

# PENNSYLVANIA BULLETIN

Volume 34  
Saturday, January 10, 2004 • Harrisburg, Pa.  
Number 2  
Pages 225—358

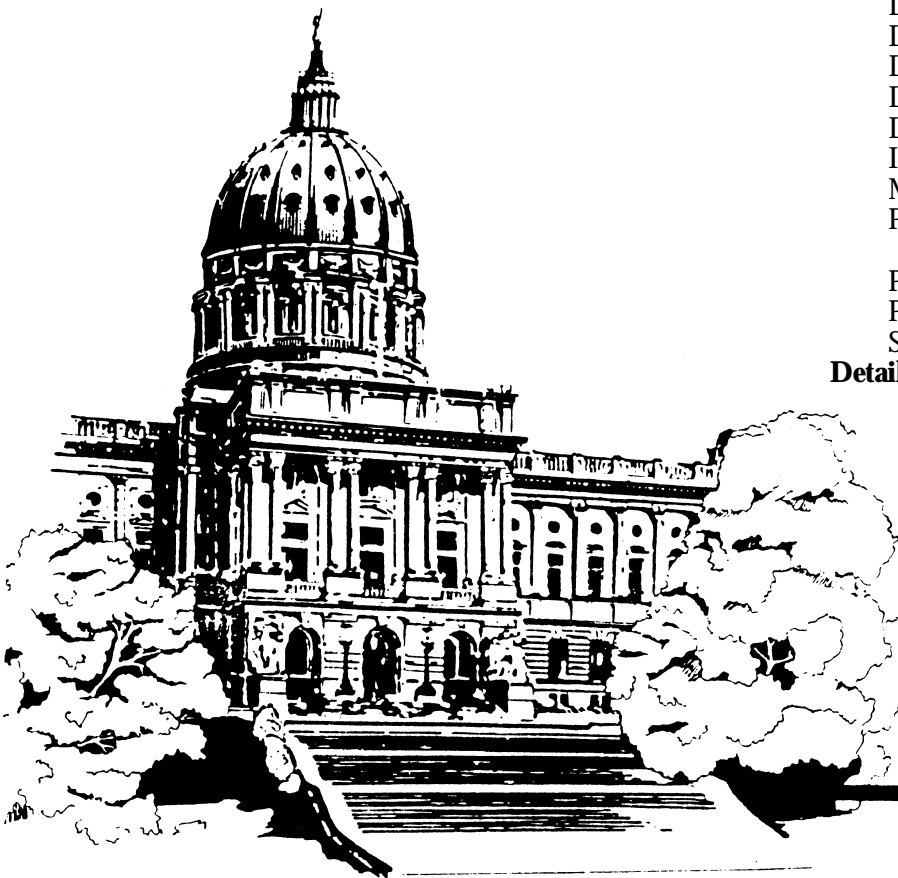
See Part II page 319 for the  
Department of Labor and Industry's  
Uniform Construction Code Regulations

## Part I

### Agencies in this issue:

The Courts  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Labor and Industry  
Department of Military and Veterans Affairs  
Department of Revenue  
Insurance Department  
Milk Marketing Board  
Pennsylvania Infrastructure Investment  
Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Architects Licensure Board

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 350, January 2004**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.**

Attn: *Pennsylvania Bulletin*

**800 W. Church Rd.**

**Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

published weekly by Fry Communications, Inc. for the

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2004 Commonwealth of Pennsylvania

ISBN 0-8182-0004-9

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

# CONTENTS

## THE COURTS

### LOCAL COURT RULES

#### Fayette County

Local rules 201, 201.1, 202, 203, 204, 211, 211.3, 212, 214 and 1303; civil division; no. 2884 of 2003..... 231

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications..... 237

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Snowmobile and ATV Advisory Committee meeting cancellation ..... 238

### DEPARTMENT OF EDUCATION

#### Notices

Application of Thomas Jefferson University for approval of amendments to its charter of incorporation..... 238

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices..... 239

Clean water State revolving fund projects; public hearing on Federal fiscal year 2004 and 2005 project priority list and fiscal year 2004 intended use plan..... 276

Proposed fine particulate attainment/nonattainment designation recommendations; public meetings..... 268

### DEPARTMENT OF GENERAL SERVICES

#### Notices

State contracts information..... 311

### DEPARTMENT OF LABOR AND INDUSTRY

#### Rules and Regulations

Uniform Construction Code; administrative and enforcement; elevators and other lifting devices (Part II)..... 319

#### Notices

Maximum Pennsylvania workers' compensation payable..... 268

### DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

#### Notices

Per diem rates for residents of Pennsylvania State veterans' homes ..... 268

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Fortune Hunter instant lottery game .. 269

Pennsylvania Pot O' Gold '04 instant lottery game ... 270

Super 6 Lotto..... 273

### INSURANCE DEPARTMENT

#### Notices

Continental Insurance Company; homeowners insurance rate and rule revision; rate filing ..... 273

Continental Insurance Company; private passenger auto insurance rate and rule revision; rate filing..... 273

HealthAmerica East; rate filing ..... 273

HealthAmerica West; rate filing ..... 273

Review procedure hearings under the Unfair Insurance Practices Act ..... 274

Sison, Anthony, M.D.; prehearing ..... 274

Wean, Lawrence P., M.D.; prehearing ..... 274

### MILK MARKETING BOARD

#### Notices

Hearing and presubmission schedule for all milk marketing areas:

Minimum Class II prices ..... 275

Over-price premium..... 275

### PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

#### Notices

Clean water State revolving fund projects; public hearing on Federal fiscal year 2004 and 2005 project priority list and fiscal year 2004 intended use plan..... 276

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Telecommunications (2 documents)..... 309

Tentative order ..... 309

Water service..... 310

### PHILADELPHIA REGIONAL PORT AUTHORITY

#### Notices

Request for bids (3 documents) ..... 310

### STATE ARCHITECTS LICENSURE BOARD

#### Rules and Regulations

Firm practice..... 235

---

**Now Available Online at <http://www.pabulletin.com>**

---

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

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

### Fiscal Notes

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

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

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2004.

<b>4 Pa. Code (Administration)</b>		<b>231 Pa. Code (Rules of Civil Procedure)</b>	
<b>Statements of Policy</b>		<b>Adopted Rules</b>	
114 .....	63	200 .....	9
<b>34 Pa. Code (Labor and Industry)</b>		400 .....	9
<b>Adopted Rules</b>		1000 .....	9
401 .....	319	1300 .....	22
403 .....	319	1500 .....	9
405 .....	319	1600 .....	9
<b>49 Pa. Code (Professional and Vocational Standards)</b>		2000 .....	9
<b>Adopted Rules</b>		2020 .....	9
9 .....	235	2050 .....	9
13 .....	39	2100 .....	9
16 .....	40	2120 .....	9
18 .....	43	2150 .....	9
25 .....	47	2170 .....	9
<b>Proposed Rulemaking</b>		2200 .....	9
16 .....	56	2220 .....	9
25 .....	58	2250 .....	9
35 .....	61	2300 .....	9
39 .....	55	2320 .....	9
41 .....	60	2350 .....	9
<b>61 Pa. Code (Revenue)</b>		2950 .....	22
<b>Adopted Rules</b>		3000 .....	9, 22
872 .....	50	4000 .....	9
<b>204 Pa. Code (Judicial System General Provisions)</b>		<b>234 Pa. Code (Rules of Criminal Procedure)</b>	
<b>Adopted Rules</b>		<b>Proposed Rulemaking</b>	
81 .....	9	4 .....	34
		<b>249 Pa. Code (Philadelphia Rules)</b>	
		Unclassified .....	36
		<b>255 Pa. Code (Local Court Rules)</b>	
		Unclassified .....	37, 231

# THE COURTS

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

Local Rules 201, 201.1, 202, 203, 204, 211, 211.3, 212, 214 and 1303; Civil Division; No. 2884 of 2003

#### Order

*And Now*, this 19th day of December, 2003, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, it is hereby ordered that Fayette County Local Rules 201, 201.1, 202, 203, and 204 are adopted, and that Fayette County Local Rules 211, 211.3, 212, 214, and 1303 are amended, as follows.

The Prothonotary is directed to:

- (1) File seven certified copies of said rules with the Administrative Office of Pennsylvania Courts.
- (2) Distribute two certified copies and diskette of said rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) Send one certified copy of said rules to the State Civil Procedural Rules Committee, the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

These Rules shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

The said Local Rules shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

#### Rule 201. Case Assignment

(a) All civil cases, not including family court matters, filed in the Prothonotary's Office on or after the effective date of this Rule, shall be assigned to a Judge as set forth in F.C.R. 201.1. The Prothonotary shall notify the assigned Judge of the assignment upon the filing of the initial responsive pleading of any defendant. The assigned Judge's name shall be placed on all subsequent pleadings by counsel under the number and term of the case. The assigned Judge shall then handle all matters regarding the assigned case.

(b) Unassigned civil cases, as defined in F.C.R. 201(a), pending on the effective date of this Rule, shall be assigned pursuant to F.C.R. 201.1. The assigned Judge for that matter shall then handle all matters for that case.

(c) If pending cases which arise from the same transaction or occurrence are assigned to different Judges, the Court, on its own motion or the motion of any party, may order the cases consolidated before the Judge assigned to the first case filed.

#### Rule 201.1. Random Assignment

Civil cases set forth in F.C.R. 201(a) shall be assigned randomly by the Prothonotary's computer system to a Judge. Those cases which have not yet been assigned and require an emergency determination as provided in F.C.R.

