However, significant modifications have been made to accommodate the specific requirements of 67 Pa.C.S. Chapter 11 within the framework of a prompt adjudication. In addition, the Bureau has drawn upon the procedural rules used by the Federal Provider Reimbursement Review Board and the discovery rules set forth in the 231 Pa. Code (relating to Rules of Civil Procedure). The Order also contains a procedure for the expedited disposition of certain appeals which traditionally have been handled in a less formal manner.

The Bureau expects these rules to substantially speed the process of resolving provider appeals. The mandatory disclosures requirement will expedite and simplify the discovery stage; the position paper requirement should facilitate the mutual resolution of disputes and, where settlement does not occur, should minimize or eliminate the need for evidentiary hearings, as should the possibility of resolution through dispositive motions. In addition, when a provider appeal proceeds to a hearing under the regular process set forth in this Order, the Bureau

expects that, in most instances, the appeal will move from commencement to hearing within a period of 10 months, except when dispositive motions are filed. When the expedited process is used, the Bureau expects that the evidentiary hearing will be held in substantially less time.

The provider appeal process commences with the filing of a request for hearing with the Bureau. The requirements for a request for hearing are set forth in detail in 67 Pa.C.S. § 1102(b). Of particular significance is the requirement in the law that amendments to the request for hearing may only be made as of right within 90 days after the filing of the request for hearing. This requirement evidences the Legislature's intent that the appeal document is more than a mere perfunctory notice. Accordingly, Rule 35(d) (relating to disclosures) requires providers to set forth specific factual or legal objections to the Department's action. Once the 90-day period has elapsed, the disputed facts and issues included in the request for hearing will govern further proceedings. Consolidation with other appeals, and intervention into the proceeding, will generally not be permitted after the 90-day period has elapsed.

Upon receipt of a proper request for hearing, the Bureau will issue an acknowledgment letter containing certain critical deadlines, including the deadline for mandatory initial disclosure, the completion of discovery and the filing of position papers. The parties are expected to take the mandatory disclosure obligation seriously and sanctions may be imposed for failing to make good faith disclosures. In audit appeals, for example, the Department is expected to produce workpapers relative to disputed adjustments along with identifying information regarding the auditors. The provider, in turn, is expected to provide identifying information regarding individuals who determined that the auditors made errors, along with their workpapers and other documents supporting those assertions.

Both parties are allowed 120 days to conduct additional discovery. Consistent with the procedures in many other tribunals, interrogatories and requests for admission are limited. Extensive interrogatories are often burdensome as well as unnecessary, and disputes over the wording of interrogatory responses are not an appropriate use of adjudicatory resources. Admission requests are limited because the parties should be communicating with each other and facts that would be admitted in response to requests for admission should be stipulated to. Depositions are limited to three in number. Experience has shown that these limits are usually reasonable and exceptions to permit additional discovery may be made by the Bureau for good cause shown. Additionally, senior Department managers may not be deposed unless their information is indispensable to the case.

Following the conclusion of discovery, the provider is required to file a comprehensive position paper. This position paper is intended to be specific and should completely present the party's case in written form. If the provider fails to file a timely and complete position paper, the appeal will be considered to be abandoned, and the Bureau will automatically dismiss the matter. The Department will file its position paper within 60 days of the filing of the provider's position paper subsequent to which the case can be subject to a summary judgment motion or proceed to an evidentiary hearing.

Providers' obligations, including those in 55 Pa. Code §§ 1101.51(e) and 1101.71 (relating to ongoing responsibilities of providers; and utilization control) to make

records available and cooperate with Department reviews, remain unaffected and are not limited by these rules.

Fiscal Impact

The fiscal note was prepared under the authority of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

Contact Person

The Department seeks comment from interested parties regarding the general procedure summarized in this notice, and the more specific and detailed implementing rules to read as set forth in Annex A. Comments should be submitted within 30 days of the date of publication of this notice to Thomas Cheffins, Director, Bureau of Hearings and Appeals, Department of Public Welfare, 2330 Vartan Way, 2nd Floor, Harrisburg, PA 17110-9721.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Advisory Committee

Under 67 Pa.C.S. § 1106(b), the Bureau intends to establish an advisory committee to provide assistance and guidance in the development and modification of regulations that may be promulgated after issuance of the standing order. The advisory committee will include individuals experienced in proceedings before the Bureau and other administrative agencies. Individuals interested in serving on the advisory committee should send a letter communicating their interest to Thomas Cheffins at the address previously listed.

ESTELLE B. RICHMAN,
Acting Secretary

Fiscal Note: 14-NOT-350. No fiscal impact; (8) recommends adoption.

Annex A

DEPARTMENT OF PUBLIC WELFARE BUREAU OF HEARINGS AND APPEALS

Standing Practice Order Pursuant to § 20.1 of Act 142-2002 Establishing Rules Governing Practice And Procedure In Medical Assistance Provider Appeals

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Part I—Preliminary Provisions**Subpart A. General Provisions****Rule 1. Scope of Rules.**

This order is issued pursuant to Act 2002-142, § 20.1 (67 Pa.C.S. §§ 101-1106 (relating to medical assistance hearings and appeals). The rules adopted by this order govern practice and procedure before the Bureau in provider appeals. These rules do not apply to appeals governed by 55 Pa. Code Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

Rule 2. Construction and application of rules.

(a) The rules adopted by this order shall be liberally construed to secure the just, speedy and inexpensive determination of provider appeals.

(b) Except to the extent that Appendix A to these rules provides to the contrary, these rules replace and supersede the General Rules of Administrative Practice and Procedure ("GRAAP"), set forth at 1 Pa. Code Part II

(relating to general rules of administrative practice and procedure). To the extent that GRAAP applies in provider appeals, when the term "agency" is used in 1 Pa. Code Part II, the term "Bureau" is to be understood; when the term "participant" is used in 1 Pa. Code Part II, the term "party" is to be understood; and when the term "presiding officer" is used in 1 Pa. Code Part II, the term "presiding officer" is to be understood.

Rule 3. Definitions.

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

Agency Action—An action of the Department or a program office that relates to the administration of the MA Program. The term includes the actions identified in 55 Pa. Code §§ 1101.84(a)—(c) (relating to provider right of appeal) and 1187.141(a) (relating to nursing facility's right to appeal and to a hearing) and other actions relating to a provider's enrollment in, participation in, claims for payment or damages under, or penalties imposed under the MA Program.

Bureau—The Bureau of Hearings and Appeals.

Department—The Department of Public Welfare.

Director—The Director of the Bureau.

Dispositive motion—A motion that seeks a final determination of one or more of the issues in a provider appeal without the need for hearing or further hearing. The term includes: a motion to quash the provider appeal, a motion to dismiss the provider appeal, a motion for summary judgment, and a motion for partial summary judgment, but does not include a motion in limine.

Hearing—A proceeding commenced for the purpose of: (1) creating a factual evidentiary record relative to the merits of one or more issues raised in a request for hearing; or (2) resolving an interlocutory matter, including but not limited to a petition for supersedeas.

Legal document—A motion, answer, brief, petition to intervene, request for reconsideration of an interlocutory order, request for review by the Secretary, or other paper filed with the Bureau in a provider appeal, other than a pleading. The term does not include attachments or exhibits.

Pa.R.C.P.—Pennsylvania Rules of Civil Procedure.

Party—A provider, a program office, or an intervenor.

Person—An individual, partnership, association, corporation, political subdivision, municipal authority or other entity.

Petition for relief—Any pleading filed by a provider pursuant to Rule 21 that commences a provider appeal and that is not a request for hearing.

Pleading—A request for hearing, including any amendments thereto, or a petition for relief.

Presiding officer—An individual designated by the Director to preside at a hearing or a prehearing conference.

Program office—An office within the Department which is managed and operated by a deputy secretary or other person who reports directly to the Secretary, including a Deputy Secretary, or a bureau or other administrative unit of an office within the Department which is managed and operated by person who reports directly to a deputy secretary. The term does not include the Bureau.

Provider—Either (i) a person currently enrolled in the MA Program as a provider of services; or (ii) a person who

has applied for enrollment in the MA Program as a provider of services; or, (iii) a person whose enrollment in the MA Program as a provider of services has been suspended or terminated by the Department.

Provider appeal—A proceeding that is commenced by a provider by filing a request for hearing or petition for relief.

Request for hearing—A pleading filed by a provider in order to appeal and obtain review of an agency action.

Secretary—The Secretary of Public Welfare.

Senior Department Official—the Comptroller, the Chief Counsel of the Department, a person who works in the Office of the Secretary or who reports directly to the Secretary, including a Deputy Secretary; or a director of a bureau within a program office.

Supersedeas—An order suspending the effect of an agency action pending the Bureau's determination in a provider appeal.

Waiver request—a request that the Secretary waive the application of a provision set forth in a Department regulation.

Rule 4. Amendments to rules.

(a) The Department retains continuing jurisdiction under 67 Pa.C.S. § 1106 (relating to regulations) to adopt regulations establishing rules of procedure as may be necessary to govern provider appeals.

(b) The Bureau will establish an advisory committee, including individuals experienced in proceedings before the Bureau and other administrative agencies, to provide assistance and guidance in the development and modification of regulations which may be promulgated under 67 Pa.C.S. § 1106.

(c) The Bureau may establish such forms as may be required to implement these Rules.

Rule 5. Jurisdiction of the Bureau.

(a) Except as provided in subsections (b), (c) and (d), the Bureau has exclusive jurisdiction over all provider appeals.

(b) The Bureau has no jurisdiction to make a final determination on a waiver request included in a request for hearing. The Bureau will create a record and make a recommendation to the Secretary regarding the waiver request as specified in Rule 52(b) (relating to determinations and recommendations by the bureau).

(c) The Bureau has no jurisdiction to issue a final determination on the merits of an issue properly raised in a petition for relief. If a provider files a petition for relief, the Bureau will create a record and make a recommendation to the Secretary regarding the petition for relief as specified in Rule 52(c) (relating to determinations and recommendations by the bureau).

(d) The Bureau's jurisdiction in provider appeals is subject to Rule 54 (relating to reconsideration of interlocutory orders) and Rule 55 (relating to review of bureau determinations).

Subpart B. Time

Rule 6. Timely Filing Required.

Pleadings and legal documents required or permitted to be filed under this part, the regulations of the Department or any other provision of law shall be received for filing at the Bureau within the time limits, if any, permitted for the filing. Except as provided in Rule 19(b)

(relating to timeliness and perfection of appeal), the filing date is the date of receipt by the Bureau, and not the date of mailing.

Rule 7. Extensions of time.

(a) Except when necessitated by the circumstances of the Bureau, no order or pre-hearing order shall continue a provider appeal or extend the time for doing any act required by these rules except upon written motion by a party filed in accordance with these rules.

(b) Where these rules establish a standard for an extension of time, a motion seeking such an extension shall be resolved by the application of that standard. In the event that these rules do not otherwise establish such a standard, the motion shall be resolved by application of the rules set forth in 1 Pa. Code § 31.15 (relating to extensions of time).

Part II—Documentary Filings

Subchapter A. General Requirements

Filings Generally

Rule 8. Title.

(a) All legal documents in a provider appeal commenced by a request for hearing, other than the initial pleading, shall display a caption at the top of the first page in the following form:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
BUREAU OF HEARINGS AND APPEALS

[Name of Provider] v. [Name of Program Office]

BHA I.D. No.:

Docket No.:

[Descriptive Title of Document]

(b) All legal documents in a provider appeal commenced by a petition for relief, other than the initial pleading, shall display a caption at the top of the first page in the following form:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF: [Name of Provider]

BHA I.D. No.:

Docket No.:

[DESCRIPTIVE TITLE OF DOCUMENT]

(c) The descriptive title of a legal document shall identify the party on whose behalf the filing is made. (E.g., Appellant's Motion to Compel Discovery.)

Rule 9. Form.

Legal documents shall conform to the requirements of 1 Pa. Code § 33.2 (relating to form) except that the font used must be at least 12 point.

Rule 10. Incorporation by Reference.

Any legal document on file with the Bureau in a provider appeal, and any exhibits or attachments thereto, may be incorporated by reference into another legal document that is subsequently filed in the same provider appeal. A document may be so incorporated by reference to the specific document and prior filing in which it was physically filed, but not by reference to another document that incorporates it by reference.

Execution And Verification

Rule 11. Verification.

(a) Every legal document that contains an averment of fact not appearing of record or that contains a denial of fact shall be verified as specified in Pa.R.C.P. 1024 (relating to verification).

(b) "Verified," when used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Copies

Rule 12. Number of copies; copying of Bureau documents.

(a) Unless otherwise ordered by the Bureau, only one original of a pleading or a legal document shall be filed with the Bureau.

(b) One copy of any pleading or legal document filed with the Bureau will be served on each of the other parties to the provider appeal unless otherwise specified in these rules.

(c) Any document filed with the Bureau in a provider appeal is available for inspection and copying except that, where a document contains information protected by law against public disclosure, the document shall not be available unless and until the protected information has been redacted. When redaction is required, the person seeking access to or a copy of the document shall be required to pay the actual cost of redaction prior to the document being made available.

(d) Documents in the files of the Bureau shall not be removed from the Department's custody. A person provided with access to a document pursuant to (c) may make a photocopy of that document using a photocopier available at the Bureau at a charge of \$0.15 per page. Upon request the Bureau may, in its discretion, agree to make a photocopy and provide it to the person requesting access, in which case the charge shall be \$0.25 per page. In the event that a person wants a certified copy of a document, the copy shall be made by the Bureau at the rate of \$0.25 per page and, in addition, the fee for the certification shall be \$2.00 per document.

Subchapter B. Service Of Documents

Rule 13. Notice of agency actions.

The Department or a program office may give notice of an agency action by: (1) mailing a written notice of the action to a provider at the provider's business address; (2) serving notice of the action in the manner provided in Pa.R.C.P. 400—441; or (3) by publication in the *Pennsylvania Bulletin*.