211(d) will be immediately assigned randomly by the Prothonotary's computer system, after the President Judge approves the case as being in compliance with F.C.R. 211(d).

#### Rule 202. Presentation of Motions

Except in emergencies as set forth in F.C.R. 211(d), all priority motions will be presented to the assigned Judge in Motions Court in accordance with F.C.R. 211(e).

#### Rule 203. Status Conference

As to cases filed on or after the effective date of F.C.R. 201(a), the assigned Judge shall schedule a status conference no sooner than thirty (30) days after the initial responsive pleading to the complaint is filed.

#### Rule 204. Case Management Order

At the F.C.R. 203 status conference, the assigned Judge shall enter a case management order which may include the following:

- (a) a date for discovery to be completed;
- (b) referral to arbitration of all cases when the amount actually in controversy does not exceed the jurisdictional limits of arbitration. The Court shall set forth the estimated length of time for the arbitration hearing in the referral order;
- (c) a date for all dispositive motions, including motions for summary judgment and for judgment on the pleadings, to be filed;
- (d) a pretrial conference date; and
- (e) the earliest trial date on which the case may be tried pursuant to Pa.R.C.P. 212.1(a).

#### Rule 211. Motions Court

(a) Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the Motions Judge. The name of the assigned Motions Judge for each day shall be published periodically in the Fayette County Legal Journal.

(b) The purpose of Motions Court is to afford all parties an opportunity to present motions which require action by the Court, including Orphans' Court and Criminal Court matters.

(c) As used herein, the term "motion" shall include every type of motion, petition, preliminary objection, or other request for action by the Court.

(d) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof. The moving party shall file the original motion, certificate, and any attachments in the appropriate office before presentation in Motions Court. An original proposed order, a copy of the certificate and motion, assembled in that order, shall be delivered to the Court Administrator and every other party of record. Such copies and notice shall be given so as to be received at least two business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(e) All civil and family priority motions, in cases already assigned to a Judge, and all criminal and Orphans' Court motions pertaining to matters already ruled on by a Judge, will be presented to that Judge in Motions Court, except in emergencies set forth in F.C.R. 211(d).

(f) The Court Administrator shall assign any motion not otherwise assigned to a Judge for disposition.

(g) All motions shall be accompanied by a certificate completed and signed by the presenter setting forth the following:

(1) The name of the person presenting the motion and the party represented;

(2) The date, place and the manner of service of all other parties;

(3) The party presenting the motion shall select the date of presentation pursuant to F.C.R. 202 and F.C.R. 211(e);

(4) Whether the motion is to be presented as Routine or Priority (if the motion is Routine, parties or counsel are not required to be present in Motions Court);

(5) The name of the assigned Judge, if any. In criminal and Orphans' Court cases, the name of any Judge who has previously ruled on a matter relevant to the motion being presented, and attach a copy of said ruling;

(6) A specific citation to relevant constitutional provisions, case law, statutory provisions or rules that provide the Court's authority to grant the relief requested;

(7) A statement indicating the length of time for hearing or argument to resolve the motion on its merits.

(8) Failure to accurately provide the foregoing information may result in the matter not being listed for Motions Court.

(h) The certificate shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

:  
:  
:  
:  
:  
: NO. \_\_\_\_\_ OF \_\_\_\_\_

CERTIFICATE

1. The undersigned, \_\_\_\_\_, represents \_\_\_\_\_, the moving party herein.

2. I certify that a copy of the attached motion was served on \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by mail/facsimile/hand delivery.

3. The attached motion will be presented in Motions Court on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_ at 9:00 o'clock A.M.

4. The attached motion shall be classified as a ROUTINE/PRIORITY motion as defined by Fayette County Rule 211.1 (a)/Rule 211.2 (a). (If the motion is Routine, parties or counsel are not required to be present in Motions Court.)

5. Judge \_\_\_\_\_ has been assigned; or, in criminal or Orphans' Court matters, Judge \_\_\_\_\_ has previously ruled on a matter relevant to this motion. (SEE ATTACHED RELEVANT RULING.)

6. The SPECIFIC citation for the Court's authority to grant the relief requested is \_\_\_\_\_.

7. Estimated time for hearing or argument to resolve the motion on its merits: \_\_\_\_\_.

Respectfully submitted,

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

Rule 211.3. Arguments

(a) Preliminary objections, motions for summary judgment, motions for judgment on the pleadings, and other similar matters normally requiring briefs and/or extended oral arguments shall be presented in Motions Court as a Routine Motion within ten days after the date for filing an amended pleading pursuant to Pa.R.C.P. 1028(a)(1) or a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument, dispensing with argument, and/or modifying the normal briefing schedule.

(b) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to F.C.R. 211.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed, the brief itself need not be filed.

(c) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

Rule 212. Pretrial Procedure

(a) There will be no pretrial conference in arbitration cases unless the award of arbitrators is appealed. In paternity cases, the pretrial conference shall be conducted by the Domestic Relations Hearing Officer, who shall provide a report of same to the assigned Judge.

(b) The parties shall file pretrial statements as follows:

(1) All plaintiffs, within twenty (20) days after the discovery deadline set by the assigned Judge; and

(2) All defendants, within twenty (20) days of the filing of the plaintiffs' pretrial statements; and

(3) All other parties, within twenty (20) days of the filing of defendants' pretrial statements.

(c) No discovery will be permitted after the pretrial conference except upon express order of the Court.

(d) The written pretrial statement required under these Rules will consist of a brief summary of the essential facts upon which liability is asserted or denied and the legal issues involved. There shall be attached to said statement:

(1) A copy of all reports containing findings or conclusions of any physician who has treated or examined a party or has been consulted in connection with any injuries complained of and who a party expects to call as a witness at the time of trial of the case. If timely production of any such report is not made, the testimony of such physician shall be excluded at the trial except upon consent of the other party or parties or upon express order of the Court.

(2) A copy of all reports containing findings and conclusions of any expert who has been consulted in connection with the matters involved in the case and who a party expects to call as a witness at the trial. If timely production of any such report is not made, the testimony of such expert shall be excluded at the trial, except upon consent of the other party or parties or upon express order of the Court.

(3) A list of the names and addresses of all witnesses the party expects to call, which witnesses shall be classified as liability or damage witnesses.

(4) The pretrial statement of any party seeking to recover damages for personal injuries will also be accom-



panied by a written authorization to inspect and make copies of the records and reports of any physician, hospital or clinic by whom or where said party may have been examined, treated or hospitalized for the injuries or disabilities complained of, and covering prior injuries or disabilities where the same may be relevant.

(5) The pretrial statement of any party seeking to recover damages shall include a list of the damages that the party intends to claim and prove at the trial.

(6) All counsel shall attach a list of exhibits, which shall contain the identifying mark of each exhibit together with a brief description of the exhibit.

(7) All parties shall set forth a realistic estimate of the trial time required for presentation of their own case, as well as total trial time required.

(8) The pretrial statement shall include a brief history of settlement negotiations.

(e) Upon failure of any party to file a pretrial statement within the time required, the Court may impose the sanctions provided in Pa.R.C.P. 4019(c).

(f) At the pretrial conference, each counsel shall make available to opposing counsel for inspection and copying the actual exhibits, which are expected to be offered in evidence at trial. In addition, the written list of exhibits will be marked to indicate those exhibits which are to be admitted into evidence by stipulation, those exhibits to which there is an agreement of authenticity and a waiver of formal proof but to which objections of admissibility are reserved and those exhibits to which objections to admissibility and challenges to authenticity and proof are reserved generally. The nature of the objection in each instance shall be briefly stated.

If any exhibits are known to exist or probably will be required but are not available at the time of the pretrial conference, the substance thereof must be disclosed to opposing parties and numbers or letters shall be reserved for such exhibits upon counsel's list of exhibits. If not discovered or not realized to be necessary until after the pretrial conference, exhibits must nevertheless be marked before trial. Exhibits not submitted and marked in the manner provided herein shall not be admitted at the trial unless the trial Judge is satisfied that their existence or the necessity for introducing them could not have been determined at the earlier stages referred to in this Rule.

(g) Motions to amend, to consolidate, to sever, motions in limine, and other pertinent matters, may be determined by the assigned Judge at the pretrial conference provided at least 20 days notice is given to the Judge and all parties before the pretrial conference.

(h) The Judge presiding at the pretrial conference shall enter a pretrial adjudication. Counsel must file written objections within 10 days and present the objection to Motions Court or be deemed to have accepted the pretrial adjudication.

(i) Willful failure to fully disclose in the pretrial statement or at the pretrial conference the substance of the evidence as to liability, defenses, damages and the identity of all witnesses proposed to be offered at the trial will result in the exclusion of that evidence or the testimony of those witnesses at the trial. The only exceptions will be matters or witnesses whom the Judge determines were not discoverable at the time of the pretrial conference, and matters to be used solely for impeaching purposes.

(j) When a case is scheduled for pretrial conference, it shall not be continued except for just cause and upon

order of the pretrial Judge. If there is a failure to comply with the pretrial rules or with any order issued in the pretrial procedure, the Judge may impose such sanctions as are warranted by the circumstances. Sanctions may include the dismissal of the plaintiff's cause of action, the grant of permission to proceed ex parte, or the barring of any defendant or other party from offering any testimony. If the parties fail to comply, the action may be dismissed.

(k) The pretrial conference shall be attended by the attorney who will try the case or by an attorney who is fully prepared and authorized as to all matters, which may reasonably be expected to arise during the conference. Parties must also be present, except where the real party in interest is an insurance company, common carrier, corporation or other artificial legal entity, in which instance a representative thereof, other than the attorney, must be present with full authority and power to discuss and settle the case. At the pretrial conference, the Court shall encourage the amicable settlement of the controversy and the parties and their attorneys shall be prepared to discuss settlement.