Rule 14. Service of pleadings and legal documents.

Service of pleadings and legal documents shall be made as follows:

(1) *Request for hearing.* The provider that files a request for hearing shall serve a copy of the request on:

(i) The program office that initiated the agency action in dispute; and,

(ii) The Department's Office of General Counsel.

(2) *Petition for relief.* The provider that files a petition for relief shall serve a copy of the petition on:

(i) The Secretary; and,

(ii) The Department's Office of General Counsel.

(3) *Legal document.* A party that files a legal document in a provider appeal shall serve a copy of the document on all other parties to the appeal.

(4) *Method of service.* Service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy of the pleading or legal document.

Rule 15. Proof of Service.

A certificate of service in the form prescribed in Rule 16 (relating to certificate of service) shall accompany and be attached to a pleading or legal document filed with the Bureau.

Rule 16. Certificate of Service.

Each certificate of service shall substantially conform to the following:

I hereby certify that I have this day served the foregoing document upon:

[Identify name and address of each person served] by
[Indicate method of service].

Subchapter C. Miscellaneous Provisions

Amendments And Withdrawals Of Legal Documents

Rule 17. Amendment and withdrawal of legal documents.

(a) A party may amend a legal document, other than position paper, by filing an amendment with the Bureau at any time unless the Bureau otherwise orders.

(1) An amendment to a legal document shall be deemed filed as of the date of receipt by the Bureau, unless the Bureau otherwise orders.

(2) A position paper may be amended as specified in Rule 35(c)(4) (relating to disclosures).

(b) A party may withdraw a legal document by filing a motion for leave to withdraw the document. The motion will be granted or denied by the Bureau as a matter of discretion.

Part III—Provider Appeals

Subchapter A. Requests for Hearing, Petitions for Relief and Other Preliminary Matters

Request for Hearings

Rule 18. Request for hearing.

(a) *General.*

(1) A provider that is aggrieved by an agency action may appeal and obtain review of that action by the Bureau by filing a request for hearing in accordance with these rules.

(2) A provider is aggrieved by an agency action if the action adversely affects the personal or property rights, privileges, immunities, duties, liabilities or obligations of the provider.

(3) When a provider files a request for hearing to contest an agency action, the program office that issued the notice of the agency action is a party to the provider appeal.

(b) *Content.* A request for hearing shall conform to the following:

(1) The request shall set forth the name, address and telephone number of the provider.

(2) The request shall state in detail the reasons why the provider believes the agency action is factually or

legally erroneous, identify the specific issues that the provider will raise in its provider appeal, and specify the relief that the provider is seeking.

(i) If the provider intends to challenge to the validity of a regulation or statement of policy in its provider appeal, the provider shall state such challenge expressly and with particularity, and shall identify the regulation involved.

(ii) If the provider seeks relief from an agency action, in whole or in part, through waiver of the application of a regulation, the provider shall state its waiver request expressly and with particularity and shall identify the regulation involved.

(iii) A provider may not request a declaratory order or that the Department promulgate, amend, or repeal a regulation as relief in a request for hearing. Any such request shall be set forth in a petition for relief.

(3) If the provider received written notice of the agency action by mail or by personal service, the provider shall attach a copy of the written notice to the request for hearing. If the provider received written notice of the agency action by publication in the *Pennsylvania Bulletin*, the provider shall identify date, volume and page number of the *Pennsylvania Bulletin* in the request for hearing.

Rule 19. Timeliness and perfection of requests for hearing.

(a) Except as authorized in Rule 20 (relating to appeal nunc pro tunc), jurisdiction of the Bureau will not attach to a request for hearing unless the request for hearing is in writing and is filed with the Bureau in a timely manner, as follows:

(1) If the program office gives notice of an agency action by mailing the notice to the provider, the provider shall file its request for hearing with the Bureau within 33 days of the date of the written notice of the agency action.

(2) If written notice of an agency action is given in a manner other than by mailing the notice to the provider, a provider shall file its request for hearing with the Bureau within 30 days of the date of the written notice of the agency action.

(b) If a provider files a request for hearing by first-class mail, the United States postmark appearing upon the envelope in which the request for hearing was mailed shall be considered the filing date of that request for hearing. If the provider files a request for hearing in any other manner, or if the envelope in which the provider's request for hearing was mailed bears a postmark other than a United States postmark, the date the request for hearing is received in the Bureau will be considered the filing date.

(c) A provider may amend a request for hearing as a matter of right within 90 days of the filing date of the request for hearing. No other amendments to a request for hearing shall be permitted except as permitted in Rule 20(b) (relating to appeals nunc pro tunc).

(d) Any legal or factual objection or issue not raised in either a request for hearing filed with the time prescribed in subsection (a) or in an amended request for hearing filed within the time prescribed by subsection (c) shall be deemed waived. A general objection to an agency action shall be deemed a failure to object and shall constitute of waiver of all objections and issues relating to an action.

(e) The Bureau will dismiss a request for hearing, either on its own motion or on motion of a program office, if: (1) a provider fails to file its request in accordance with

paragraph (1) of subsection (a); or, (2) the provider's request for hearing fails to conform to the requirements of Rule 18(c) (relating to request for hearing, content) and the 90 day time-period for amendments specified in subsection (c) has expired.

Rule 20. Appeals nunc pro tunc.

(a) The Bureau, upon written motion and for good cause shown, may grant leave to a provider to file a request for hearing nunc pro tunc pursuant to the common law standard applicable in analogous cases in courts of original jurisdiction.

(b) The Bureau, upon written motion and for good cause shown, may grant leave to a provider to file an amendment to a request for hearing nunc pro tunc pursuant to the common law standard applicable in analogous cases in courts of original jurisdiction.

(c) The Secretary, upon written motion and for good cause shown, may grant leave to a party to file a request for review of a Bureau determination by the Secretary nunc pro tunc pursuant to the common law standard applicable in analogous cases in courts of original jurisdiction.

Petitions

Rule 21. Limitations on the use of Petitions for Relief.

(a) *Waiver requests.* A provider may include a waiver request in a petition for relief only if the regulation that is the subject of that waiver request is not a basis for an agency action involving the provider. If an agency action involving the provider depends, in whole or in part, upon the application of a regulation of the Department, a provider aggrieved by that agency action may only present a waiver request pertaining to that regulation in the context of a request for hearing filed in accordance with Rule 18 (relating to requests for hearing). To the extent that the waiver sought by a provider in a petition for relief has been or could have been included in a request for hearing, the Bureau will dismiss the petition for relief.

(b) *Request for declaratory relief.* A provider may include a request for declaratory relief in a petition for relief only if the relief sought by the provider would not modify or alter an agency action involving the provider. If the requested relief would modify an agency action involving the provider, the provider can only seek such relief in the context of a request for hearing filed in accordance with Rule 18 (relating to requests for hearing). To the extent that a request for declaratory relief is sought by a provider in a petition for relief has been or could have been included in a request for hearing, the Bureau will dismiss the petition for relief.

(c) *Request for issuance, amendment, or deletion of regulations.* The sole means by which a provider may formally petition the Department for the issuance, amendment, or deletion of a regulation or statement of policy is by filing a petition for relief.

Supersedeas

Rule 22. General.

(a) The filing of a request for hearing does not act as an automatic supersedeas. However, a provider who has filed a request for hearing may petition the Bureau to grant a supersedeas of the agency action. The Bureau may, upon good cause shown, grant a provider's petition for supersedeas in accordance with Rule 23 (relating to circumstances affecting grant or denial).

(b) A petition for supersedeas must be set forth in writing and may be filed at any time during a provider appeal.

(c) The Bureau will not issue a supersedeas without first conducting a hearing, but a hearing may be limited pursuant to subsection (d). The Bureau, upon motion or sua sponte, may direct that a prehearing conference be held before scheduling or holding a hearing on a supersedeas.

(d) A hearing on a supersedeas, if necessary, shall be held expeditiously—if feasible within 2 weeks of the filing of the petition—taking into account the availability of the presiding officer and program office staff, and taking into account the urgency and seriousness of the problem to which the order or action of the Department applies. If good cause is shown, the hearing shall be held as soon as possible after the filing of the petition.

(e) If necessary to ensure prompt disposition, and at the discretion of the Bureau, a supersedeas hearing may be limited in time and format, with parties given a fixed amount of time to present their entire case, and with restricted rights of discovery or of cross-examination.

(f) The Bureau may impose costs or other appropriate sanctions on a party that files a petition for supersedeas in bad faith or on frivolous grounds.

(g) A supersedeas shall not be granted in a provider appeal commenced by a petition for relief.

Rule 23. Contents of petition for supersedeas.

(a) A petition for supersedeas shall plead facts with particularity and shall be supported by one of the following:

(1) Affidavits, prepared as specified in Pa.R.C.P. 76 and 1035.4 (relating to definitions; and motion for summary judgment), setting forth facts upon which issuance of the supersedeas may depend.

(2) An explanation of why affidavits have not accompanied the petition if no supporting affidavits are submitted with the petition for supersedeas.

(b) A petition for supersedeas shall state with particularity the citations of legal authority the petitioner believes form the basis for the grant of supersedeas.

(c) A petition for supersedeas may be denied upon motion made before a supersedeas hearing or during the proceedings, or sua sponte, without hearing, for one of the following reasons:

(1) Lack of particularity in the facts pleaded.

(2) Lack of particularity in the legal authority cited as the basis for the grant of the supersedeas.

(3) An inadequately explained failure to support factual allegations by affidavits.

(4) A failure to state grounds sufficient for the granting of a supersedeas.

Rule 24. Circumstances affecting grant or denial.

(a) The Bureau, in granting or denying a supersedeas, will be guided by relevant judicial precedent. Among the factors to be considered:

(1) Irreparable harm to the provider.

(2) The likelihood of the provider prevailing on the merits.

(3) The likelihood of injury to the public or other parties.

(b) A supersedeas shall not be issued if injury to the public health, safety or welfare exists or is threatened during the period when the supersedeas would be in effect. If state law or federal law or regulation require that an action take effect prior to the final determination of an appeal, injury to the public health, safety or welfare shall be deemed to exist.

(c) In granting a supersedeas, the Bureau may impose conditions that are warranted by the circumstances, including the filing of a bond or other security.

Intervention

Rule 25. Filing of petitions to intervene.

Petitions to intervene and notices of intervention in a provider appeal may be filed at any time following the filing of a request for hearing but in no event later than 60 days from the filing date on the provider's request for hearing, unless for extraordinary circumstances and for good cause shown, the Bureau authorizes a late filing.

Answers

Rule 26. Answers generally.

(a) No answer to a pleading is required.

(b) Answers to legal documents, if permitted or required by these Rules, shall be filed with the Bureau within 20 days after the date of service of the legal document, unless: (1) a different period is specifically required by these rules; or (2) for cause, the Bureau with or without motion shall prescribe a different time, but in no case may an answer be required in less than 10 days after the date of service.

(c) Answers shall be in writing and conform to the requirements of these Rules. Answers shall admit or deny specifically and in detail each material fact asserted in the legal document answered and shall state clearly and concisely the facts and law relied upon.

Rule 27. Answers to petitions to intervene.

(a) A party may file an answer to a petition to intervene, and in default thereof, may be deemed to have waived an objection to the granting of the petition.

(b) Answers shall be filed within 20 days after the date of service of the petition, unless for cause the Bureau with or without motion shall prescribe a different time.

Consolidation

Rule 28. Consolidation of Provider Appeals.

(a) *Individual provider appeals.* Each provider that wishes to an agency action shall file an individual request for hearing in its own name, without joining any other provider as a joint provider.

(b) *Consolidation by Motion.* The Bureau, on timely motion, may order that a provider appeal be consolidated with one or more other provider appeals if the Bureau determines that the provider appeals in question involve substantially similar or materially related issues of law or fact and that consolidation is otherwise appropriate.

(c) *Appropriateness.* For purposes of this rule, consolidation is appropriate if it will not prejudice the ability of the non-moving party to perform adequate discovery or to adequately present its claim or defense, and if it will not unduly delay the adjudication of the earlier-filed matter.

(d) *Motions.* No provider appeal shall be consolidated except upon motion filed by one or more parties. In addition to the general requirements for motions set forth in Rule 39, any motion for consolidation shall: (1) identify

the issues of law raised in each provider appeal and indicate the extent to which each is shared or distinct; (2) identify the material facts that serve as a basis for each appeal and indicate the extent to which each of these facts is shared or distinct; and (3) the justifications or advantages that support consolidation.

(e) *Answers.* In addition to the general requirements for answers to motions set forth in Rule 25 (relating to filing of petition to intervene), any answer to a motion for consolidation shall explain how consolidation would, if allowed, adversely affect the non-moving party's ability to conduct and complete discovery, or its ability to present its claims or defenses.

(f) *Deadline for Motions to Consolidate.* A motion to consolidate shall be untimely as to a provider appeal if it is filed after the date set for the conclusion of discovery in that provider appeal. An untimely motion to consolidate shall only be granted with the consent of all non-moving parties.

(g) *Consent of Other Providers.* In the event that a provider seeks to consolidate its provider appeal with a provider appeal filed by a different provider, the motion for consolidation shall be deemed to be opposed by the other provider unless an affirmative statement to the contrary is set forth in the motion.

(h) *Service.* A motion for consolidation and any answer thereto shall be served on each person that is a party to any of the provider appeals for which consolidation is sought.

(i) *Effect of Consolidation Upon Discovery.* If the Bureau grants a provider's motion to consolidate, the discovery, if any, available to the all providers in the consolidated appeals shall, in the aggregate, comply with the limitations specified in Rule 36(c) (relating to limitations).

Amendments And Withdrawals Of Provider Appeals

Rule 29. Amendments of Pleadings.

(a) No amendments to a request for hearing shall be permitted except as specified in Rule 19(c) (relating to timeliness and perfection of appeal) and Rule 20(b) (relating to appeals nunc pro tunc).