(l) The pretrial adjudication shall control the subsequent course of the action. The adjudication of the pretrial Judge may include a requirement that one or more of the parties submit a trial brief, or a statement of legal authorities, to be submitted at least ten (10) days before the jury selection date. The adjudication may impose such other requirements on the parties as the circumstances may indicate in the discretion of the Judge.

(m) After the pretrial conference and the entry of the pretrial adjudication, no amendment to any pretrial statement or pleading shall be presented to the Prothonotary for filing unless authorized at the pretrial conference or upon further order of Court.

(n) The Court may on motion of any party enlarge any time period set forth in these Rules relating to pretrial procedure.

#### **Rule 214. Trials**

(a) There shall be four (4) Sessions of Civil Jury Trial terms each year, beginning respectively on the third Monday of January, April, July, and October, unless otherwise specifically ordered.

(b) The jury selection day shall be the first day of the Civil Jury Trial term, and such other days as the Court may direct.

(c) Non-jury and equity trials shall be scheduled at the pretrial conference.

(d) As to any civil jury trial, unless the assigned Judge directs otherwise, a trial date and a jury selection date shall be determined at the pretrial conference.

(e) On the first business day of the month preceding that during which the next regular session of Civil Jury trials is to begin, the Prothonotary shall prepare and post publicly in that office a trial list for the session containing all pending cases scheduled for jury selection during that session, along with the trial date.

(f) Unassigned cases pending on the trial list on the effective date of F.C.R. 201 shall be assigned by the Prothonotary pursuant to F.C.R. 201.1.

#### **Rule 1303. Compulsory Arbitration: Scheduling, Hearings and Continuances**

(a) The Court Administrator shall designate the last Tuesday of each calendar month as arbitration day. In the event it conflicts with Criminal or Civil Court Trial

Sessions, the Court Administrator shall designate an alternate date and advise all parties thereof.

(b) For each arbitration day, the Court Administrator shall appoint a board of arbitration. The Court Administrator shall appoint an additional board or boards if the Court Administrator determines that the number of pending cases so requires. The Court Administrator shall notify all arbitrators of their appointment at least thirty (30) days before the scheduled arbitration.

(c) When arbitration is ordered in any case, the Court shall schedule that case to be heard on the next arbitration day which is at least forty-five (45) days thereafter.

(d) The Court Administrator will prepare a list of cases scheduled to be heard on each arbitration day. Cases shall be listed in chronological order according to the date on which arbitration was ordered. The list shall include the name of the attorney for each party. A copy of the list will be posted in the Prothonotary's office. At least thirty (30) days before the arbitration day, the Court Administrator will furnish to each arbitrator appointed to serve on that day, to each attorney involved, and to any party not represented by counsel a copy of the list as well as a roster of each board appointed to sit on that day and notice of the place each board will sit.

(e) The senior arbitrator from the chair list shall chair a board of arbitration.

(f) The arbitration procedure is intended to be economical for the parties and, therefore, the proceedings are abbreviated and somewhat less formal. The consequences to the litigants are nevertheless of great significance. To assure that all present understand the seriousness of the proceedings, the arbitrators will conduct their proceedings with appropriate dignity and decorum at all times.

(g) Each board of arbitration shall hear cases in the order in which they appear on the list for the day. If more than one board is sitting on the same day, when a board completes one case, it will take the next case remaining on the list.

(h) Each board of arbitration will convene at 9:30 o'clock A.M. and will remain in session until 4:00 o'clock

P.M., or such earlier time as all cases on the list have been heard. The lunch recess will ordinarily be from noon until 1:30 o'clock P. M. and, unless the parties consent, no case will be called to start during that period.

(i) If an arbitrator is unable to hear a particular case because of a conflict of interest, the case will be heard by another board of arbitration sitting on the same day. If no other board is sitting on that day, the case will be continued to the next arbitration day.

(j) Each board of arbitration shall file its award in each case with the Prothonotary not later than noon of the next business day after the hearing is concluded.

(k) When it is not possible to conclude a hearing on the day on which it commences, the board of arbitration will fix the time and place to resume the hearing. Each hearing will be completed within ten (10) days after the arbitration day unless the Court allows a longer time.

(l) The Court Administrator will coordinate the hearings on each arbitration day. At the conclusion of its hearings on any day, each board will report to the Court Administrator its disposition of the cases heard by it.

(m) If a party is not prepared to proceed when his case is called to be heard, the board of arbitration shall hear the parties who are present and decide the case on the basis of their evidence. If none of the parties is prepared to proceed when a case is called to be heard, the board of arbitration shall enter an award for the defending parties on each count.

(n) Continuances shall be granted by the Court upon cause shown. There shall be no continuances granted on the date of the hearing except for emergencies.

(o) A \$25.00 fee shall be charged for continuances. No continuance shall be granted without payment of the required fee unless waived by the Court. Proof of payment shall be attached to the motion when presented in accordance with Fayette County Rule 211.

[Pa.B. Doc. No. 04-51. Filed for public inspection January 9, 2004, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE ARCHITECTS LICENSURE BOARD

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

#### Firm Practice

The State Architects Licensure Board (Board) amends §§ 9.161—9.164 by adding the requirements for registration as a limited liability company or limited liability partnership to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

The final-form rulemaking is authorized under sections 6(a) and 13(j) of the Architects Licensure Law (act) (63 P. S. §§ 34.6(a) and 34.13(j)).

#### C. *Background and Purpose*

Prior to 1998, section 13 of the act, regarding firm practice, listed the following entities permitted to engage in the practice of architecture: sole proprietorships, partnerships, professional associations, professional corporations and business corporations. In 1998, section 13 of the act was amended to include limited liability companies and limited liability partnerships as acceptable entities. The Board's regulations have not been updated to reflect the changes in the act relating to firm practice.

#### D. *Description of Amendment*

The Board amends § 9.161 (relating to compliance with applicable statutes) by adding limited liability companies and limited liability partnerships as entities permitted to engage in the practice of architecture and by requiring compliance with 15 Pa.C.S. Chapters 82 and 89 (relating to limited liability partnerships; and limited liability companies).

The amendment to § 9.162(2) (relating to firm practice) clarifies that its requirements apply to both general partnerships and limited liability partnerships. Section 9.162(5) adds the requirements for registering as a limited liability company by mirroring the requirements set forth in the act and by adding the additional requirement that at least one member or manager of the company must be a licensee of the Board.

Section 9.163 (relating to prior approval by the Board) requires that the applicant seeking registration for an entity permitted to practice architecture in this Commonwealth shall complete a formal application provided by the Board. At its June 12, 2003, meeting, the Board and representatives of the American Institute of Architects Pennsylvania discussed whether the original language of the regulation, "with the Board," which had been deleted in proposed rulemaking, should be reinserted in the final-form rulemaking. The Board agreed that without that language applicants could be confused as to where they would be required to send the application and additional documents. Therefore, to clarify the procedure, the Board voted to reinsert the original language of the regulation, with one minor change. The section now reads

"Written approval shall be sought by submitting a completed application on forms provided by the Board along with the following documents to the Board:".

Section 9.164 (relating to exception for two owners) adds limited liability companies and limited liability partnerships to the list of entities that may be wholly owned by only two persons.

#### E. *Comment and Regulatory Review of Proposed Rulemaking*

Publication of proposed rulemaking at 33 Pa.B. 1116 (March 1, 2003) was followed by a 30-day public comment period during which the Board received no public comments.

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

The following is the comment submitted by IRRC and the Board's response:

IRRC questioned the proposed amendment to § 9.162(5), which sets forth the criteria that must be met for an architecture firm to register as a limited liability company. Paragraph (5)(iii) requires that "At least one member or manager is a licensee of the Board." However, section 13 of the act, which allows for limited liability partnerships and limited liability companies, does not contain this requirement. Therefore, IRRC asked the Board to explain why it included this requirement in paragraph (5)(iii).

The legislative commentary to the Limited Liability Companies Act, at 15 Pa.C.S. § 8921, indicates that the General Assembly intended to allow professions to be practiced under a limited liability company, but also in accord with the restrictions traditionally placed on the practice of such professions. Since 1987, the Board has interpreted sections 3, 6, 9, 13 and 18 of the act (63 P. S. §§ 34.3, 34.6, 34.9, 34.13 and 34.18), and their predecessors, as authorization for the Board to require a minimum number of corporate owners and officers to be licensees of the Board in regard to the prior permitted practice structures. Indeed, § 9.162(2)—(4) contains similar provisions for partnerships and professional association, professional corporations and business corporations, respectively.

Additionally, the requirement is also consistent with § 9.164. In this section, any business entity which is owned by only two people must have at least one of its owners licensed by the Board.

The General Assembly has not acted in any manner to suggest the Board's interpretation of the act is incorrect. Because the General Assembly has long acquiesced to this interpretation of the Board's authority, and the Board's interpretation of the 1998 amendments is consistent with these past practices, the Board's interpretation must be seen as an appropriate guide to legislative intent.

#### F. *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions. Likewise, the final-form rulemaking should not necessitate any legal, accounting, reporting or other paperwork requirements.

### G. *Sunset Date*

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

### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted copies of the proposed rulemaking, published at 33 Pa.B. 1116, to IRRC, the SCP/PLC and the HPLC for review and comment.

In preparing the final-form rulemaking, the Board has considered any comments received from IRRC, the SCP/PLC, the HPLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), this final-form rulemaking was approved by the HPLC and the SCP/PLC on November 18, 2003. Under section 5.1(e) of the Regulatory Review Act, this final-form rulemaking was approved by IRRC on December 4, 2003.