(b) A petition for relief may be amended in accordance with 1 Pa. Code § 35.48 (relating to amendments of pleadings generally); except that no amendment to a petition for relief may be filed within 30 days preceding the commencement of, or during a hearing on the petition unless directed or permitted by the Secretary or the presiding officer after all parties have been permitted to be heard thereon.

Rule 30. Termination of provider appeals.

(a) A provider appeal may be terminated prior to adjudication by one of the following:

(1) Withdrawal of the pleading in accordance 1 Pa. Code § 35.51 (relating to withdrawal of pleadings).

(2) A written Stipulation of Settlement executed by the parties and filed with and approved by the Bureau.

(b) When a request for hearing is withdrawn prior to adjudication, the withdrawal shall be with prejudice as to all issues that were or could have been raised in the appeal, unless otherwise indicated by the Bureau.

Subchapter B. Prehearings Procedures and Hearings

General

Rule 31. Waiver of hearings.

A hearing need not be held if:

- (a) The provider waives its right to hearing; or
- (b) The parties stipulate the material facts or agree to submit direct and rebuttal testimony or documentary evidence in affidavit form (sworn or affirmed on personal knowledge) or by deposition; or
- (c) The Bureau determines that the material facts are not in dispute and the Bureau grants a dispositive motion dismissing the provider appeal or determining all of the issues raised in the appeal.

Rule 32. Expedited Disposition Procedure for Certain Appeals.

(a) This rule shall apply to all provider appeals involving the denial of claims for payment through the prior authorization process, the denial of requests for pre-certification, the recovery of overpayments or improper payments through the utilization review process, the denial of claims upon prepayment review, the denial of claims for payment pursuant to 55 Pa. Code 1101.68 (relating to invoicing for services), the denial, termination or suspension of an exceptional DME grant (as defined in 55 Pa. Code § 1187.51 (relating to definitions)), and the denial of a program exception request.

(b) A request for hearing in a provider appeal subject to this rule must: (1) be submitted in writing to the Bureau within the time limits specified in accordance with Rule 19(a) (relating to timeliness and perfection of appeal); (2) include the information specified in Rule 18 (b) (relating to request for hearing); and, must include all relevant supporting documentation. The provider shall send a copy of its request for hearing to the program office issuing the notice of the agency action at the same time it files its request with the Bureau.

(c) Unless the information has already been exchanged, the provider and the program office shall exchange any document that it will introduce as an exhibit and a list of any persons, including medical or other experts, that it will call as a witness at the hearing.

(d) The Bureau will schedule a hearing taking into due consideration the availability of expert witnesses.

(e) The following rules do not apply to provider appeals subject to this rule:

- (1) Rule 8 (relating to title).
- (2) Rule 9 (relating to form).
- (3) Rule 11 (relating to verification).
- (4) Rule 14(a)(2) (requiring service on the Department's Office of General Counsel).
- (5) Rule 15 (relating to proof of service).
- (6) Rule 16 (relating to certificate of service).
- (7) Rule 33 (relating to prehearing procedure).
- (8) Rule 35 (relating to disclosures).
- (9) Rule 36 (relating to methods to discovery additional information).
- (10) Rule 37 (relating to supplementing disclosure and discovery responses).

(11) Rule 38 (relating to signing of disclosures, discovery requests, responses and objections)

(12) Rule 41 (relating to discovery motions).

(13) Rule 42 (relating to dispositive motions), except for a motion to dismiss based upon timeliness.

(14) Rule 44 (relating to voluntary mediation).

(15) Rule 51 (relating to posthearing briefs).

(f) Upon motion of a party, and for good cause shown, the Bureau may order that a provider appeal identified in subsection (a) be exempt from this rule or may order that one or more of the rules identified in subsection (e) apply in whole or in part to the appeal.

(g) Upon joint motion of the parties to a provider appeal, the Bureau may order that this rule applies to a provider appeal not identified in subsection (a).

(h) A motion to exempt an appeal from this rule under subsection (f), and a joint motion to apply this rule to an appeal under subsection (g) may be filed with the request for hearing but shall be filed no later than 30 days from the filing date of the request for hearing in the provider appeal.

Prehearing Procedures And Prehearing Conferences

Rule 33. Prehearing procedure in certain provider appeals.

(a) Upon the filing of a request for hearing, the Bureau will issue a prehearing order specifying that:

(1) The parties shall make disclosures in accordance with Rule 35 (relating to disclosures).

(2) All discovery requests shall be served within 90 days of the date of the prehearing order and that all discovery shall be concluded within 120 days of the date of the prehearing order.

(3) All motions to compel discovery shall be filed with 30 days of the close of discovery;

(4) Any other miscellaneous prehearing motions, including motions in limine shall be filed within 60 days of the date of filing of the program office's position paper; and,

(5) Dispositive motions shall be filed within 60 days of the date of the filing of program office's position paper.

(b) The parties may, within 30 days of the date of the prehearing order, submit a Joint Proposed Case Management Order to the Bureau that proposes alternative dates for completion of the matters specified in paragraphs (1)—(5) of subsection (a), or that agrees to discovery beyond the limitations set forth in Rule 36(c)(1)—(3) (relating to methods to discover additional information).

(c) The Bureau may issue subsequent prehearing orders incorporating the alternate dates and discovery limitations proposed by the parties or specifying other dates and discovery limitations that the Bureau deems appropriate.

Rule 34. Conferences.

(a) The Bureau, on its own motion or on motion of a party, may hold a conference either prior to or during a hearing for the purpose of considering offers of settlement, adjustment of the proceeding or any issue therein, or other matters to expedite the orderly conduct and disposition of a hearing.

(b) A stipulation of the parties or order of the Bureau as a result of the conference shall be binding upon the parties.

Disclosures and Discovery

Rule 35. Disclosures.

(a) *Duty of Disclosure.* A party to a provider appeal commenced by a request for hearing must, without awaiting a discovery request, disclose information to each other party as specified in this section.

(b) *Mandatory Initial Disclosures:*

(1) The program office shall disclose:

(i) The name, title, business address and telephone number of each staff person directly involved in the agency action; and, if different, the name, title, business address and telephone number of any officials or staff designated to testify on its behalf regarding the agency action and the issues on which designated person will testify; in the case of an audit appeal, the program office will at a minimum identify every auditor involved in the audit and every audit supervisor and audit manager who reviewed the audit report; and,

(ii) a copy of, or a description by category and location of, all documents, data compilations, and tangible things, not privileged or protected from disclosure, that were relied upon in issuing the agency action, or that formed the basis for the agency action.

(2) The provider shall disclose:

(i) The name, title, business address, and telephone number of every person who provided facts, opinions, or other information that were relied upon in drafting the request for hearing or petition for supersedeas, if any, or that support or form the basis for, the allegations contained therein; and, and, if different, the name, title, business address and telephone number of any officials or staff designated to testify on its behalf regarding the agency action and the issues on which designated person will testify; and,

(ii) A copy of, or a description by category and location of, all documents, data compilations, and tangible things, not privileged or protected from disclosure, that were relied upon in drafting the request for hearing or petition for supersedeas, if any, or that support or form the basis for, the allegations contained therein; and, in a case where a provider alleges in its request for hearing that its costs or its claim for payment is supported by documents, the provider shall disclose the supporting documents.

(3) The parties shall make their initial mandatory disclosures within 45 days of the date of the Bureau's initial prehearing order, unless a different time is set by stipulation of the parties or by the prehearing order of the Bureau.

(4) A party shall make its initial disclosures based on the information in its possession or otherwise then reasonably available to it. A party shall not be excused from making its disclosures because it has not fully completed its investigation of the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

(5) An opposing party has no obligation to respond to a discovery request made pursuant to Rule 36 (relating to methods to discover additional information) until the party that propounded the request has made its mandatory initial disclosures in compliance with this subsection. A provider whose initial mandatory disclosure identifies documents in the possession of the Department or pro-

gram office but fails to provide copies of the provider's own records or documents in support of one or more of the issues raised in the provider's request for hearing shall not be in compliance with this subsection.

(c) *Position papers.*

(1) *General requirements:*

(i) The provider shall file its position paper and required documentation with the Bureau and serve it on the program office within 60 days of the close of discovery or such other date as may be specified in the Bureau's prehearing order. If the provider fails to meet the position paper due date or fails to supply the Bureau with the required documentation, the Bureau will dismiss the provider's appeal.

(ii) The program office shall file its position paper with the Bureau and serve it on the provider within sixty (60) days of the date of service of provider's position paper or such other date as may be specified in the Bureau's prehearing order. If the program office fails to meet the position paper due date, the Bureau will schedule the case from hearing and will notify the Chief Counsel of the Department.

(2) *Extensions.* The Bureau disfavors requests for extensions of time to file position papers. The Bureau may grant an extension if: (i) a party submits a written request for extension; (ii) the request is received by the Bureau in time for it to review the matter prior to the due date; and, (iii) the party establishes that extraordinary conditions exist that warrant an extension. Failure to complete discovery before the due date of the position paper will ordinarily not be considered sufficient cause to extend the deadline, unless due to the non-cooperation of the other side. A request for extension should be considered denied unless the Bureau affirmatively grants the extension in writing before the papers are due.

(3) *Content of position papers.*

(i) *Provider.* For each issue identified in its request for hearing or amended request for hearing, the provider's position paper shall state the relevant facts and present arguments setting forth the provider's position. Specifically, the provider shall include for each issue: a summary of the pertinent facts and circumstances, citations to the relevant statutory provisions, regulations, and other controlling authorities, the monetary amount in dispute, if any, and an explanation showing how the amount was computed and any other relief sought by the provider in connection with the issue. In addition, the provider shall provide for each issue the name and business address of every witness whose testimony the provider will present and a copy of every document that the provider will offer into evidence to support its position with respect to the issue.

(ii) *Program office.* For each issue identified in the provider's position paper, the program office's position paper shall state whether the program office accepts or disputes the provider's summary of the pertinent facts and circumstances, the provider's citations to the relevant statutory provisions, regulations, and other controlling authorities, and the provider's computation of the monetary amount in dispute. If the program office disputes the facts, citations or monetary amount, the program office shall provide a counterstatement of the items in dispute. The program office's position paper must also identify any additional issues not addressed by the provider that the program office believes should be determined by the Bureau. For each such issue, the program office shall include a summary of the pertinent facts and

circumstances, and citations to the relevant statutory provisions, regulations, and other controlling authorities. In addition, the program office shall provide the name and business address of every witness whose testimony the program office will present and a copy of every document that the program will offer into evidence to support its position on each issue identified in its position paper.

(iii) *Statement regarding expert opinions.* For each issue, a party's position paper shall include a section that addresses the party's reliance upon an expert. The party shall state whether its position depends, in whole or in part, upon the judgment, opinion, or testimony of a person who, if called to testify, would be called as an expert. Where a party's position depends, at least in part, upon the judgment, opinion, or testimony of such a person, the provider's position paper shall include a "statement of expert opinion." Consistent with the requirements of Pa.R.C.P. No. 4003.5 (relating to discovery of expert testimony, trial preparation material), and unless the Bureau orders to the contrary, each such statement shall: (A) identify the expert by name and address; (B) state the subject matter on which the expert is expected to testify; (C) identify the substance of the facts and opinions to which the expert is expected to testify; (D) summarize the grounds for each opinion to which the expert is expected to testify; and (E) be signed by the expert.

(4) *Amendments.* The Bureau may permit a party to amend a position paper upon motion of the party and for good cause shown except that no amendment to a position paper shall be permitted within 30 days of the commencement of the hearing in the provider appeal.

(5) *Penalties for Noncompliance.* A party shall not be permitted to offer the testimony of any witness at a hearing on a provider appeal unless the party disclosed the identity of the witness in the party's position paper. A party shall not be permitted to introduce a document into evidence at a hearing on a provider appeal unless party identified the document as an exhibit and served the other parties to the provider appeal with a copy of the document at the time the party filed its position paper with the Bureau.

Rule 36. Methods to Discover Additional Information.

(a) *Authorized Forms of Discovery.* Once the time period for mandatory disclosures has elapsed, a party to a provider appeal commenced by a request for hearing may obtain discovery by one or more of the following methods: interrogatories, requests for the production of documents, expert reports, requests for admissions and depositions of witnesses and designees of parties.

(b) *General Scope of Discovery.*

(1) Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party in a provider appeal, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter.

(2) Except to the extent inconsistent with or as otherwise provided in this Order, discovery shall be governed by the relevant Pa.R.C.P. applicable to the form of discovery authorized by this Order. When the term "court" is used in the Pa.R.C.P., "Bureau" is to be

understood; when the terms "prothonotary" or "clerk of court" are used in the Pa.R.C.P., "Formal Docketing Unit" is to be understood.

(c) *Limitations.* In addition to the general limitation on the scope of discovery and deposition set forth in Pa.R.C.P. 4011 (relating to limitation of scope of discovery and deposition), the limitations on discovery in paragraphs (1)—(4) apply in provider appeals.

(1) *Interrogatories.* Interrogatories to a party, as a matter of right, shall not exceed ten in number. Interrogatories inquiring as to the names and locations of witnesses, or the existence, location and custodian of documents or physical evidence each shall be construed as one interrogatory. All other interrogatories, including subdivisions of one numbered interrogatory, shall be construed as separate interrogatories. If counsel for a party believes that more than ten interrogatories are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional interrogatories. Counsel are expected to comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the party seeking to submit additional interrogatories may file a motion with the Bureau showing the necessity for relief.

(2) *Requests for Admissions.* Request for admissions to a party, as a matter of right, shall not exceed ten in number. All requests for admissions, including subdivisions of one numbered request, shall be construed as separate request. If counsel for a party believes that more than ten requests for admission are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional requests. Counsel are expected to comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the party seeking to submit additional requests for admissions may file a motion with the Bureau showing the necessity for relief.