### I. *Contact Person*

Further information may be obtained by contacting Dorna Thorpe, Board Administrator, State Architects Licensure Board, P. O. Box 2649, Harrisburg, PA 17105-2649

### J. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 33 Pa.B. 1116.

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

### K. *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 9, are amended by amending §§ 9.161, 9.162 and 9.164 to read as set forth at 33 Pa.B. 1116; and by amending § 9.163 to read as set forth in Annex A.

(b) The Board shall submit this order, 33 Pa.B. 1116 and Annex A to the Office of General Counsel and to the Office of the Attorney General as required by law.

(c) The Board shall certify this order, 33 Pa.B. 1116 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

ANN SHEPARD HOUSTON,  
*President*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 33 Pa.B. 6376 (December 20, 2003).)

**Fiscal Note:** Fiscal Note 16A-417 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 9. STATE ARCHITECTS LICENSURE BOARD

#### PROFESSIONAL AND CORPORATE PRACTICE

#### § 9.163. Prior approval by the Board.

The practice of architecture may not be conducted in one of the business forms specified in § 9.162 (relating to firm practice) without first receiving the written approval of the Board. Written approval shall be sought by submitting a completed application on forms provided by the Board along with the following documents to the Board:

(1) A copy of the completed Fictitious Name Application, Articles of Incorporation, Articles of Association, Partnership Agreement, Certificate of Authority or other relevant agreement or contract of association. If none of these documents apply to the particular business structure, composition or name of the firm, the rest of the filing requirements in this section shall be complied with.

(2) A copy of the proposed letterhead, containing thereon the names of the principals, followed by credentials indicating their respective professions, as well as the word "architect" or some derivation thereof as part of the name of the business, or as a subtitle thereto. At least one of the principals listed shall be a licensee of the Board. For purpose of this paragraph, "principal" means an officer, principal stockholder or person having a substantial interest in or management responsibility for an architectural practice.

(3) A complete list of the names of the individuals interested in the business as proposed, with specification for each as to profession, license number and state of licensure, if applicable, and percent of ownership. The list shall contain or have appended to it certification that the referenced licensed professionals are currently licensed by and in good standing with their state of licensure.

(4) Certification in writing that the owners will notify the Board prior to changes in the proposed ownership of the business, whenever the changes are contemplated. Proposed changes shall be reviewed and approved in writing by the Board prior to their implementation.

[Pa.B. Doc. No. 04-52. Filed for public inspection January 9, 2004, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

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

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-03	S & T Bank Indiana Indiana County	Patch Way Road Strawberry Meadows Development Duncansville Blair Township Blair County	Opened
12-24-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	2500 Aramingo Avenue Philadelphia Philadelphia County	Approved
12-24-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1574 Easton Road Warrington Bucks County	Approved
12-24-03	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	800 East High Street Carlisle Cumberland County	Approved

##### Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-24-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Consolidation of the following five branch offices:	Approved
	<i>Into:</i> 735 Church Lane Yeadon Delaware County	<i>Into:</i> 1515 Market Street Philadelphia Philadelphia County	
	<i>From:</i> 1024 Church Lane* Yeadon Delaware County	<i>From:</i> 30 South 15th Street* Philadelphia Philadelphia County	
	<i>Into:</i> 2nd and Olive Streets Media Delaware County	<i>Into:</i> 6503 Haverford Avenue* Philadelphia Philadelphia County	
	<i>From:</i> 119 West State Street* Media Delaware County	<i>From:</i> 427 North 63rd Street Philadelphia Philadelphia County	
	<i>Into:</i> 8345 Ridge Avenue* Philadelphia Philadelphia County		
	<i>From:</i> 7568 Ridge Avenue* Philadelphia Philadelphia County		

*Note:* Branches marked with an \* will become branches of Citizens Bank of Pennsylvania as a result of a pending merger with Roxborough-Manayunk Bank.

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-24-03	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	<i>To:</i> 875 Greentree Road Pittsburgh Allegheny County  <i>From:</i> 1165 McKinney Lane Pittsburgh Allegheny County	Approved
12-24-03	Commercial Bank of Pennsylvania Latrobe Westmoreland County	<i>To:</i> 11361 Route 30 North Huntingdon Westmoreland County  <i>From:</i> 8775 Norwin Avenue North Huntingdon Westmoreland County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-22-03	Mifflinburg Bank & Trust Company Mifflinburg Union County	211 Fairground Road Lewisburg Union County (Limited Service Facility)	Effective
12-22-03	Mifflinburg Bank & Trust Company Mifflinburg Union County	1 River Drive Lewisburg Union County (Limited Service Facility)	Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-19-03	Corry Jamestown Credit Union Corry Erie County	Corry	Filed

Application represents a request to convert to a community chartered credit union to include an approximate 35-mile radius of Corry, PA.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-53. Filed for public inspection January 9, 2004, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Snowmobile and ATV Advisory Committee Meeting Cancellation

The meeting of the Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources scheduled for Tuesday, January 13, 2004, has been cancelled.

Questions concerning this cancellation should be directed to Anthony DiGirolomo, (717) 787-9306.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-54. Filed for public inspection January 9, 2004, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Thomas Jefferson University for Approval of Amendments to its Charter of Incorporation

#### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Thomas Jefferson University for a Certificate of Authority approving the institution's amendment to its Charter of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin* a written request for public

hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.25 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623 by 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an

in-office review. Copies of the application are not available.

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

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

[Pa.B. Doc. No. 04-55. Filed for public inspection January 9, 2004, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

---

### APPLICATIONS

---

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

### I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0014605 Industrial Waste	United Water PA Rabold WTP 4211 East Park Circle Harrisburg, PA 17111-0151	York County Fairview Township	Yellow Breeches Creek 7E	Y

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

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

**PA0043273**, Sewage, **Hollidaysburg Sewer Authority**, 401 Blair Street, Hollidaysburg, PA 16648. This facility is in Frankstown Township, **Blair County**.

Description of activity: Addition of stormwater Outfalls 006—008.

The receiving stream, Frankstown Branch Juniata River, is in Watershed 11-A and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the United Water Company is on the Susquehanna River, approximately 145 miles downstream. The discharge is not expected to affect the water supply.

The following table describes the outfall locations and drainage areas:

<i>Outfall No.</i>	<i>Acreage</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Area Description</i>
006	0.15	40°25'47"	78°21'36"	Lawn and Driveway
007	0.067	40°25'49"	78°21'37"	Rooftop
008	0.12	40°25'49"	78°21'39"	Rooftop

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.

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

**PA0030856**, Sewage, **Western Beaver County School District**, 343 Ridgemont Drive, Midland, PA 15059. This application is for renewal of an NPDES permit to discharge treated sewage from the Western Beaver Jr./Sr. High School STP in Industry Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as swale to unnamed tributary of Wolf Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Municipal Authority on the Ohio River.

*Outfall 001: existing discharge, design flow of 0.032 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.1			4.2
(11-1 to 4-30)	4.4			8.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0030864**, Sewage, **Western Beaver County School District**, 343 Ridgemont Drive, Midland, PA 15059. This application is for renewal of an NPDES permit to discharge treated sewage from the Fairview Elementary School STP in Ohioville Borough, **Beaver County**.



The following effluent limitations are proposed for discharge to the receiving waters, known as swale to headwaters of Island Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of East Liverpool, OH on the Ohio River.

*Outfall 001*: existing discharge, design flow of 0.0065 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.3			4.6
(11-1 to 4-30)	6.6			13.2
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0203700**, Sewage, **Bruderhof Communities in PA, Inc.**, Route 381 N., P. O. Box 260, Farmington, PA 15437. This application is for renewal of an NPDES permit to discharge treated sewage from the Spring Valley Sewage Treatment Plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Deadman Run, which are classified as a HQ-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 North Fayette County Municipal Authority on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.042 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	10			20
(11-1 to 4-30)	15			30
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	8.0			16.0
Nitrite and Nitrate	10			20
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217271-A1**, Sewage, **Ohio Township Sanitary Authority**, 20399 Route 19, Suite 201, Cranberry Township, PA 16066. This application is for amendment of an NPDES permit to discharge treated sewage from the Kilbuck Run Sewage Treatment Plant in Sewickley Hills Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Kilbuck Run, which are classified as a 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 Moon Township Water Authority on the Ohio River.

*Outfall 001*: new discharge, design flow of 0.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	5.0	7.5		10.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

---

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

---

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

**WQM Permit No. 3277201-A1**, Industrial Waste, **Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This proposed facility is in West Wheatfield Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Conemaugh Wastewater Treatment Plant.

**WQM Permit No. 0201405-A1**, Sewerage, **Urban Redevelopment Authority**, 200 Ross Street, Pittsburgh, PA 15219. This proposed facility is in City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification and operation of the LTV South Side Works Sewerage Extension.

**WQM Permit No. 1171403-A3**, Sewerage, **Cambria Township Sewer Authority**, P. O. Box 247, Revloc, PA 15948. This proposed facility is in Cambria Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Colver Sewerage Treatment Plant.

**WQM Permit No. 6583412**, Sewerage, **Delmont Borough**, 77 Greensburg Street, Delmont, PA 15626. This proposed facility is in Delmont Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Cramer Pumping Station.

---

### IV. NPDES Applications for Stormwater Discharges from MS4

---

#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

---

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

---

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI023903029	Novak Ventures, Inc. 1655 Jonathan Lane Bethlehem, PA 18015	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI025203017	Kalian at Poconos, LLC 225 Highway 35 Red Bank, NJ 07701	Pike	Lehman Township	Saw Creek HQ-CWF

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI024803040	Pennsylvania American Water Company 4 Wellington Blvd. Wyomissing, PA 19610	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

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

NPDES Permit  
No.