(3) *Depositions by Oral or Written Examination.* Depositions, as a matter of right, shall not exceed three in number. A deposition of a person shall not be permitted if the person has already been deposed in the appeal. If counsel for a party believes that more than three depositions or that the deposition of a person who has already been deposed are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional depositions. Counsel are expected to comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the party seeking to submit additional depositions may file a motion with the Bureau showing the necessity for relief.

(4) *Deposition of the Secretary and Senior Department Officials.*

(i) Unless the Secretary has been identified as a witness by the program office, a party may not depose the Secretary.

(ii) Unless a senior department official has been identified as a witness by the program office, a party may not depose a senior department official regardless of the number of depositions taken, except upon order of the Bureau which is based upon a finding that all of the following apply:

(A) The senior department official was personally involved in the disputed agency action.

(B) The senior department official has knowledge which is not privileged.

(C) The senior department official has knowledge which is not shared by a subordinate official or employee.

(d) *Protective Orders.* The Bureau may issue protective orders limiting or precluding discovery in accordance with subsection (c) or as specified in Pa.R.C.P. 4012 (relating to protective orders).

(e) *Timing and Sequence of Discovery.* Unless the Bureau upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or otherwise, does not operate to delay any other party's discovery.

Rule 37. Supplementing Disclosures and Responses.

(a) *Disclosures.* A party has a duty to supplement or correct a disclosure under Rule 35 (relating to disclosures) to include information thereafter acquired if ordered by the Bureau or if the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

(b) *Responses to Discovery Requests.* A party is under a duty to supplement responses made to discovery requests as set forth in Pa.R.C.P. 4007.4 (relating to supplementing responses).

Rule 38. Signing of Disclosures, Discovery Requests, Responses, and Objections.

(a) Every disclosure shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made.

(b) Every discovery request, response, or objection made by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the request, response, or objection and state the signor's address.

(1) The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the request, response, or objection is:

(i) consistent with these rules and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(ii) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

(iii) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

(2) If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making

the request, response, or objection, and a party shall not be obligated to take any action with respect to it until it is signed.

(3) If without substantial justification a certification is made in violation of this rule, the Bureau, upon motion or upon its own initiative, shall impose upon the person who made the certification, the party on whose behalf the disclosure, request, response, or objection is made, or both, an appropriate sanction, which may include an order to pay the amount of the reasonable expenses incurred because of the violation, including a reasonable attorney's fee.

Motions

Rule 39. General.

(a) This Rule applies to all motions made in a provider appeal, except oral motions made during the course of a hearing.

(b) Motions and responses to motions shall be in writing, signed by a party or its attorney and shall be accompanied by a proposed order.

(c) Unless the time is extended by the Bureau, a response to a dispositive motion shall be filed within 30 days of service of the motion, and a response to any other motion shall be filed within 20 days of service of the motion.

(d) Except in the case of a dispositive motion, the Bureau will deem a party's failure to respond to a motion to be the party's lack of opposition to the motion.

(e) Except for a response to dispositive motion, the moving party may not file a reply to a response to its motion, unless the Bureau orders otherwise.

(f) Action on motions.

(1) The Bureau will rule on dispositive motions within 60 days after the moving party's reply to the non-moving party's response, if a reply is filed. If the moving party does not file a reply, the Bureau will rule on a dispositive motion within 60 days after the date on which the non-moving party's response is due.

(2) The Bureau will rule on motions other than dispositive motions within 30 days after the date on which the non-moving party's response is due.

(3) Notwithstanding paragraphs (1) and (2) of subsection (f), the Bureau will rule on all outstanding pre-hearing motions no later than 20 days prior to the commencement of the hearing.

Rule 40. Procedural motions.

(a) This Rule applies to motions in a provider appeal that pertain to the procedural aspects of a case, including motions for continuance, for expedited consideration, for extensions of time in which to file documents and for stay of proceedings.

(b) Procedural motions shall contain a statement indicating the nonmoving party's position on the relief requested or a statement that the moving party, after a reasonable effort, has been unable to determine the nonmoving party's position.

(c) If all parties consent to the relief requested, the request may be embodied in a letter, provided the letter indicates the consent of the other parties.

(d) Requests for extensions or continuances, whether in letter or motion form, shall be accompanied by a proposed order.

(e) Procedural motions and responses may not be accompanied by supporting memoranda of law unless otherwise ordered by the Bureau.

Rule 41. Discovery motions.

(a) This Rule applies to motions filed to resolve disputes arising from the conduct of discovery under Rule 36 (relating to methods to discover additional information).

(b) A motion to compel discovery shall contain as exhibits the discovery requests and answers giving rise to the dispute.

(c) A party may file a memorandum of law in support of its discovery motion or its response to a discovery motion. The supporting memorandum of law shall be filed at the same time the motion or response is filed.

Rule 42. Dispositive motions.

(a) This Rule applies to dispositive motions in a provider appeal.

(b) Motions for summary judgment or partial summary judgment and responses to such motions shall conform to Pa.R.C.P. 1035.1-1035.5 (relating to motion for summary judgment).

(c) Dispositive motions shall be accompanied by a supporting memorandum of law. The Bureau may deny a dispositive motion if a party fails to file a supporting memorandum of law.

(d) An affidavit or other document relied upon in support of a dispositive motion, response or reply, that is not already a part of the record, shall be attached to the motion, response or reply or it will not be considered by the Bureau in ruling thereon.

Rule 43. Miscellaneous motions.

(a) This section applies to a motion in a provider appeal not otherwise addressed in Rules 66—69 (relating to procedural motions; discovery motions; and dispositive motions), including a motion in limine, a motion to strike and a motion for recusal.

(b) A memorandum of law in support of a miscellaneous motion or response to a miscellaneous motion shall be filed with the miscellaneous motion or response.

Mediation

Rule 44. Voluntary mediation.

(a) Upon request by all the parties, the Bureau may stay a provider appeal commenced by a request for hearing for up to 120 days to allow the parties to utilize voluntary mediation services through the Office of General Counsel Mediation Program.

(b) The parties shall file their request for stay with the Bureau at least 14 days before initiation of hearings by the Bureau.

(c) At the end of the initial stay, the parties shall jointly file a report, prepared and signed by the mediator, which sets forth the history of mediation activities conducted. The parties may request an additional stay if necessary to complete the mediation process.

(d) The grant of an additional stay for mediation is in the Bureau's discretion and the Bureau may impose limitations the Bureau deems appropriate.

(e) A settlement reached by the parties as a result of voluntary mediation shall be submitted to the Bureau for approval under Rule 30 (relating to termination of provider appeals).

(f) Only a signed settlement agreement shall be binding and it shall bind only the parties signing it.

(g) A party's participation in voluntary mediation may not be used as evidence in a proceeding before the Bureau. Communications between the parties during the mediation period shall be regarded as offers of settlement and are neither discoverable nor admissible as evidence in a proceeding before the Bureau.

Hearings

Rule 45. Initiation of hearings.

(a) If, after the Bureau has ruled on any dispositive motions, a hearing is required to determine any remaining issues, the Bureau will, after consultation with the parties, schedule a formal evidentiary hearing and send a notice of hearing to all parties to the provider appeal.

(b) A hearing may, if permitted by the rules or by agreement of the parties, be conducted via telephone.

Rule 46. Continuance of hearings.

A hearing may not be continued except for compelling reasons. Requests for continuances shall be submitted to the Bureau in writing with a copy served upon the other parties to the proceedings, except that during the course of a hearing in a proceeding, the requests may be made by oral motion in the hearing.

Rule 47. Burden of proof, order of procedure.

(a) The provider has the burden of proof to establish its case by a preponderance of the evidence, and is required to make a prima facie case by the close of its case-in-chief. The provider shall open and close, unless otherwise directed by the presiding officer, upon a determination that the evidence is peculiarly within the knowledge or control of another party or participant, in which case the order of presentation may be varied by the presiding officer.

(b) Each party shall have the right to an opening statement, presentation of evidence, cross-examination, objection, motion and argument, and closing argument.

(c) A pleading shall, without further action, be considered part of the record. In no event, however, shall a pleading be considered as evidence of any fact other than that of the filing thereof, unless offered and received into evidence under these rules.

Subchapter C. Evidence and Witnesses

General

Rule 48. Written testimony.

(a) Written testimony of a witness, including an expert witness, on numbered lines in question and answer form, may be admitted into evidence in a provider appeal provided the witness is present for cross-examination at the hearing.

(b) Written testimony shall be filed concurrently with the proffering party's position paper unless a different time is prescribed by the Bureau. Objections to written testimony which can be reasonably anticipated prior to hearing shall be in writing and filed within the time prescribed for pre-hearing motions in limine, unless otherwise ordered by the Bureau.

(c) If a party desires to file written testimony prior to the close of the record, it may do so only upon motion approved by the Bureau for good cause. This approval shall include the scope of the written testimony and the time for filing the testimony and service upon opposing counsel.

Subpoenas

Rule 49. Subpoenas.

(a) Except as otherwise provided in this chapter or by order of the Bureau, requests for subpoenas and subpoenas shall be governed by Pa.R.C.P. 234.1-234.4 (relating to subpoena to attend and testify, subpoena, issuance, service, compliance fees, prisoners, notice to attend, notice to produce, subpoena, notice to attend, notice to produce, relief from compliance, motion to quash) and 234.6-234.9 (relating to form of subpoena, form of notice to attend, form of notice to produce, notice and acknowledgment of receipt of subpoena by mail). When the term "court" is used in Pa.R.C.P. "Bureau" is to be understood; when the terms "Prothonotary" or "clerk of court" are used in Pa.R.C.P. "Formal Docketing Unit" is to be understood.

(b) Proof of service of the subpoena need not be filed with the Bureau.

Subchapter E. Presiding Officers

Rule 50. Independence, Ex parte Communications.

(a) The presiding officers shall act independently of employees or public officials of the Department whose actions are subject to review before the Bureau.

(b) The presiding officers shall not engage in ex parte communications concerning a hearing with any party to the hearing.

Subchapter F. Posthearing Procedures

Briefs

Rule 51. Post hearing briefs.

(a) The initial post hearing brief of each party shall be as concise as possible and may not exceed 50 pages. An initial post hearing brief shall contain proposed findings of fact, with references to the appropriate exhibit or page of the transcript, an argument with citation to supporting legal authority, and proposed conclusions of law.

(b) The provider shall file its initial post hearing brief first and within the time specified by the presiding officer. The program office shall file its initial post hearing brief within 30 days of the date of service of the provider's brief.

(c) The provider may file a reply brief within 20 days of service of the program office post hearing brief. A reply brief shall be as concise as possible and may not exceed 25 pages.

(d) Longer briefs and surreply briefs may be permitted at the discretion of the presiding officer.

(e) An issue which is not argued in a post hearing brief shall be deemed waived.

Subchapter G. Agency Action.

Decisions

Rule 52. Determinations and Recommendations by the Bureau.

(a) The Bureau will conduct a de novo review of all factual and legal issues that are timely raised and properly preserved in a provider appeal. Except as provided in subsection (b) and (c), the Bureau will issue a determination adjudicating all contested issues of law and fact within its jurisdiction, and issue any appropriate order decree or decision.

(b) In the event that a request for hearing includes a waiver request, the Bureau will make a written recommendation for consideration by the Secretary proposing that the waiver be either granted or denied and stating

the Bureau's reasoning in support of its position. If the request for hearing raises factual and legal issues in addition to the waiver request, the Bureau will issue its written recommendation together with its final determination adjudicating the remaining factual and legal issues, as specified in subsection (d). If the request for hearing does not raise any other issues, the Bureau's written recommendation on the waiver request will be issued in the time limits and served on the parties as specified in subsection (d).

(c) In a provider appeal commenced by a petition for relief, the Bureau will make a written recommendation for consideration by the Secretary that sets forth proposed findings of fact and conclusions of law and a recommends that the relief sought in the petition be either granted or denied and states the Bureau's reasoning in support of its position. The Bureau's written recommendation will served on all parties to the proceeding or their representatives.

(d) The Bureau will issue a determination in a provider appeal within thirty days of the filing of all post hearing briefs, or, if the parties waive the filing of post hearing briefs, within thirty days of the close of the record or receipt of the transcript, whichever is later. The Bureau will serve a copy of its determination on all parties to the proceeding or their representatives.

(e) A party who is aggrieved by a determination of the Bureau may request the Secretary to review the determination pursuant to Rule 55 (relating to review of bureau determinations). For purposes of this rule a program office shall be deemed to be aggrieved if the Bureau determination sustains the provider's appeal in whole or in part; if the Bureau determination interprets a statute, regulation or other statement of policy or bulletin applied by the program office in a manner inconsistent with the interpretation of that office; or if the Bureau determination alters a policy of that office or purports to impose a new or different rule or policy on that office.

(f) The Secretary will review written recommendations of the Bureau issued pursuant to subsections (b) or (c) pursuant to Rule 56 (review of bureau recommendations).

Subchapter H. Reopening of Record

Rule 53. Reopening of record prior to adjudication.

(a) After the conclusion of the hearing on the merits in a provider appeal and before the Bureau issues an adjudication, the Bureau, upon its own motion or upon a motion filed by a party, may reopen the record as provided in this section.

(b) The record may be reopened upon the basis of recently discovered evidence when all of the following circumstances are present:

(1) Evidence has been discovered which would conclusively establish a material fact of the case or would contradict a material fact which had been assumed or stipulated by the parties to be true.

(2) The evidence is discovered after the close of the record and could not have been discovered earlier with the exercise of due diligence.

(3) The evidence is not cumulative.

(c) The record may also be reopened to consider evidence that has become material as a result of a change in legal authority occurring after the close of the record. A motion to reopen the record on this basis shall specify the change in legal authority and demonstrate that it applies

to the matter pending before the Bureau. Such motion need not meet the requirements of paragraphs (2) and (3) of subsection (d).

(d) A motion seeking to reopen the record shall:

(1) Identify the evidence that the moving party seeks to add to the record.

(2) Describe the efforts that the moving party had made to discover the evidence prior to the close of the record.

(3) Explain how the evidence was discovered after the close of the record.

(e) A motion filed under subsection (b) shall be verified and all motions to reopen shall contain a certification by counsel that the motion is being filed in good faith and not for the purpose of delay. The motion shall be served upon the parties to the proceedings.

Reconsideration and Review by the Secretary

Rule 54. Reconsideration of interlocutory orders.

(a) A motion for reconsideration of an interlocutory order or ruling by the Secretary shall be filed within 10 days of the order or ruling. The petition must demonstrate that extraordinary circumstances justify reconsideration of the matter by the Secretary. A party may file a memorandum of law at the time the motion or response is filed.

(b) A copy of the motion shall be served upon the parties. A party wishing to file an answer may do so within 10 days of service or as ordered by the Bureau.

(c) The failure of a party to file a motion under this section will not result in a waiver of any issue.

Rule 55. Review of Bureau Determinations.

(a) A determination of the Bureau will be deemed the final adjudication of the Department effective upon expiration of the 30-day time period specified in subsection (b) unless an aggrieved party requests review by the Secretary within that 30-day time period.

(b) A request for review must be filed within 30 days of the mailing date of the Bureau determination. An untimely request for review shall be dismissed as of course unless the filing party can satisfy the requirements of Rule 20 (relating to appeals nunc pro tunc).

(c) A request for review shall be in writing and shall state concisely the alleged errors in the Bureau determination and shall identify the particular relief sought. If the party requesting review is seeking relief by reason of matters that have arisen since the hearing and Bureau determination, or by reason of a matter that would arise from compliance the party shall specifically identify those matters in its request.

(d) If an aggrieved party timely requests review of a Bureau determination, the Secretary may enter an order granting or denying the request for review within 30 days of receipt of the request. No party has a right to have a Bureau determination reviewed by the Secretary, but only a right to request such review. The decision to grant or deny such a request lies within the discretion of the Secretary.

(e) If the Secretary enters an order denying a request for review within 30 days of receipt of the request, the Bureau's determination shall be deemed the final adjudication of the Department effective the date of the order denying review.

(f) If the Secretary fails to act on a request for review within thirty days of receipt of the request, the request for review shall be deemed denied, and the Bureau's determination shall be deemed the final adjudication of the Department effective the date on which review is deemed denied.

(g) No answers to a request for review will be considered by the Secretary unless the Secretary grants review. If, and to the extent the Secretary grants review, a response in the nature of an answer may be filed by any party, other than the party requesting review. The response shall be confined to the issues upon which the Secretary has granted review.

(h) If the Secretary grants review, the Secretary will enter a final order within 180 days of the date of the order granting review. The final order may affirm, reverse or modify the findings of fact, conclusions of law or the relief set forth in the Bureau's determination, and may, in order to promote fairness and the proper administration of the Medical Assistance Program, waive compliance with program requirements.

(i) If the Secretary fails to act within 180 days of the order granting review, the determination of the Bureau shall be deemed approved by, and the final order of, the Secretary effective the date it is deemed approved.

Rule 56. Review of Bureau Recommendations.

(a) The Secretary will review and issue a final order adopting, rejecting or modifying a recommendation of the Bureau issued pursuant to Rule 52(b) or (c) (relating to determinations and recommendations by the bureau).

(b) Any party to the provider appeal in which the Bureau's recommendation was issued may file a brief with the Secretary setting forth its position regarding the recommendation.

(1) If the Bureau's recommendation was issued pursuant to Rule 52 (b) (relating to determinations and recommendations by the bureau), the party must file its brief at the same time the party requests for review of the Bureau's related determination under Rule 55 (relating to review of bureau determinations) or, if the party is not seeking review of the Bureau's determination, within 30 days of the date of the mailing date of the Bureau recommendation.

(2) If the Bureau recommendation was issued pursuant to Rule 52 (c) (relating to determinations and recommendations by the bureau), the party must file its brief within 30 days of the date of the mailing date of the Bureau recommendation.

(3) A brief supporting or opposing the Bureau's recommendation shall state concisely the reasons for the party's position on the recommendation, shall set forth any proposed findings of fact and conclusions of law for consideration by the Secretary and shall specify what relief, if any, should be granted or denied by the Secretary. The brief shall not exceed 25 pages.

(c) The Secretary's final order regarding a recommendation issued pursuant to Rule 52(b) (relating to determinations and recommendations by the bureau) will be issued no later than:

(1) The date on which the Secretary issues a final order if review is granted under Rule 55 (relating to review of bureau determinations); or

(2) 180 days from the date of receipt of the written recommendation, if review is not granted under Rule 55 (relating to review of bureau determinations).

(d) If the Secretary does not issue a final order regarding a recommendation issued pursuant to Rule 52(b) (relating to determinations and recommendations by the bureau) within the time frames specified in subsection (c), the recommendation of the Bureau shall be deemed adopted by, and the final order of, the Secretary effective the date it is deemed adopted.

Rule 57. Appeals.

A provider aggrieved by a final adjudication of the Department issued pursuant to Rule 55 (a), (e) or (f)

(relating to review of bureau determinations), or a final order of the Secretary issued pursuant to Rule 55 (h) or (i) (relating to review of bureau determinations) or Rule 56(a) or (d) (relating to review of bureau recommendations) may petition for judicial review in accordance with 2 Pa.C.S. Ch.7 subch.11 (relating to judicial review of commonwealth agency action).

Appendix A

**GRAPP
Section**

Title of GRAPP Section

Status of GRAPP Section

Chapter 31

31.1	Scope of part	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 1 and 2.
31.2	Liberal construction	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 1 and 2.
31.3	Definitions	This section of the GRAPP is applicable to provider appeals but is supplemented by Rule 3.
31.4	Information and special instructions	This section of the GRAPP remains applicable to provider appeals.
31.5	Communications and filing generally	This section of the GRAPP remains applicable to provider appeals.
31.6	Amendments to rules	This section has been superseded pursuant to Rule 2(b) and Rule 4.
31.11	Timely filing required	This section has been superseded pursuant to Rule 2(b) and Rule 6.
31.12	Computation of time	This section of the GRAPP remains applicable to provider appeals.
31.13	Issuance of agency orders	This section of the GRAPP remains applicable to provider appeals.
31.14	Effective dates of agency orders	Subsection (a) of this section is superseded pursuant to Rule 2(b); subsection (b) of this section remains applicable to provider appeals.
31.15	Extensions of time	This section of the GRAPP is applicable to provider appeals but is supplemented by Rule 7.
31.21	Appearance in person	This section of the GRAPP remains applicable to provider appeals.
31.22	Appearance by attorney	This section of the GRAPP remains applicable to provider appeals.
31.23	Other representation prohibited at hearings	This section of the GRAPP remains applicable to provider appeals.
31.24	Notice of appearance	This section of the GRAPP remains applicable to provider appeals.
31.25	Form of notice of appearance	This section of the GRAPP remains applicable to provider appeals.
31.26	Service on attorneys	This section of the GRAPP remains applicable to provider appeals.
31.27	Contemptuous conduct	This section of the GRAPP remains applicable to provider appeals.
31.28	Suspension and disbarment	This section of the GRAPP remains applicable to provider appeals.

Chapter 33

33.1	Title	This section has been superseded pursuant to Rule 2(b) and Rule 8.
33.2	Form	This section has been superseded pursuant to Rule 2(b) and Rule 9.
33.3	Incorporation by reference	This section has been superseded pursuant to Rule 2(b) and Rule 10.
33.4	Single pleading or submittal covering more than one matter	This section of the GRAPP remains applicable to provider appeals.
33.11	Execution	This section of the GRAPP is applicable to provider appeals but is supplemented by Rule 38.
33.12	Verification	This section has been superseded pursuant to Rule 2(b) and Rule 11.
33.15	Number of copies	This section has been superseded pursuant to Rule 2(b) and Rule 12.

33.21	Filing fees	This section has been superseded pursuant to Rule 2(b).
33.22	Mode of payment of fees	This section has been superseded pursuant to Rule 2(b).
33.23	Copy fees	This section of the GRAPP remains applicable to provider appeals.
33.31	Service by the agency	This section has been superseded pursuant to Rule 2(b) and Rules 15 and 16.
33.32	Service by a participant	This section has been superseded pursuant to Rule 2(b) and Rule 15 and 16.
33.33	Effect of service upon an attorney	This section of the GRAPP remains applicable to provider appeals.
33.34	Date of service	This section of the GRAPP remains applicable to provider appeals.
33.35	Proof of service	This section has been superseded pursuant to Rule 2(b) and Rules 15, 16, and 38.
33.36	Form of certificate of service	This section has been superseded pursuant to Rule 2(b) and Rules 15, 16, and 38.
33.37	Number of copies	This section has been superseded pursuant to Rule 2(b) and Rule 12.
33.41	Amendments	This section has been superseded pursuant to Rule 2(b) and Rule 17(a).
33.42	Withdrawal or terminations	This section has been superseded pursuant to Rule 2(b) and Rule 17(a).
33.51	Docket	This section has been superseded pursuant to Rule 2(b).
33.61	Application for waiver of formal requirements	This section of the GRAPP remains applicable to provider appeals.

Chapter 35

35-A	PLEADINGS AND OTHER PRELIMINARY MATTERS	
35.1	Applications generally	This section has been superseded pursuant to Rule 2(b).
35.2	Contents of applications	This section has been superseded pursuant to Rule 2(b).
35.5	Form and content of informal complaints	This section has been superseded pursuant to Rule 2(b) and Rules 18, 19, and 20.
35.6	Correspondence handling of informal complaints	This section has been superseded pursuant to Rule 2(b) and Rules 18, 19, and 20.
35.7	Discontinuance of informal complaints without prejudice	This section has been superseded pursuant to Rule 2(b) and Rules 18, 19, and 20.
35.9	Formal complaints generally	This section has been superseded pursuant to Rule 2(b) and Rules 18, 19, and 20.
35.10	Form and content of formal complaints	This section has been superseded pursuant to Rule 2(b) and Rules 18, 19, and 20.
35.11	Joinder of formal complaints	This section has been superseded pursuant to Rule 2(b) and Rules 18, 19, and 20.
35.14	Order to show cause	This section has been superseded pursuant to Rule 2(b).
35.17	Petitions generally	This section has been superseded pursuant to Rule 2(b) and Rules 18 and 21.
35.18	Petitions for issuance, amendment, waiver or repeal of regulations	This section has been superseded pursuant to Rule 2(b) and Rules 18 and 21.
35.19	Petitions for declaratory orders	This section has been superseded pursuant to Rule 2(b) and Rules 18 and 21.
35.20	Appeals from actions of the staff	This section has been superseded pursuant to Rule 2(b) and Rules 18 and 21.
35.23	Protest generally	This section has been superseded pursuant to Rule 2(b).
35.24	Effect of protest	This section has been superseded pursuant to Rule 2(b).
35.27	Initiation of intervention	This section of the GRAPP remains applicable to provider appeals.
35.28	Eligibility to intervene	This section of the GRAPP remains applicable to provider appeals.
35.29	Form and content of petitions to intervene	This section of the GRAPP remains applicable to provider appeals.

35.30	Filing of petitions to intervene	This section of the GRAPP remains applicable to provider appeals.
35.31	Notice and action on petitions to intervene	This section of the GRAPP remains applicable to provider appeals.
35.32	Limitation of participation in hearings	This section of the GRAPP remains applicable to provider appeals.
35.35	Answers to complaints and petitions	This section has been superseded pursuant to Rule 2(b) and Rule 25.
35.36	Answers to petitions to intervene	This section has been superseded pursuant to Rule 2(b) and Rule 26.
35.37	Answers to orders to show cause	This section of the GRAPP remains applicable to provider appeals.
35.38	Respondents seeking affirmative relief	This section has been superseded pursuant to Rule 2(b) and Rule 25.
35.39	Replies to respondents seeking affirmative relief	This section has been superseded pursuant to Rule 2(b) and Rule 25.
35.40	Answers to amendments of pleadings	This section has been superseded pursuant to Rule 2(b) and Rule 26.
35.41	Satisfaction of complaints	This section has been superseded pursuant to Rule 2(b) and Rule 25.
35.45	Consolidation	This section has been superseded pursuant to Rule 2(b) and Rule 27.
35.48	Amendments of pleadings generally	In instances where a provider appeal is commenced by a request for hearing, this section is superseded by Rules 2(b), 19, 20, and 29; in instances where a provider appeal is commenced by a petition for relief, this section is applicable but is supplemented by Rule 29.
35.49	Amendments to conform to the evidence	This section has been superseded pursuant to Rule 2(b) and Rules 19, 20, and 28.
35.50	Directed amendments	This section has been superseded pursuant to Rule 2(b) and Rules 19, 20, and 28.
35.51	Withdrawal of pleadings	This section has been superseded pursuant to Rule 2(b) and Rule 30.
35.54	Motions as to complaint	This section has been superseded pursuant to Rule 2(b) and Rules 26 and 39-43.
35.55	Motions as to answer	This section has been superseded pursuant to Rule 2(b) and Rules 26 and 39-43.

35-B HEARINGS AND CONFERENCES

35.101	Waiver of hearing	This section has been superseded pursuant to Rule 2(b) and Rule 31.
35.102	Hearing calendar	This section of the GRAPP remains applicable to provider appeals.
35.103	Preliminary notice to Department of Justice	This section has been superseded pursuant to Rule 2(b).
35.104	Notice of rulemaking proceedings	This section has been superseded pursuant to Rule 2(b).
35.105	Notice of nonrulemaking proceedings	This section has been superseded pursuant to Rule 2(b).
35.106	Contents of notice of nonrulemaking proceedings	This section has been superseded pursuant to Rule 2(b).
35.111	Conferences to adjust, settle or expedite proceedings	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 33, 34, and 44.
35.112	Conferences to expedite hearings	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 33 and 34.
35.113	Initiation of conferences	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 33 and 34.
35.114	Authority of presiding officer at conference	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 33 and 34.
35.115	Offers of settlement	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 33, 34, and 44.
35.116	Refusal to make admissions or stipulate	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 33 and 34.