*Applicant Name and Address*

*County*

*Municipality*

*Receiving Water/Use*

PAI033103003

Calvary Independent Baptist Church  
300 Standing Stone Ave.  
Huntingdon, PA 16652

Huntingdon

Huntingdon Borough

Standing Stone Creek  
HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**CAFO Notices of Intent Received**

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

**PAG123582, CAFO, Lester Weaver**, 2560 Sunnyside Road, Manheim, PA 17545. This proposed facility is in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Operation of an existing 459.5 AEU dairy farm application includes plans for expanding his animal operation by building a 2,000-head feeder to finish swine operation. The dairy operation currently utilizes a 50-foot by 8-foot earthen manure storage north of the dairy facility. The swine operation will utilize a new 80-foot by 215-foot by 4.4-foot concrete storage structure under the production barn, swine manure can be exported to a neighboring farms to be utilized for agriculture purposes. Heifer and calf manure is stored as a bed pack and applied to the open fields approximately once a month. Crop rotations consist of corn grain or corn silage along with small grains, alfalfa and rye silage cover crop.

The receiving stream, Brubaker Run, is in watershed Chickies Creek/7-G and classified for TSF.

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department

of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 0803502**, Public Water Supply.

Applicant	<b>Sherwood Retirement and Personal Care Home, Inc.</b> <b>Jim Sherman, Owner</b> R. R. 1, Box 35A Canton, PA 17724
Township	Canton Township
Responsible Official	Jim Sherman, Owner R. R. 1, Box 35A Canton, PA 17724
Type of Facility	PWS
Consulting Engineer	Bergmann Associates David W. Young, P. E. 201 East Church Street Elmira, NY 14902
Application Received Date	December 12, 2003
Description of Action	A new community water system.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

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

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

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

**Valley Forge General Hospital, Operable Unit 1,** Schuylkill Township, **Chester County.** Scott McClelland, URS Corp., 7101 Wisconsin Ave., Suite 700, Bethesda, MD 20814, on behalf of Kristine Carson, General Services Administration, Property Disposal Div., (4PR) 401 West Peachtree St., Suite 2528, Atlanta, GA, has submitted a Notice of Intent to Remediate soil contaminated with inorganics and groundwater contaminated with chlorinated solvents, inorganics and other organics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Phoenix* on October 28, 2003.

**The Reserve at Gwynedd (Soil),** Upper Gwynedd Township, **Montgomery County.** William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of Carmen Danella, The Reserve at Gwynedd LP, 470 E. Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a revised Notice of Intent to Remediate soil contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2 and inorganics and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2, inorganics, leaded gasoline, lead, other organics, PAH and unleaded gasoline. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Reporter* on September 4, 2003.

**SEPTA—Wayne Junction Rail Yard,** City of Philadelphia, **Philadelphia County.** Alexander J. DeNadai, Weston Solutions, Inc., 1400 Weston Way, P. O. Box 2653, West Chester, PA 19380, on behalf of SEPTA, James Fox, Director of System Safety, 1234 Market St., Philadelphia, PA 19107-3780, has submitted a Notice of Intent to Remediate soil contaminated with other organics, PAH and PCB. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* in January 2004.

**General Electric Co., Elmwood Avenue Facility,** City of Philadelphia, **Philadelphia County.** Kristen Rolison, MWH, 335 Phoenixville Pike, Malvern, PA 19355, on behalf of General Electric Co., Hal Heckman, 6901 Elmwood Ave., Philadelphia, PA 19142, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, fuel oil no. 2, fuel oil no. 6, inorganics, lead and PCB; and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2 fuel oil no. 6, inorganics, lead and unleaded gasoline. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on December 10, 2003.

**Commercial/Industrial Warehouse Property,** City of Philadelphia, **Philadelphia County.** Ethan E. Prout, P. G., American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951, on behalf of Alan E. Casnoff, Wheatsheaf Lane Associates, PNA, LP, 642 N. Broad St., Philadelphia, PA 19130, has submitted a Notice of Intent to Remediate soil contaminated with inorganics (arsenic). The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of

Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on November 24, 2003.

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

**Former Olin Microelectronics Materials, Inc.,** Plainfield Township, **Northampton County.** Nils Thompson, P. G., Project Manager, MACTEC Engineering and Consulting, Inc., 3200 Town Point Drive, Kennesaw, GA 30144 has submitted a Notice of Intent to Remediate (on behalf of Olin Corporation, P. O. Box 248, 1186 Lower River Road, NW, Charleston, TN 37310-0248) concerning the remediation of soils and groundwater found or suspected to have been contaminated with inorganics as the result of historic site operations. The applicant proposes to meet a combination of the Nonresidential Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reportedly published in *The Morning Call* on October 10, 2003.

**Estate of Cunard Lower and Donald Watkins Property,** Lehigh Township, **Northampton County.** Douglas H. Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Notice of Intent to Remediate (on behalf of Javalyn A. Ramer, West Mountainview Drive, Walnutport, PA and Donald R. Watkins, North Dogwood Road, Danielsville, PA) concerning the remediation of soils found or suspected to have been contaminated with chlorinated solvents and other organics, fuel oil no. 2, leaded gasoline, lead and other inorganics. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on December 16, 2003. A Final Report was simultaneously submitted.

**Buckeye Pipe Line Company—Dupont Station,** Pittston Township, **Luzerne County.** Jason Mengel, Environmental Coordinator, Buckeye Pipe Line Company, LP, 5002 Buckeye Road, Emmaus, PA 18049 has submitted a Notice of Intent to Remediate concerning the remediation of soils and groundwater found or suspected to have been contaminated with diesel fuel, jet fuel, kerosene and/or unleaded gasoline. The applicant proposes to meet the Nonresidential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Citizen's Voice* on October 20, 2003. A Final Report was simultaneously submitted.

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

**Former Myers and List Site,** Wrightsville Borough, **York County.** BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Glenn Myers, P. O. Box 303, Wrightsville, PA 17368, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline, unleaded gasoline and MTBE. The applicant proposes to remediate the site to meet a combination of the requirements for the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Dispatch/York Daily Record* on October 30, 2003.

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

**James Mason Property,** Eagles Mere Borough, **Sullivan County.** Alliance Environmental Services, Inc., on behalf of James Mason, P. O. Box 3402, Boulder, CO 80307, has submitted a Notice of Intent to Remediate soil contaminated with fuel oil no. 2. The applicant proposed to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on November 21, 2003. See additional information in the Actions section of this *Pennsylvania Bulletin*.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

### PLAN APPROVALS

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

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

**41-00028A: Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15219) for construction of a 33,475,000 Btu per hour no. 2 fuel oil-fired boiler in Clinton Township, **Lycoming County**.

**14-00029A: Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823) for construction of two screens, eight conveyors, a feeder, a bin, an agg conditioner and a fine material screw in an existing stone crushing and screening plant in Haines Township, **Centre County**.

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

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

**09-0133: Webcraft, LLC** (181 Rittenhouse Circle, Bristol, PA) for modification of the existing VOC emissions in Bristol Township, **Bucks County**. This facility is a Natural Minor for NOx and VOCs. Emissions from these sources are 12 tons of VOCs per year. The plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**49-311-003: The Quikcrete Companies, Inc.** (R. R. 9, Box 900, Latrobe, PA 15650) for construction of a dry redi-mix concrete batching and bagging facility on Snyderstown Road in Shamokin Township, **Northumberland County**.

The proposed facility will consist of a natural gas-fired rotary aggregate (gravel and sand) dryer, a number of material silos and bins and various material handling, mixing and bagging operations. The particulate air contaminant emissions from the facility will be controlled by a total of seven fabric collectors. The concentration of particulate matter in the exhaust of these collectors will not exceed .01 grain per dry standard cubic foot of collector exhaust and may well be less than this. The NOx, CO and VOC air contaminant emissions from the combustion of natural gas in the rotary dryer are expected to be no greater than 4.0, 12.0 and .66 pounds per hour, respectively.

The Department's review of the information submitted by The Quikcrete Companies, Inc. indicates that the proposed dry redi-mix concrete batching and bagging facility will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the best available technol-

ogy requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the respective facility.

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

1. The rotary dryer shall be fired on natural gas only.
2. The concentration of particulate matter in the exhaust of each of the fabric collectors shall not exceed .01 grain per dry standard cubic foot. Additionally, there shall be no visible air contaminant emissions from any fabric collector exhaust (other than water vapor or steam).
3. The air compressor used to supply compressed air to the fabric collectors shall be equipped with an air dryer and an oil trap.
4. The fabric collector used to control the particulate matter emissions from the rotary dryer shall be equipped with instrumentation to monitor both the pressure differential across the collector and the inlet gas temperature to the collector on a continuous basis as well as with an inlet gas temperature interlock system.
5. The fabric collector used to control the particulate matter emissions from the mixing and bagging operations shall be equipped with instrumentation to monitor the pressure differential across the collector on a continuous basis.
6. Spare bags shall be kept on hand for all fabric collectors.
7. The facility throughput shall not exceed 700,800 tons in any 12 consecutive month period. Records shall be maintained of the throughput occurring during each month. All records shall be retained for at least 5 years and shall be made available to the Department upon request.