35.121	Initiation of hearings	This section has been superseded pursuant to Rule 2(b) and Rule 45.
35.122	Consolidation of formal hearings	This section has been superseded pursuant to Rule 2(b) and Rule 47.
35.123	Conduct of hearings	This section of the GRAPP remains applicable to provider appeals.
35.124	Appearances	This section of the GRAPP remains applicable to provider appeals.
35.125	Order of procedure	This section has been superseded pursuant to Rule 2(b) and Rule 47.
35.126	Presentation by the parties	This section has been superseded pursuant to Rule 2(b) and Rule 47.
35.127	Limiting number of witnesses	This section of the GRAPP remains applicable to provider appeals.
35.128	Additional evidence	This section of the GRAPP remains applicable to provider appeals.
35.131	Recording of proceedings	This section of the GRAPP remains applicable to provider appeals.
35.132	Transcript corrections	This section of the GRAPP remains applicable to provider appeals.
35.133	Copies of transcripts	This section of the GRAPP remains applicable to provider appeals.

35-C EVIDENCE AND WITNESSES

35.137	Oral examination	This section of the GRAPP remains applicable to provider appeals.
35.138	Expert witnesses	This section has been superseded pursuant to Rule 2(b) and Rule 48.
35.139	Fees of witnesses	This section has been superseded pursuant to Rule 2(b) and Rule 49.
35.142	Subpoenas	This section has been superseded pursuant to Rule 2(b) and Rule 49.
35.145	Depositions	This section is inapplicable to discovery but is otherwise applicable to provider appeals.
35.146	Notice and application	This section is inapplicable to discovery but is otherwise applicable to provider appeals.
35.147	Authorization of taking deposition	This section is inapplicable to discovery but is otherwise applicable to provider appeals.
35.148	Officer before whom deposition is taken	This section is inapplicable to discovery but is otherwise applicable to provider appeals.
35.149	Oath and reduction to writing	This section is inapplicable to discovery but is otherwise applicable to provider appeals.
35.150	Scope and conduct of examination	This section is inapplicable to discovery but is otherwise applicable to provider appeals.
35.151	Status of deposition as part of record	This section is inapplicable to discovery but is otherwise applicable to provider appeals.
35.152	Fees of officers and deponents	This section is inapplicable to discovery but is otherwise applicable to provider appeals.
35.155	Presentation and effect of stipulations	This section of the GRAPP remains applicable to provider appeals.
35.161	Form and admissibility of evidence	This section of the GRAPP remains applicable to provider appeals.
35.162	Reception and ruling on evidence	This section of the GRAPP remains applicable to provider appeals.
35.163	Designation of relevant portions of documentary evidence	This section of the GRAPP remains applicable to provider appeals.
35.164	Documents on file with agency	This section of the GRAPP remains applicable to provider appeals.
35.165	Public documents	This section of the GRAPP remains applicable to provider appeals.
35.166	Prepared expert testimony	This section of the GRAPP remains applicable to provider appeals.
35.167	Records in other proceedings	This section of the GRAPP remains applicable to provider appeals.
35.168	Form and size of documentary evidence	This section of the GRAPP remains applicable to provider appeals.
35.169	Copies to parties and agency	This section of the GRAPP remains applicable to provider appeals.
35.173	Official notice of facts	This section has been superseded pursuant to Rule 2(b) and Rule 49.

35-D MOTIONS

35.177	Scope and contents of motions	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 38, 39, 40, and 41.
35.178	Presentation of motions	This section of the GRAPP is applicable to provider appeals but is supplemented by Rule 38.
35.179	Objections to motions	This section has been superseded pursuant to Rule 2(b) and Rule 40 and 41.
35.180	Action on motions	This section of the GRAPP is applicable to provider appeals but is supplemented by Rules 39—43.

35-E PRESIDING OFFICERS

35.185	Designation of presiding officers	This section of the GRAPP remains applicable to provider appeals.
35.186	Disqualification of a presiding officer	This section of the GRAPP remains applicable to provider appeals.
35.187	Authority delegated to presiding officers	This section of the GRAPP remains applicable to provider appeals.
35.188	Restrictions on duties and activities	This section of the GRAPP remains applicable to provider appeals.
35.189	Manner of conduct of hearings	This section of the GRAPP remains applicable to provider appeals.
35.190	Appeals to agency head from rulings of presiding officers	This section of the GRAPP remains applicable to provider appeals.

35-F BRIEFS

35.191	Proceedings in which briefs are to be filed	This section has been superseded pursuant to Rule 2(b) and Rule 51.
35.192	Content and form of briefs	This section has been superseded pursuant to Rule 2(b) and Rule 51.
35.193	Filing and service of briefs	This section has been superseded pursuant to Rule 2(b) and Rule 51.

35-G PROPOSED REPORTS

35.201	Certification of record without proposed report	This section has been superseded pursuant to Rule 2(b).
35.202	Proceedings in which proposed reports are prepared	This section has been superseded pursuant to Rule 2(b).
35.203	Unavailability of presiding officer	This section has been superseded pursuant to Rule 2(b).
35.204	Oral argument before presiding officer	This section has been superseded pursuant to Rule 2(b).
35.205	Contents of proposed reports	This section has been superseded pursuant to Rule 2(b).
35.206	Proposed report a part of the record	This section has been superseded pursuant to Rule 2(b).
35.207	Service of proposed reports	This section has been superseded pursuant to Rule 2(b).
35.211	Procedure to except to proposed report	This section has been superseded pursuant to Rule 2(b).
35.212	Content and form of briefs on exceptions	This section has been superseded pursuant to Rule 2(b) and Rule 12.
35.213	Effect of failure to except to proposed report	This section has been superseded pursuant to Rule 2(b).
35.214	Oral argument on exceptions	This section has been superseded pursuant to Rule 2(b).

35-H BRIEFS AND ARGUMENT IN ABSENCE OF PROPOSED REPORT

35.221	Briefs and oral argument in absence of proposed report	This section has been superseded pursuant to Rule 2(b).
35.225	Interlocutory orders	This section of the GRAPP remains applicable to provider appeals.
35.226	Final orders	This section of the GRAPP remains applicable to provider appeals.

35-I REOPENING AND REHEARING

35.231	Reopening on application of party	This section has been superseded pursuant to Rule 2(b) and Rule 53.
35.232	Reopening by presiding officer	This section has been superseded pursuant to Rule 2(b) and Rule 53.
35.233	Reopening by agency action	This section of the GRAPP remains applicable to provider appeals.
35.241	Application for rehearing or re-consideration	This section has been superseded pursuant to Rule 2(b) and Rules 55 and 56.

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DEPARTMENT OF REVENUE

Pennsylvania Blazing 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Blazing 7's.

2. *Price:* The price of a Pennsylvania Blazing 7's instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Blazing 7's instant lottery game ticket will contain four play areas known as "Game 1," "Game 2," "Game 3" and "Game 4." The play symbols in this game may be printed in red or black ink. The captions to the play symbols in this game will be printed in black ink. The play symbols and their captions located in the four play areas are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT) and 9 (NIN).

4. *Prize Play Symbols:* The prize play symbols and their captions, printed in black ink, located in the four "Prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$7⁰⁰ (SVN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$56 (FTY SIX) and \$777 (SVNSVNSVN).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$7, \$14, \$21, \$28, \$56 and \$777. A player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 15,600,000 tickets will be printed for the Pennsylvania Blazing 7's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$777 (SVNSVNSVN) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$777.

(b) Holders of tickets with a play symbol of 7 (SVN) printed in red ink in any "Game," and a prize play symbol of \$28\$ (TWY EGT) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$56.

(c) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$56 (FTY SIX) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$56.

(d) Holders of tickets with a play symbol of 7 (SVN) printed in red ink in any "Game," and a prize play symbol of \$14\$ (FORTN) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$28.

(e) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$28\$ (TWY EGT) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$28.

(f) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$21\$ (TWY ONE) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$21.

(g) Holders of tickets with a play symbol of 7 (SVN) printed in red ink in any "Game," and a prize play symbol of \$7⁰⁰ (SVN DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$14.

(h) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$14\$ (FORTN) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$14.

(i) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$7⁰⁰ (SVN DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$7.

(j) Holders of tickets with a play symbol of 7 (SVN) printed in red ink in any "Game," and a prize play symbol of \$2⁰⁰ (TWO DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$4⁰⁰ (FOR DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets with a play symbol of 7 (SVN) printed in red ink in any "Game," and a prize play symbol of \$1⁰⁰ (ONE DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$2⁰⁰ (TWO DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with a play symbol of 7 (SVN) printed in black ink in any "Game," and a prize play symbol of \$1⁰⁰ (ONE DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 15,600,000 Tickets</i>
\$1	\$1	1:8.96	1,742,000
\$1 × 2	\$2	1:33.33	468,000
\$1 (Red)	\$2	1:33.33	468,000
\$4	\$4	1:1,000	15,600
\$1 × 4	\$4	1:1,000	15,600
\$2 × 2	\$4	1:1,000	15,600
\$2 (Red)	\$4	1:272.73	57,200
\$7	\$7	1:30	520,000
\$14	\$14	1:1,500	10,400
\$7 × 2	\$14	1:3,000	5,200
\$7 (Red)	\$14	1:1,500	10,400
\$21	\$21	1:3,000	5,200
\$7 × 3	\$21	1:1,500	10,400
\$7 + \$14	\$21	1:1,500	10,400
\$28	\$28	1:80,000	195
\$7 × 4	\$28	1:80,000	195
\$14 × 2	\$28	1:80,000	195
\$14 (Red)	\$28	1:80,000	195
\$56	\$56	1:240,000	65
\$14 × 4	\$56	1:240,000	65
\$28 × 2	\$56	1:240,000	65
\$28 (Red)	\$56	1:240,000	65
\$777	\$777	1:240,000	65

(Red) = Double the prize

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Blazing 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Blazing 7's, prize money from winning Pennsylvania Blazing 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Blazing 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Blazing 7's or through normal communications methods.

GREGORY C. FAJT,
Acting Secretary

[Pa.B. Doc. No. 03-362. Filed for public inspection February 28, 2003, 9:00 a.m.]

Pennsylvania Cashword Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cashword.

2. *Price:* The price of a Pennsylvania Cashword instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Cashword instant lottery game ticket will feature a "Your Letters" area and a crossword puzzle play area. The play symbols and their captions located in the "Your Letters" area are: the letters A through and including Z. The play symbols and their captions located in the crossword puzzle play area are: the letters A through and including Z and a black square.

4. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$12, \$30, \$90, \$300 and \$15,000.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Cashword instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets where the player completely uncovers 11 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$15,000.

(b) Holders of tickets where the player completely uncovers 10 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets where the player completely uncovers 9 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$90.

(d) Holders of tickets where the player completely uncovers 8 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$30.

(e) Holders of tickets where the player completely uncovers 7 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$12.

(f) Holders of tickets where the player completely uncovers 6 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$9.

(g) Holders of tickets where the player completely uncovers 5 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$6.

(h) Holders of tickets where the player completely uncovers 4 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$3.

(i) A prize will be paid only for the highest Pennsylvania Crossword instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Game Play Instructions:*

(a) The player shall scratch the "Your Letters" area to reveal 18 letters. For each of the 18 letters revealed in the "Your Letters" area, the player shall rub the same letter each time it is found in the crossword puzzle play area.

(b) When a player reveals four or more words in the crossword puzzle play area, the player is entitled to win a prize as described in Section 6.

(c) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(d) Letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the crossword puzzle area. An unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces.

(e) Every single letter in the unbroken string must be revealed in the "Your Letters" area and be included to form a word.

(f) The possible complete words for each ticket in the game are shown on the crossword puzzle area of the ticket. The player must match all of the letters in a possible complete word in order to complete the word.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
4 Words	\$3	1:7.14	604,800
5 Words	\$6	1:12.50	345,600
6 Words	\$9	1:33.33	129,600
7 Words	\$12	1:40	108,000
8 Words	\$30	1:100	43,200
9 Words	\$90	1:1,846	2,340
10 Words	\$300	1:6,000	720
11 Words	\$15,000	1:720,000	6

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cashword instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cashword, prize money from winning Pennsylvania Cashword instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cashword instant lottery game, the right of

a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cashword or through normal communications methods.

GREGORY C. FAJT,
Acting Secretary

[Pa.B. Doc. No. 03-363. Filed for public inspection February 28, 2003, 9:00 a.m.]

Pennsylvania Super Jumbo Bucks Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Super Jumbo Bucks.

2. *Price:* The price of a Pennsylvania Super Jumbo Bucks instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Super Jumbo Bucks instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Money Bag Symbol (MNYBAG).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$7.⁰⁰ (SVN DOL), \$10.⁰⁰ (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$5,000 (FIV THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$100, \$250, \$500, \$5,000 and \$50,000. A player can win up to 11 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,000,000 tickets will be printed for the Pennsylvania Super Jumbo Bucks instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$50,000 (FTY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol

(MNYBAG), and a prize play symbol of \$5,000 (FIV THO) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$5,000 (FIV THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$500 (FIV HUN) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$250 (TWOHUNFTY) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$250.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$250 (TWOHUNFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$100 (ONE HUN) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$20\$ (TWENTY) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$15\$ (FIFTN) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$12S (TWELV) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$12.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$12S (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$7.⁰⁰ (SVN DOL) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$7.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$7.⁰⁰ (SVN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$5.⁰⁰ (FIV DOL) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match Any of the Winning Numbers, Win With Prize(s) of:

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 9,000,000 Tickets</i>
\$5	\$5	1:15	600,000
\$5 (MB)	\$5	1:8.82	1,020,000
\$6	\$6	1:300	30,000
\$6 (MB)	\$6	1:75	120,000
\$7	\$7	1:300	30,000
\$7 (MB)	\$7	1:75	120,000
\$2 x 5	\$10	1:150	60,000
\$5 x 2	\$10	1:150	60,000
\$10	\$10	1:600	15,000
\$10 (MB)	\$10	1:600	15,000
\$6 x 2	\$12	1:150	60,000
\$5 + \$7	\$12	1:300	30,000
\$12	\$12	1:300	30,000
\$12 (MB)	\$12	1:300	30,000
\$5 x 3	\$15	1:150	60,000
\$10 + \$5	\$15	1:150	60,000
\$15	\$15	1:600	15,000
\$15 (MB)	\$15	1:600	15,000
\$15 + \$5	\$20	1:600	15,000
\$5 x 4	\$20	1:300	30,000
\$10 x 2	\$20	1:600	15,000
\$5 x 2 + \$10	\$20	1:300	30,000

*When Any of Your
Numbers Match Any
of the Winning
Numbers, Win With
Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 9,000,000 Tickets</i>
\$7 × 2 + \$6	\$20	1:300	30,000
\$20	\$20	1:600	15,000
\$20 (MB)	\$20	1:600	15,000
\$20 × 5	\$100	1:480	18,750
\$10 × 5 + \$20 × 2 + \$5 × 2	\$100	1:342.86	26,250
\$15 × 4 + \$10 × 4	\$100	1:480	18,750
\$20 × 3 + \$5 × 8	\$100	1:400	22,500
\$100	\$100	1:1,690	5,325
\$100 (MB)	\$100	1:960	9,375
\$250	\$250	1:24,000	375
\$250 (MB)	\$250	1:24,000	375
\$100 × 5	\$500	1:450,000	20
\$250 × 2	\$500	1:450,000	20
\$500	\$500	1:450,000	20
\$500 (MB)	\$500	1:600,000	15
\$500 × 10	\$5,000	1:1,800,000	5
\$5,000	\$5,000	1:1,800,000	5
\$5,000 (MB)	\$5,000	1:1,800,000	5
\$50,000	\$50,000	1:1,800,000	5

(MB) = Money bag, win that prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Super Jumbo Bucks instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Super Jumbo Bucks, prize money from winning Pennsylvania Super Jumbo Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Super Jumbo Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Super Jumbo Bucks or through normal communications methods.

GREGORY C. FAJT,
Acting Secretary

[Pa.B. Doc. No. 03-364. Filed for public inspection February 28, 2003, 9:00 a.m.]

DEPARTMENT OF STATE

Right-to-Know Law Notice

Under the provisions of the act of June 21, 1957 (P. L. 390) (65 P. S. §§ 66.1—66.9), what is commonly referred to as the Right-to-Know Law, as amended by the act of June 29, 2002 (P. L. 663, No. 100), which was effective December 26, 2002, the Department of State (Department) issues this notice to inform requesters who make a request of the Department for a record under the Right-to-Know Law of the following information:

1. *Requests for Documents*

Requests under the Right-to-Know Law should be addressed to the Department's Right-to-Know Law Official and the Right-to-Know Law Office as follows:

Brian McDonald
Right-to-Know Law Official
Department of State
Room 307
North Office Building
Harrisburg, PA 17120
Fax (717) 772-4175

Requests must be made in writing, received during the normal business hours that the Department is in operation. The normal business hours of the Department are 8:30 a.m.—5 p.m. Oral requests, anonymous requests and electronic requests (other than those made by facsimile transmission) are not permitted and will not be honored.

2. *Fees and Charges*

Unless otherwise provided as set forth in this notice, the fees and charges to be charged by the Department for responding to Right-to-Know Law requests will be those set forth in Section 12 (relating to fees and charges) of

Management Directive No. 205.36 (relating to the Right-to-Know Law) dated November 27, 2002. For photocopies this is 15¢ per standard 8.5" x 11" page, provided that the Department's copiers are utilized. Exceptions to this fee and the statutory basis are as follows:

<i>Record Location</i>	<i>Fee</i>	<i>Statutory Basis</i>
Corporation Bureau	\$2	15 Pa.C.S. § 153(a)(9)
Bureau of Commissions, Elections and Legislation (Campaign Finance only)	10¢	25 P. S. § 3259(3)

The Department will charge an additional fee of \$28 per document for providing certified copies of Corporation Bureau documents. See 15 Pa.C.S. § 153(a)(10). The fee for all other certified copies is \$15.

BENJAMIN RAMOS,
Acting Secretary of the Commonwealth

[Pa.B. Doc. No. 03-365. Filed for public inspection February 28, 2003, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Giorgio Foods, Inc. v. DEP; EHB Doc. No. 2003-030-K

Giorgio Foods, Inc. has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0053091 (Amendment No. 1) (January 23, 2003) to same for a facility in Maiden Creek Township, Berks County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 03-366. Filed for public inspection February 28, 2003, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, March

5, 2003, Data Systems Committee Meeting—10 a.m., Education Committee—1 p.m.; Thursday, March 6, 2003, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 03-367. Filed for public inspection February 28, 2003, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-416	Department of Revenue Master Settlement Agreement	2/12/03
47-9	Milk Marketing Board Over-Order Premium Pool	2/14/03

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-368. Filed for public inspection February 28, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Howard Pindell; Doc. No. SC03-02-011

Notice is hereby given of the Order to Show Cause issued on February 14, 2003, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violation of the following is alleged: sections 602, 604, 605, 633.1 and 639 of The Insurance Department Act of 1921 (40 P. S. §§ 232, 234, 235, 273.1 and 279); and 31 Pa. Code §§ 37.17, 37.46 and 37.47 (relating to collection of premiums requires certificate or license; standards for denial of certificate/license; and revocation, suspension, nonrenewal of certificates and licenses). Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S.

§§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-369. Filed for public inspection February 29, 2003, 9:00 a.m.]

Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of the Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of July 25, 2002, published at 32 Pa.B. 3997 (August 10, 2002).

Persons who have questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

As of January 7, 2003

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10517	Acceptance Insurance Company	301 South 13th Street, Suite 500 Lincoln, NE 68508
10512	Admiral Insurance Company	1209 Orange Street Wilmington, DE 19801
10513	Adriatic Insurance Company	314 East Thayer Avenue Bismarck, ND 58501
39908	Alea London Limited	The Corn Exchange 55 Mark Lane London, England EC3R 7NE
10516	Allianz Underwriters Insurance Company	2350 Empire Avenue Burbank, CA 91504-3350
10519	American Empire Surplus Lines Insurance Company	1209 Orange Street Wilmington, DE 19801
10520	American Equity Insurance Company	7676 East Pinnacle Peak Road Scottsdale, AZ 85255
36855	American Healthcare Specialty Insurance Company	425 W. Capitol Avenue Suite 1800 Little Rock, AR 72201
10521	American International Specialty Lines Insurance Company	1400 West Benson Blvd., Suite 315 Anchorage, AK 99503
18146	American Safety Indemnity Company	600 Bank of Oklahoma Plaza 201 Robert S. Kerr Avenue Oklahoma City, OK 73102
10522	American Western Home Insurance Company	600 Fidelity Plaza Oklahoma City, OK 73102
10524	Appalachian Insurance Company	Allendale Park P. O. Box 7500 Johnston, RI 02919-0500
33748	Arch Excess & Surplus Insurance Company	10306 Regency Parkway Drive Omaha, NE 68113
10587	Arch Specialty Insurance Company	1800 North Point Drive Stevens Point, WI 54481
22348	Assicurazioni Generali Di Trieste	Piazza Duca Degli Abruzzi, 2 Trieste, Italy 34132
22349	Associated Electric & Gas Insurance Services Limited	Liberty International 73 Front Street, 3rd Floor Hamilton, Bermuda HM11
10525	Associated International Insurance Company	21820 Burbank Boulevard, #330 Woodland Hills, CA 91367

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
41586	Atlantic Casualty Insurance Company	400 Commerce Court Goldsboro, NC 27534
10526	Audubon Indemnity Company	795 Woodways Parkway Suite 310 Ridgeland, MS 39157
41562	AXA Corporate Solutions Assurance	4 Rue Jules Lefebvre Paris, France 75009
22369	British Aviation Insurance Company Limited	Fitzwilliam House 10 St. Mary's Axe London, England EC3A 8EQ
10527	Caliber One Indemnity Company	1209 Orange Street Wilmington, DE 19801
10528	Canal Indemnity Company	400 East Stone Avenue Greenville, SC 29601
10529	Centennial Casualty Company	2200 Woodcrest Place Suite 200 Birmingham, AL 35209
10531	Century Surety Company	2400 Corporate Exchange Drive Columbus, OH 43231
22371	CGU International Insurance plc	St. Helen's 1 Undershaft London, England EC3P 3DQ
10532	Chubb Custom Insurance Company	32 Loockeman Square Dover, DE 19901
18617	Clarendon America Insurance Company	224 West State Street Trenton, NJ 08608
22419	CNA Insurance Company Limited	P. O. Box 6 Surrey Street Norfolk, England NR1 3NS
10533	Colony Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865
10582	Colony National Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865
10534	Columbia Casualty Company	CNA Plaza Chicago, IL 60685
10535	Commercial Underwriters Insurance Company	200 Corporate Pointe Suite 300 Culver City, CA 90230
22388	Commonwealth Insurance Company	595 Burrard Street, Suite 1500 Box 49115 Bentall Tower Three Vancouver, B.C., Canada V7X 1G4
10536	Connecticut Specialty Insurance Company	9 Farm Springs Road Farmington, CT 06032
37372	Crum & Forster Specialty Insurance Company	2999 North 44th Street Suite 250 Phoenix, AZ 85018
10538	Crusader Insurance Company	23251 Mulholland Drive Woodland Hills, CA 91364
35611	Dakota Specialty Insurance Company	316 North Fifth Street Bismarck, ND 58502
37001	Discover Specialty Insurance Company	500 West Madison, Suite 2600 Chicago, IL 60661
10541	Empire Indemnity Insurance Company	809 Northwest 36th Street Oklahoma City, OK 73118
10542	Essex Insurance Company	1209 Orange Street Wilmington, DE 19801

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10543	Evanston Insurance Company	Ten Parkway North Deerfield, IL 60015
10544	Everest Indemnity Insurance Company	Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
10545	Executive Risk Specialty Insurance Company	82 Hopmeadow Street Simsbury, CT 06070-7683
10546	Fidelity Excess and Surplus Insurance Company	515 Main Street Cincinnati, OH 45202
10547	Fireman's Fund Insurance Company of Ohio	312 Walnut Street Suite 1100 Cincinnati, OH 45202
10548	First Financial Insurance Company	528 South Fifth Street Suite 210 Springfield, IL 62701-1822
10549	First Mercury Insurance Company	One South Wacker Drive Suite 2740 Chicago, IL 60606
10550	First Specialty Insurance Corporation	237 East High Street Jefferson City, MO 65102
18477	Gemini Insurance Company	Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
10553	General Agents Insurance Company of America, Inc.	5623 North Western, Suite B Oklahoma City, OK 73118
37373	General Security Indemnity Company	199 Water Street 21st Floor New York, NY 10038
10552	General Security Indemnity Company of Arizona	3636 North Central Avenue Phoenix, AZ 85012
10554	General Star Indemnity Company	695 East Main Street P. O. Box 10354 Stamford, CT 06904-2354
22411	Generali-France Assurances	5, rue de Londres Paris, France 75009
10555	Genesis Indemnity Insurance Company	316 North Fifth Street Bismarck, ND 58501
44715	Glencoe Insurance Ltd.	Renaissance House, 8 East Broadway P. O. Box HM 2527 Hamilton, Bermuda HM GX
10556	Gotham Insurance Company	330 Madison Avenue New York, NY 10017
10514	Great American E & S Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
10518	Great American Fidelity Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
10540	Great American Protection Insurance Company	One Indiana Square Suite 1800 Indianapolis, IN 46204
22412	Great Lakes Reinsurance (UK) PLC	Upper Ground Floor, 1 Minster Court Mincing Lane London, England EC3R 7AA
36489	Guilford Insurance Company	528 South Fifth Street Suite 210 Springfield, IL 62701-1822

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
36490	Gulf Insurance Company U.K. Limited	Suite 616, The Lloyds Bldg. 1 Lime Street London, England EC3M 7DQ
10557	Gulf Underwriters Insurance Company	One Tower Square Hartford, CT 06183
44169	Homeland Insurance Company of New York	201 Old Country Road Melville, NY 11747
10559	Houston Casualty Company	13403 Northwest Freeway Houston, TX 77040-6094
10560	Illinois Emcasco Insurance Company	815 Commerce Drive Oak Brook, IL 60521-1978
10561	Illinois Union Insurance Company	525 West Monroe Street Chicago, IL 60631
22413	Indemnity Marine Assurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
10562	Indian Harbor Insurance Company	Seaview House 70 Seaview Avenue Stamford, CT 06902-6040
10563	INEX Insurance Exchange	1 South Wacker Drive Suite 2720 Chicago, IL 60606-4617
28076	International Insurance Company of Hannover Limited	Hannover House Virginia Water London, England GU 25 4AA
10564	Interstate Fire & Casualty Company	55 East Monroe Street Chicago, IL 60603
10566	ITT Pacific Insurance Company, Limited	Hartford Plaza Hartford, CT 06115
26714	Kemper Indemnity Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
38900	Kemper Surplus Lines Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
8967	Landmark American Insurance Company	11032 Quail Creek Road Suite 200 Oklahoma City, OK 73120
10567	Landmark Insurance Company	777 South Figueroa Street Los Angeles, CA 90017
10568	Legion Indemnity Company	190 S. LaSalle Street Chicago, IL 60603
10569	Lexington Insurance Company	1209 Orange Street Wilmington, DE 19801
22415	Liberty Mutual Insurance Company (UK) Limited	4th Floor, One Minster Court Mincing Lane London, England EC3R 7AA
18457	Liberty Surplus Insurance Corporation	175 Berkeley Street Boston, MA 02117
22416	Lloyd's (Underwriters at)	One Lime Street London, England EC3M 7HA
22417	London and Edinburgh Insurance Company Limited	8 Surrey Street Norwich, England NR1 3NG
22418	Marine Insurance Company Limited	St. Mark's Court, Chart Way West Sussex, England RH 12 1XL
22455	Markel International Insurance Company Limited	The Markel Building 49 Leadenhall Street London, England EC3A 2EA
10570	Monticello Insurance Company	1209 Orange Street Wilmington, DE 19801