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

**37-003D: Essroc Cement Corp.—Bessemer Plant** (East Poland Avenue, Bessemer, PA 16112) for modification of the existing pressure drop range across the collector for Source 516 in Bessemer Borough, **Lawrence County**. This will result in no additional emissions. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b, pertaining to plan approval terms and conditions, and will demonstrate Best Available Technology for the source:

1. All conditions from Title V Operating Permit 37-00003 amended March 19, 2003, Section D, Source ID 516, remain in effect except for Condition 004(a), which deals with the normal operating range for pressure drop across the collector. All conditions from Section E, Group 6—Other NESHAP Affected Sources, shall remain in effect.
2. During periods of operation, pressure drop across the collector shall remain in the normal operation range of 3 inches to 6 inches wg.

**24-009E: Weyerhaeuser Co.—Johnsonburg Mill** (100 Center Street, Johnsonburg, PA 15845) for removal of capacity restrictions on coal-fired boilers 81 and 82 in Johnsonburg Borough, **Elk County**. This is an NSPS application at a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b, pertaining to plan approval terms and conditions, and will demonstrate Best Available Technology for the source:

- This plan approval supersedes the following conditions from Plan Approval 24-009C issued June 2, 2003, all other conditions from Plan Approval 24-009C remain in effect:

- Condition 5—Delete condition.

- Condition 6—Delete “The maximum amount of coal burned in each boiler shall not exceed 9.4 tpy.”

- Condition 21—Delete condition.

- This plan approval supercedes the following conditions from Title V Operating Permit 24-00009 amended July 1, 2002, Section D, Sources ID 040 and 041, all other conditions remain in effect:

- Condition No. 001—Delete condition, replaced with 40 CFR 60.42(a)(1).

- Condition No. 002—Modify condition to include 25 Pa. Code § 123.22(a)(4)(i) and make 25 Pa. Code § 123.22(a)(4)(ii) and (iv) not applicable.

- Condition No. 003—Delete condition, replaced with new NOx emission limitation (#/Mt) and SOx emission limitation (tpy) from Scrubber plan approval.

- Condition No. 005—Delete condition.

- Condition No. 017(a)—Delete “The permittee shall continue to operate a lockbox coalfeed system under the direct and sole control of the plant manager, which has been designed to preclude the firing of the boilers above 250 mmbtu/hr.”

- Condition No. 019—Streamlined condition out, the NOx allowance requirements have been included in the permit.

- The sources may operate up to their maximum heat input capacity using coal, oil, gas or a combination of the three fuels.

- The sources are subject to NOx allowance requirements of 25 Pa. Code §§ 123.101—123.120 and the sources shall be treated as new affected sources under 25 Pa. Code § 123.117 and the permittee shall not be entitled to any allowances through the opt-in provisions in 25 Pa. Code § 123.116.

- The sources are subject to NOx budget trading program requirements of 25 Pa. Code Chapter 145 with applicability specified in 25 Pa. Code § 145.4.

- The SOx emissions from the common stack serving boilers 81 and 82 shall not exceed 437 tpy based on any consecutive 12-month period. Compliance will be shown by CEMS.

- The NOx emissions from the common stack serving boilers 81 and 82 shall not exceed 1,314 tpy based on any consecutive 12-month period. Compliance will be shown

by fuel usage and emission limitation based on fuel. The NOx emissions shall not exceed 0.60 lb/mmBtu heat input.

- The VOC emissions from the common stack serving boilers 81 and 82 shall not exceed 5.3 tpy based on any consecutive 12-month period. Compliance will be shown by fuel usage and stated emission factors.

- The CO emissions from the common stack serving boilers 81 and 82 shall not exceed 87.6 tpy based on any consecutive 12-month period. Compliance will be shown by fuel usage and stated emission factors.

- This source is subject to Subpart D of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this subpart. This includes, but is not limited to, the following:

- 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to Director; Air, Toxics and Radiation Division; US EPA, Region III; 1650 Arch St.; Philadelphia, PA 19103-2029.

- From 40 CFR 60.42:

- (a) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

- (1) Contain particulate matter in excess of 0.10 lb per million Btu heat input derived from fossil fuel or fossil fuel and wood residue.

- (2) Exhibit greater than 20% opacity except for one 6-minute period per hour of not more than 27% opacity.

- From 40 CFR 60.43:

- (a)—(c) Streamlined out.

- From 40 CFR 60.44:

- (a) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain NOx, expressed as NO<sub>2</sub> in excess of:

- (1) 0.20 lb per million Btu heat input derived from gaseous fossil fuel.

- (2) 0.30 lb per million Btu heat input derived from liquid fossil fuel, liquid fossil fuel and wood residue, or gaseous fossil fuel and wood residue.

- (3) Streamlined out.

- (4) 0.60 lb per million Btu heat input derived from lignite or lignite and wood residue (except as provided under paragraph (a)(5) of this section).

- (5) Not applicable.

- (b) Except as provided under paragraphs (c) and (d) of this section, when different fossil fuels are burned simultaneously in any combination, the applicable standard (in lb/mmBtu) is determined by proration using the equation in 40 CFR 60.44(b).

- (c) Not applicable.

- From 40 CFR 60.45:

- (a) Each owner or operator shall install, calibrate, maintain and operate continuous monitoring systems for measuring the opacity of emissions, sulfur dioxide emissions, NOx emissions and either oxygen or carbon dioxide.

- (b) Not applicable.

(c) For performance evaluations under 40 CFR 60.13(c) and calibration checks under 40 CFR 60.13(d), the procedures specified in 40 CFR 60.45(c) shall be used.

(d) (Reserved).

(e) For any continuous monitoring system installed under paragraph (a) of this section, the conversion procedures specified in 40 CFR 60.45(e) shall be used to convert the continuous monitoring data into units of the applicable standards (ng/J, lb/million Btu).

(f) The values used in the equations under paragraph 40 CFR 60.45(e) are derived as specified in 40 CFR 60.45(f).

(g) Excess emission and monitoring system performance reports shall be submitted to the administrator semiannually for each 6-month period in the calendar year. All semiannual reports shall be postmarked by the 30th day following the end of each 6-month period. Each excess emission and MSP report shall include the information required in 40 CFR 60.7(c). Periods of excess emissions and monitoring systems downtime that shall be reported are defined in 40 CFR 60.45(g).

—From 40 CFR 60.46:

(a) In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in Appendix A of this part or other methods and procedures as specified in this section, except as provided in 40 CFR 60.8(b). Acceptable alternative methods and procedures are given in paragraph (d) of this section.

(b) The owner or operator shall determine compliance with the particulate matter, SO<sub>2</sub> and NO<sub>x</sub> standards in 40 CFR 60.42, 60.43 and 60.44 as specified in 40 CFR 60.46(b).

(c) When combinations of fossil fuels or fossil fuel and wood residue are fired, the owner or operator (to compute the prorated standard as shown in 40 CFR 60.43(b) and 60.44(b)) shall determine the percentage (w, x, y or z) of the total heat input derived from each type of fuel as specified in 40 CFR 60.46(c).

(d) The owner or operator may use the provisions in 40 CFR 60.46(d) as alternatives to the reference methods and procedures in this section or in other sections as specified.

**10-284C: Seneca Landfill, Inc.** (421 Hartmann Road, Evans City, PA 16033) for modification of Plan Approval PA-10-284B, to clarify when the testing requirements are applicable and for the installation of either a 6,000 cfm or 5,000 cfm enclosed flare rather than the two smaller enclosed flares and genet in Jackson Township, **Butler County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval, in accordance with 25 Pa. Code § 127.450, will be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b, pertaining to plan approval terms and conditions, and will demonstrate Best Available Technology for the source:

• This plan approval supersedes the plan approval issued July 5, 2001, amended January 7, 2002, and extended on December 31, 2002, bearing number PA 10-284B.

• The source shall comply with 25 Pa. Code §§ 123.1, 123.21, 123.31 and 123.41 for fugitive matter, sulfur compound, odor and visible emissions.

• The permittee shall install either the 6,000 cfm or the 5,000 cfm enclosed flare within 6 months of plan approval issuance. The permittee shall notify the Department as to which enclosed flare was installed as part of the notification notice in Condition 3(a). Annually, the permittee shall calculate the year-end gas generation rate in accordance with 40 CFR 60.755(a)(1)(ii) using known year-to-year solid waste acceptance rates. Also, the permittee shall estimate the next year-end gas generation rate using projected solid waste acceptance rates. The permittee shall compare both rates to the installed control devices maximum gas capacity. The permittee shall submit a report containing the calculated year-end and the estimated next year-end gas generation rates by June 30 until a time as the plan approval for the next control device has been submitted. This report may be submitted as part of the Solid Waste Annual Operating Report; however, a copy needs to go to Air Quality. Once the calculated year-end or the estimated next year-end gas generation rate exceeds 80% of the existing control device maximum gas capacity from the report due June 30, the permittee shall submit a new plan approval application, within 60 days of the previous report, for installation of an additional control device that will control landfill gases (LFG) above the permitted capacity.

• Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the following requirements are hereby established for the flare:

• The flare shall be designed and operated in accordance with 40 CFR 60.18.

• The flare must be an enclosed ground type, which is shrouded with no visible flame shooting from the flare.

• The flare shall be equipped with a continuous pilot ignition source using an auxiliary fuel.

• The flare shall be operated with a flame present at all times. The flare shall be equipped with an automatic shut-off mechanism designed to immediately stop the flow of gases when a flameout occurs. During restart or start-up, there shall be sufficient flow of auxiliary fuel to the burners so that unburnt LFGs are not emitted to the atmosphere.

• The operating temperature of the flare shall be continuously measured and recorded. The recording charts shall be made available to the Department personnel upon request. These charts shall remain on file for a period of 5 years.

• The flare shall be designed for and operated with no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours and the emissions during these periods shall not exceed 10% opacity.