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10571	Mt. Hawley Insurance Company	9025 N. Lindbergh Drive Peoria, IL 61615
10572	NAMIC Insurance Company, Inc.	3601 Vincennes Road Indianapolis, IN 46268
10573	National Fire & Marine Insurance Company	3024 Harney Street Omaha, NE 68131-3580
10574	Nautilus Insurance Company	7273 East Butherus Drive Scottsdale, AZ 85260
10575	NIC Insurance Company	One Penn Plaza New York, NY 10119-0002
10537	Noetic Specialty Insurance Company	1111 Plaza Drive Suite 500 Schaumburg, IL 60173
10576	North American Capacity Insurance Company	650 Elm Street Manchester, NH 03101-2524
22420	Northern Assurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
10577	Northfield Insurance Company	Monroe House Law Ctr 237 E. High Street Jefferson City, MO 65101
10578	Nutmeg Insurance Company	Hartford Plaza Hartford, CT 06115
22421	Ocean Marine Insurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
10579	Old Republic Union Insurance Company	307 North Michigan Avenue Chicago, IL 60601
10580	Pacific Insurance Company	c/o CT Corp 818 West 7th Street Los Angeles, CA 90017
23150	Princeton Excess and Surplus Lines Insurance Company	2711 Centerville Road Suite 400 Wilmington, DE 19808
10583	Professional Underwriters Liability Insurance Company	50 West Broadway Salt Lake City, UT 84101
22449	QBE International Insurance Limited	Corn Exchange Mark Lane London, England EC3R 7NE
10584	Queensway International Indemnity Company	10199 Southside Boulevard, Bldg 1 Suite 200 Jacksonville, FL 32256
44436	Red Mountain Casualty Insurance Company, Inc.	100 Brookwood Place, Suite 500 Birmingham, AL 35209
10588	Royal Surplus Lines Insurance Company	500 Winding Brook Drive Glastonbury, CT 06033
10589	SAFECO Surplus Lines Insurance Company	SAFECO Plaza Seattle, WA 98185
10590	Savers Property & Casualty Insurance Company	700 West 47th Street Kansas City, MO 64112-1802
10591	Scottsdale Insurance Company	One Nationwide Plaza Columbus, OH 43215
44276	Seneca Specialty Insurance Company	2999 North 44th Street Suite 250 Phoenix, AZ 85018-7256
10592	Sheffield Insurance Corporation	One South Wacker Drive, Suite 2700 Chicago, IL 60606

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
33514	Sirius International Insurance Corporation	Birger Jarlsgatan 57B Stockholm, Sweden SE-113 96
10565	Specialty Surplus Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
22453	SR International Business Insurance Company Limited	71-77 Leadenhall Street London, England EC3A 2PQ
22454	St. Paul Reinsurance Company Limited	52 Lime Street London, England EC3M 7BS
10593	St. Paul Surplus Lines Insurance Company	32 Loockerman Square Dover, DE 19901
38980	Starr Excess Liability Insurance Company, Ltd.	1010 Centre Road Wilmington, DE 19850
10594	Steadfast Insurance Company	Suite 202 32 Loockerman Square Dover, DE 19901
10595	Stonewall Insurance Company	580 Walnut Street Cincinnati, OH 45202
22456	Through Transport Mutual Insurance Association Limited	Windsor Place, Queen Street P. O. Box HM655 Hamilton, Bermuda HMCX
10596	TIG Specialty Insurance Company	777 Arnold Drive, Suite 200 Martinez, CA 94553
10597	Travelers Excess and Surplus Lines Company	One Tower Square Hartford, CT 06183
10598	Tudor Insurance Company	91 Court Street Keene, NH 03431
10599	U.S. Underwriters Insurance Company	316 North Fifth Street Sixth Floor Bismarck, ND 58501
10600	ULICO Indemnity Company	320 West Capital Street Suite 1000 Little Rock, AR 72201-3525
10603	United Coastal Insurance Company	40 North Central Avenue Phoenix, AZ 85004
44120	United National Casualty Insurance Company	5253 Hohman Avenue P. O. Box 1150 Hammond, IN 46320
10558	United National Specialty Insurance Company	Three Bala Plaza, East Suite 300 Bala Cynwyd, PA 19004
10605	Voyager Indemnity Insurance Company	3237 Satellite Boulevard, Suite 400 Duluth, GA 30096
10607	Westchester Surplus Lines Insurance Company	Six Concourse Parkway Suite 2500 Atlanta, GA 30328-5346
10608	Western Heritage Insurance Company	6263 N. Scottsdale Road Suite 240 Scottsdale, AZ 85250
10610	Western World Insurance Company	91 Court Street Keene, NH 03431
10604	XL Select Insurance Company	5810 East Skelly Drive Suite 700 Tulsa, OK 74135
22460	Yorkshire Insurance Company Limited	2 Rougier Street York, Scotland YO90 1UU
10611	ZC Specialty Insurance Company	400 West 15th Street Suite 7 Austin, TX 78701

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22461	Zurich International (Bermuda) Ltd.	The Zurich Centre, 90 Pitt's Bay Road P. O. Box HM 2268 Hamilton, Bermuda HMJX
22462	Zurich Specialties London Limited	The Zurich Building 90 Fenchurch Street London, England EC3M 4JX

Since publication of the July 25, 2002, Eligible Surplus Lines Insurer List, the following significant changes have occurred:

	<i>Company Name</i>	<i>Eff. Date</i>
Additions:	United National Casualty Insurance Company	10/15/02
	Homeland Insurance Company of New York	10/18/02
	Seneca Specialty Insurance Company	11/04/02
	Red Mountain Casualty Insurance Company, Inc.	11/19/02
	Glencoe Insurance Ltd.	12/12/02
Deletions:	If Industrial Insurance Ltd.	09/30/02
	Wausau General Insurance Company	10/03/02
Name Changes:		
From:	Winterthur International Underwriters Insurance Company	01/01/02
	To: XL Select Insurance Company	
From:	Maritime Insurance Company Limited	02/01/02
	To: CNA Insurance Company Limited	
From:	Rock River Insurance Company	08/01/02
	To: Arch Specialty Insurance Company	
From:	Cross River Insurance Company	08/01/02
	To: Arch Excess & Surplus Insurance Company	
From:	Terra Nova Insurance Company Limited	11/04/02
	To: Markel International Insurance Company Limited	

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-370. Filed for public inspection February 28, 2003, 9:00 a.m.]

HealthAmerica; Eastern and Western Service Areas; Rate Filing

On February 12, 2003, HealthAmerica submitted rate filings No. A67311001 and No. A67312001 for the eastern and western service areas requesting approval of pharmacy rate increases ranging from 10.9% to 19.9% for the eastern service area and between 9.0% and 19.7% for the western service area. The proposed pharmacy rate increase will be effective April 1, 2003. Approximately 88,494 members will be affected by the increase in the eastern service area and 65,355 in the western service area. The proposed increase will produce additional revenue of approximately \$760,000.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-371. Filed for public inspection February 28, 2003, 9:00 a.m.]

Highmark Inc.; Requesting Approval to Update Prescription Drug Trend Rates; Filing No. 1-FSD-03-HBCBS

Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield requests approval for a prescription drug trend rate of 20% for its Freestanding Drug Program associated with its managed care plans (Open Access, Point of Service and Preferred Provider Organization) and 30% for its Freestanding Drug Program associated with its Indemnity Plans (Traditional and Comprehensive Major Medical). The filing will apply to client notification dates on or after April 1, 2003, for new business and June 1, 2003, for renewals.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-372. Filed for public inspection February 28, 2003, 9:00 a.m.]

Keystone Health Plan West, Inc.; Requesting Approval to Update Prescription Drug Trend Rate; Filing No. 1-ERHMO-03-KHPW

Keystone Health Plan West, Inc., requests approval for a prescription drug trend rate of 20% for its group HMO business: Keystone Blue and Community Blue HMO. The filing will apply to client notification dates on or after April 1, 2003, for new business and June 1, 2003, for renewals.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-373. Filed for public inspection February 28, 2003, 9:00 a.m.]

Life and Health Insurance Company of America; Rate Filing

Life and Health Insurance Company of America is requesting approval to increase the premium 30% for the long term care policy form LHA-5101. The increase will affect 214 Commonwealth policyholders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-374. Filed for public inspection February 28, 2003, 9:00 a.m.]

Nationwide Mutual Insurance Company; Private Passenger Automobile Insurance Rate Revision

On February 14, 2003, the Insurance Department (Department) received from Nationwide Mutual Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.5% increase amounting to \$25.176 million annually, to be effective June 17, 2003.

Unless formal administrative action is taken prior to April 15, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-375. Filed for public inspection February 28, 2003, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Harrisburg Administrative Hearings Office, Capital Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Joseph G. Moyer; file no. 03-188-00634; State Farm Fire and Casualty Company; doc. no. P03-02-010; March 12, 2003, 1:30 p.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. 03-376. Filed for public inspection February 28, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0292, North Hills Village, 4801 McKnight Road, Pittsburgh, PA 15237-412.

Lease Expiration Date: February 29, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space in a shopping center environment with good parking and loading facilities along McKnight Road south of the intersection with Seibert Road, Pittsburgh.

Proposals due: March 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0294, Olympia Shopping Center, 4313 Walnut Street, McKeesport, PA 15132-6110.

Lease Expiration Date: January 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space in a shopping center environment. Site should be located near the intersection of Walnut Street and Long Run Road, Versailles.

Proposals due: March 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Cambria County, Wine & Spirits Shoppe #1111, 3670 Portage Street, Portage, PA 15946-6540.

Lease Expiration Date: February 29, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving the Borough of Portage. Site should have good parking and tractor-trailer loading facilities.

Proposals due: March 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Luzerne County, Wine & Spirits Shoppe #4001, 210 E. End Centre, Wilkes-Barre, PA 18702-6970.

Lease Expiration Date: November 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 to 7,000 net useable square feet of new or existing retail commercial space located on Mundy Street or Highland Boulevard, Wilkes-Barre.

Proposals due: March 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Clinton County, Wine & Spirits Shoppe #1802, 536 Erie Avenue, Renovo, PA 17764-1018.

Lease Expiration Date: March 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,300 to 1,500 net useable square feet of new or existing retail commercial space within Renovo Borough.

Proposals due: March 21, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Joseph P. Hannon, (717) 657-4228

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 03-377. Filed for public inspection February 28, 2003, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's 11 member board to be held at the Wildwood Conference Center, Harrisburg Area Community College, Harrisburg, PA at 9:30 a.m. on Monday, March 10, 2003.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B.K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 03-378. Filed for public inspection February 28, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Each protest shall indicate whether it applies to the temporary authority application, the per-

manent 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 24, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00119575. Nghia Trong Le t/d/b/a Great Valley Cab Company (150 Sproul Road, Frazer, Chester County, PA 19355)—persons upon call or demand in that portion of Chester County on and north of Old U.S. Highway Route 30.

A-00119584. Joshua F. Sparks (1883 Millson Circle, State College, Centre County, PA 16801)—persons in limousine service, between points in the Borough of State College, Centre County, and within an airline distance of 25 statute miles of the limits thereof, and from points in said territory to points in Pennsylvania, and return.

A-00119582. Barton J. Weidlich t/d/b/a Shorte's Taxi (160 South Main St., Pittston, Luzerne County, PA 18640)—persons upon call or demand in Luzerne County.

A-00119579. Michael P. Wynkoop t/d/b/a Koop's Taxi (P. O. Box 386, Ford City, Armstrong County, PA 16226)—persons upon call or demand in Armstrong County.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application

A-00119578. Eugenia Goroshovsky t/d/b/a Genny Limousine Services (11169 Hendrix St., Philadelphia, PA 19116)—persons in limousine service, between points in Pennsylvania; which is to be a transfer of the right, authorized under the certificate issued at A-00106359, F.2., to Eugenia Cab Co. t/d/b/a Leon Limousine Service, subject to the same limitations and conditions.

Application of the following for the approval of the transfer of stock as described under the application.

A-00096521, F.5000. Zeigler's Storage & Transfer, Inc. (1235 Ritner Highway, P. O. Box 140, Carlisle, Cumberland County, PA 17013-0140), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of all of the issued and outstand-

ing stock, from Jean M. Zeigler (3,000 shares) to Brenda Z. Davidson (1,500 shares) and Kimberly C. Zeigler (1,500 shares). *Attorney:* David H. Radcliff, 20 Erford Road, Suite 300A, Lemoyne, PA 17043.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-379. Filed for public inspection February 28, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-021.6, Fire Protection Repairs, at Packer Avenue Marine Terminal (PAMT), until 2 p.m. on Thursday, March 20, 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 March 4, 2003. The cost of the bid document is \$35.00 (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.

Mandatory prebid job site meeting will be held March 13, 2003, at 10 a.m. at the job site, Columbus Blvd. and Packer Ave., Philadelphia, PA 19148 (entrance down river gate at Pump House #1).

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-380. Filed for public inspection February 28, 2003, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-046.1 for Bollards until 2 p.m. on Tuesday, March 11, 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 March 5, 2003. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-381. Filed for public inspection February 28, 2003, 9:00 a.m.]