• The flare shall achieve and maintain a 98% nonmethane organic compound (NMOC) destruction efficiency for LFG. This minimum destruction efficiency requirement is also required by 40 CFR 60.752(b)(2)(iii)(B) of the Federal New Source Performance Standards.

• PM emissions for the flare shall not exceed 0.02 grain/dscf.

• The flare shall maintain a minimum operating temperature of 1,500°F for at least 0.3 second. The minimum operating temperature of the flare shall be 1,500°F or the



operating temperature maintained during the performance test in which compliance with the 98% destruction efficiency requirement was demonstrated.

- Source tests shall be conducted for the flare, within 60 days after installation but not later than 180 days after initial startup, to demonstrate compliance with the 98% NMOC destruction efficiency requirement and to determine the emission rates of NO<sub>x</sub> and CO.

- At least 60 days prior to source testing, three copies of the test procedure and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the regional air quality office.

- Within 60 days of the Departmental approval of the stack test protocol, stack tests shall be conducted in accordance with the 40 CFR 60.754(d) and the Department's source testing procedures described in the latest Source Testing Manual referenced in 25 Pa. Code § 139.4(5).

- At least 2 weeks prior to the test, the Regional Air Quality Manager shall be informed, in writing, of the date and time of the test.

- The stack test shall be performed while the flare is using the maximum available amount of LFGs at the time of the test.

- All available operating parameters, including but not limited to LFG flow rate and flare temperature, shall be recorded during the duration of the stack tests.

- Within 60 days after completion of the test, three copies of the complete test report, including all operating parameters, shall be submitted to the Regional Air Quality Manager for approval.

- Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the following requirements are hereby established:

- Petroleum contaminated soils may be used as daily landfill cover provided the VOC emissions from the contaminated soils does not exceed 2.7 tpy based on a consecutive 12-month period. The facility shall keep records of the petroleum-contaminated soil received at the landfill. The following information shall be recorded:

- Tons of contaminated soil received.
- Contaminate type (PHC or BTEX).
- PHC is total petroleum hydrocarbons.
- BTEX is benzene, toluene, ethyl benzene and xylenes.
- The maximum and average PHC and/or BTEX (from Waste Management Form FC-1) expressed in mg/kg.

- Potential VOC emissions shall be calculated as follows:

- PHC (expressed as mg/kg)  $\times 10^{-6} \times$  tons of soil = tons of VOC.

- BTEX (expressed as mg/kg)  $\times 10^{-6} \times$  tons of soil = tons of VOC.

- Quarterly reports shall be submitted to the Department of the VOC emissions within 30-days of the end of each calendar quarter.

- There shall be no passive venting of LFGs to atmosphere from any LFGs collection well from Area D.

- The collection system shall be designed to minimize offsite migration of the subsurface gas. The gas collection system shall be designed to: (1) to collect gas from the

maximum possible area of the landfill; and (2) accommodate the maximum gas generation rate for the landfill.

- The permittee shall perform quarterly monitoring to determine there are no LFG leaks which result in concentrations of 500 ppmv or more measured as propane (or 1,375 ppmv or more measure as methane) at a distance of 0.5 inch from any exposed equipment. The landfill equipment subject to this requirement shall include the exposed portions of the gas wells, piping or any other connections or fittings along the LFG transfer paths of a LFG collection and disposal system. A log shall be kept at the facility indicating any leak that exceeds the previous concentration and the corrective action taken for a period of 5 years and made readily available to Department personnel upon request.

- Should the LFGs flow rate from the disposal area exceed the maximum design capacity of the control devices, the company shall submit a plan approval application for the installation of an additional control device deemed acceptable by the Department.

- The LFGs shall be controlled and monitored in accordance with 25 Pa. Code § 273.292.

- 25 Pa. Code § 273.217 requires landfill operators to implement fugitive air contaminant control measures and otherwise prevent and control air pollution in accordance with the Air Pollution Control Act, Article III and 25 Pa. Code § 273.218. Minimization and control measures shall include the following:

- Ensuring that operation of the facility will not cause or contribute to exceeding ambient air quality standards under 25 Pa. Code § 131.3.

- Ensuring that no open burning occurs at the facility.

- Minimizing the generation of fugitive dust emissions from the facility.

- Fugitive emission control criteria: This criterion specifies the reasonable actions that are necessary for the prevention of fugitive dust emissions from the operation of landfills in accordance with these requirements. The fugitive emission control criteria are as follows:

- The landfill access roadways from the public highway to the landfill shall be paved a minimum of 500 feet. The access roadways shall be maintained to prevent particulate matter from becoming airborne as specified in 25 Pa. Code § 123.1(c).

- The unpaved portions of the access roadways shall have a crown so that water runs off and does not pool. The access roadways shall be maintained to prevent particulate matter from becoming airborne as specified in 25 Pa. Code § 123.1(c).

- All reasonable measures shall be taken to suppress fugitive dust emissions on access roadways or public highways for a distance of 500 feet in both directions from the landfill entrances and exits, caused by landfill operations. When applicable, reasonable accommodations shall be made with the governmental entity with primary responsibility for public highway maintenance and care to ensure that any fugitive emissions in the area of public highway denoted previously, caused by landfill operations, are appropriately suppressed.

- No waste oil shall be used as dust suppressant for the unpaved surface.

- Earth or other material deposited by trucking or other means shall be promptly removed from the paved portions of the access roadways.

- Upon leaving the landfill, the undercarriage, wheels and chassis of the vehicles used to transport wastes and earth shall be washed, as necessary, to prevent earthen carryout onto roadways.

- All waste hauling trucks entering the landfill shall be covered.

- A speed limit of 15 miles per hour shall be observed on all paved access roadways and 10 miles per hour on all unpaved areas. Speed limit signs shall be posted consistent with the requirements of the Department of Transportation (overall dimension 30 inches by 24 inches, "SPEED LIMIT" in 4-inch letters and 10-inch numerals).

- A detailed record describing the time, location, type and amount of roadway surface treatment shall be maintained at the landfill site for at least 5 years. As a minimum, the record shall include the following:

- For paved roadways and parking lot areas:
  - Log of action performed to prevent particulate matter from becoming airborne as specified in 25 Pa. Code § 123.1(c). This may include, but is not limited to, the following:

- Log of engine run time or odometer reading for a vacuum sweeper.

- Log of time and location of any maintenance.
  - Identification, time and location of any maintenance, repairs, patching or repaving of roads.

- For unpaved roads and shoulders of paved roads:
  - Log of action performed to prevent particulate matter from becoming airborne as specified in 25 Pa. Code § 123.1(c). This may include, but is not limited to, the following:

- Log of meter reading of spray-bar and/or pump and odometer reading of trucks used to apply dust suppressants and the identification of the dust suppressants.

- Log of the dilution ratios of the dust suppressants and diluents used if chemical suppressants are used.

- Purchase records of the chemical suppressants, if used.

- Quarterly reports of the previous records shall be submitted to the Department. The reports shall be submitted within 30 days after the end of each calendar quarter.

- The facility shall comply with New Source Performance Standards—40 CFR Part 60 Subpart WWW and shall comply with all applicable requirements of this subpart. This includes, but is not limited to, the following:

- 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to Director; Air, Toxics and Radiation Division; US EPA, Region III; 1650 Arch Street; Philadelphia, PA 19103.

- In accordance with 40 CFR 60.755(e), the provisions of this subpart apply at all times, except during periods of start-up, shutdown or malfunction, provided that the duration shall not exceed 5 days for collection systems and shall not exceed 1 hour for control devices.

- In accordance with 40 CFR 60.756(b)(2), the facility shall either:

- Install, calibrate and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes.

- Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type of configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

- In accordance with 40 CFR 60.755(b), each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of: 5 years or more if active; or 2 years or more if closed or at final grade.

- In accordance with 40 CFR 60.753(b) and 60.756(a), each well head pressure shall be measured monthly. Records shall be kept on file for 5 years and made readily available to Department personnel upon request. Should the pressure be positive during the monitoring of these wellheads, the permittee shall take necessary steps, in accordance with 40 CFR 60.755(a)(3), to bring the affected wellheads into compliance. The collection system shall be operated with negative pressure at each wellhead except under the following conditions:

- A fire or increased well temperature: The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 25 Pa. Code § 60.757(f)(1).

- Use of geomembrane or synthetic cover: The owner or operator shall develop acceptable pressure limits in the design plan.

- A decommissioned well: A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the Administrator.

- In accordance with 40 CFR 60.753(c) and 60.756(a), each interior wellhead in the collection system shall be operated with a LFG temperature less than 55°C and with either a nitrogen level less than 20% or an oxygen level less than 5%. The previous parameters shall be monitored monthly and records shall be kept on file for 5 years and made readily available to Department personnel upon request. Should the temperature or nitrogen and/or oxygen level be exceeded during the monitoring of these wellheads, the permittee shall take the necessary steps, in accordance with 40 CFR 60.755(a)(5), to bring the affected wellheads into compliance. The monitoring procedures shall comply with the provisions of 40 CFR 60.756(a).

- In accordance with 40 CFR 60.753(d), 60.755(c) and 60.756(f), the collection system shall be operated so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. The owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a serpentine pattern spaced 30 meters apart (or a site-specific established spacing) for each collection area on a quarterly basis. Methane concentration shall be less than 500 parts per million above background at the surface of the landfill using an organic vapor analyzer, flame ionization detector or other portable monitor meeting Section 3, 40 CFR Part 60, Appendix A, Method 21. Records shall be kept on file for a period of five years and made readily available to Department personnel upon request.

## OPERATING PERMITS

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

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

**18-00004: Armstrong World Industries** (325 Eagle Valley Road, Beech Creek, PA 16822) for renewal of the Title V operating permit for their Beech Creek Floor Tile plant in Beech Creek Township, **Clinton County**. The facility is currently operating under TVOP 18-00004, which was issued May 10, 1999. The facility's main sources include two natural gas-fired or no. 2 fuel oil-fired boilers, one small natural gas-fired water heater, nine rotogravure press stations, one ink mixing and dispensing operation, one make ready operation, one solvent distillation operation, one propane-fired emergency generator, one no. 2 oil-fired water pump and three storage tanks. The facility has the potential to emit major quantities of VOCs. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM (PM<sub>10</sub>) and HAPs below the major emission thresholds. 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 and 25 Pa. Code Chapter 127, Subchapter F.

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

**36-05077: Beck Industries, L. P.** (P. O. Box 244, 74 Newport Road, Leola, PA 17540) for production of mobile home frames and construction equipment trailers at their Upper Leacock Township, **Lancaster County** plant. The facility emissions will be limited to less than 50 tons per year of VOCs. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**24-00158: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for a Natural Minor Permit to operate a coal processing plant at their Little Toby Mine in Horton Township, **Elk County**.

**42-00197: M and M Royalty, Ltd.** (Route 307, Lewis Run, PA 16738) for a Natural Minor Permit to operate a natural gas processing plant at their Irishtown Plant in Lafayette Township, McKean, **Elk County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**54900101R2. Blackwood, Inc.** (P. O. Box 639, Wind Gap, PA 18091), renewal of an existing anthracite surface mine, coal refuse reprocessing, preparation plant, coal ash and biosolids utilization operation in Branch, Reilly and Tremont Townships, **Schuylkill County**, affecting 1847.6 acres. Receiving streams: Panther and Swatara Creeks. Application received December 17, 2003.

**19930101R2. Burnrite Coal Company** (325 Mulberry Street, Atlas, PA 17851-1025), renewal of an existing anthracite surface mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties**, affecting 556.1 acres. Receiving streams: none. Application received December 17, 2003.

**54860107R3. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine, refuse reprocessing and refuse disposal operation in Cass Township, **Schuylkill County**, affecting 786.0 acres. Receiving streams: none. Application received December 19, 2003.

**54830206R4. Meadowbrook Coal Co., Inc.** (6690 SR 209, Lykens, PA 17048), renewal of an existing coal refuse reprocessing operation in Tremont Township, **Schuylkill County**, affecting 11.1 acres. Receiving streams: Stumps Run. Application received December 19, 2003.

**54910206R2. Meadowbrook Coal Co., Inc.** (6690 SR 209, Lykens, PA 17048), renewal of an existing coal refuse reprocessing operation in Tremont Township, **Schuylkill County**, affecting 190.0 acres. Receiving streams: Stumps Run. Application received December 19, 2003.

**40880101R3. Silverbrook Anthracite, Inc.** (1 Market Street, Wilkes-Barre, PA 18702), renewal of an existing anthracite surface mine operation in Newport Township, **Luzerne County**, affecting 144.2 acres. Receiving streams: none. Application received December 22, 2003.

**54880202R3. Morea Cogen, Inc.** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an exist-

ing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County**, affecting 220.8 acres. Receiving streams: none. Application received December 23, 2003.

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

**56981301. NPDES Permit No. PA0215121, Quecreek Mining, Inc.** (P. O. Box 149, Friedens, PA 15541), to renew and revise the permit for the Quecreek No. 1 Mine in Lincoln and Somerset Townships, **Somerset County**, to add subsidence control plan acres. SCP Acres Proposed 2206. No additional discharges. Application received October 21, 2003.

**33901602. NPDES Permit No. PA0214604, Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824), to renew the permit for the Brockway Tipple in Snyder Township, **Jefferson County** and related NPDES Permit. No additional discharges. Application received October 31, 2003.

**04971301. NPDES Permit No. 0215074, Rosebud Mining Company** (301 Market Street, Kittanning, PA 15201), to transfer the permit for the Beaver Valley Mine in Greene Township and Shippingport Borough, **Beaver County**, from MJ Mining Company and to change the operation name from MJ Mine No. 1. No additional discharges. Application received November 18, 2003.

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

**33980102 and NPDES Permit No. PA0227714. Beth Contracting, Inc.** (815 Rock Run Road, Glen Campbell, PA 15742-7806). Renewal of an existing bituminous surface strip operation in Gaskill Township, **Jefferson County**, affecting 32.0 acres. Receiving streams: two unnamed tributaries of East Branch Mahoning Creek (HQ, CWF). The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application for reclamation only. Application received December 22, 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 of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**2579302. Bedrock Sand & Gravel, Inc.** (10400 Messenger Road, Girard, PA 16417-9210). Renewal of NPDES Permit No. PA0107212, Girard Township, **Erie County**. Receiving streams: Elk Creek (WWF, MF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received December 19, 2003.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E23-441. B Conservancy, Inc.**, P. O. Box 141, Chadds Ford, PA 19317, Chadds Ford Township, **Delaware County**, ACOE, Philadelphia District.

To perform the following activities associated with the Kuerner Farm Pond Restoration Project:

To relocate a reach of an unnamed tributary of Harvey's Run (WWF-MF) through 450 linear feet of new channel by constructing a 2-foot high diversion wall/intake structure and routing flow around an existing drained 0.35-acre reservoir and breach dam.

To remove 500 cubic yards of sediment accumulation from a 0.27-acre portion of the existing drained reservoir and impacting a wetland (PEM) that has developed within the drained reservoir.

The applicant proposes to replace 0.12 acre of wetland impacted by the conversion of this on-stream dam to an off-stream facility as part of the restoration of the Kuerner Farm Pond. The project is approximately 2,000 feet north of the intersection of Ring Road and Bullock Road (Wilmington North, PA Quadrangle N: 21.6 inches; W: 16.6 inches).

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

**E40-629. Mark Development Company**, 580 Third Avenue, Kingston, PA 18704 in Dallas Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a stream enclosure of Toby Creek (CWF), consisting of approximately 195 linear feet of 28-foot by 8-foot open-bottomed concrete arch culvert for the purpose of facilitating commercial development. The project includes channel realignment extending approximately 80 feet upstream of the enclosure (incorporating a gabian retaining wall along the right bank and riprap channel protection) and approximately 42 linear feet of riprap channel protection extending downstream of the enclosure. The project is on the west side of SR 0415, at the intersection of SR 0415 and SR 0309 (Kingston, PA Quadrangle N: 14.7 inches; W: 11.0 inches).

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

**E07-373: Cindy D. Bigelow**, R. D. 1, Box 188, Williamsburg, PA 16693 in Catharine Township, **Blair County**, ACOE Baltimore District.

To place fill within 15 feet of Roaring Run (WWF) for the purpose of constructing a 40-foot by 100-foot equipment shed along Etna Furnace Road within Catharine Township, Blair County (Spruce Creek, PA Quadrangle N: 4.75 inches; W: 10.3 inches).

**E07-379: Hollidaysburg American Legion Post 516**, 816 Allegheny Street, Hollidaysburg, PA 16648 in Hollidaysburg Borough, **Blair County**, ACOE Baltimore District.

To build a 72-foot by 60-foot pavilion with associated fill material for a concrete floor to match the elevation of the existing hearth chimneys found within the left floodway of the Beaverdam Branch (TSF) at the site of the former American Legion "Starroom" aside of Memorial Park within Hollidaysburg Borough, Blair County (Hollidaysburg, PA Quadrangle N: 10.3 inches; W: 4.3 inches).

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

**E14-455. Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. Cherry Run Road bridge replacement in Haines Township, **Centre County**, ACOE Baltimore District (Weikert, PA Quadrangle N: 20.00 inches; W: 14.60 inches).

To remove and existing bridge and to construct and maintain a prestressed spread box beam bridge with a normal span of 22.4 feet and a minimum inlet underclearance of 6.10 feet across Cherry Run (EV-CWF), 2 miles up Cherry Run Road from SR 2003. This project is predicted to impact 150 linear feet of Cherry Run without temporary or permanent wetland impacts.

**E55-195. Snyder County Conservation District**, 403 West Market Street, Middleburg, PA 17841. Water Obstruction and Encroachment Permit in Penn Township, **Snyder County**, ACOE Susquehanna River Basin District (Freeburg, PA Quadrangle N: 13.2 inches; W: 3.9 inches).

To construct and maintain two 30-foot long by 5-foot wide concrete beam, wooden deck bridges over an unnamed tributary to Penns Creek (CWF) for the purposes

of a nature trail. The project is along SR 0015 north 1.0 mile north of the intersection of SR 0522 and Salem Road in Penn Township, Snyder County. The project does not propose to impact any jurisdictional wetlands.

**E60-162. Family Practice Center, PC, Buffalo Valley Shopping Center**, 307 East Chestnut Street, Mifflinburg, PA 17844. Project is a business expansion in Kelly Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 18.4 inches; W: 2.4 inches).

The applicant proposes to expand an existing medical practice and increase the parking lot by 12 spaces. The project will disturb approximately 0.47 acre. Proposed impacts to aquatic resources include filling two isolated emergent wetlands totaling 0.08 acre. These wetlands are classified as "other wetlands" by the Department and are on a partially developed lot off J. P. M. Road in Kelly Township, just north of Lewisburg and are within the Buffalo Creek watershed. The applicant proposes to replace these wetlands through contribution to the Pennsylvania Wetland Replacement Project.

---

## ACTIONS

---

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under General Permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOI for coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0028649 Sewage	Municipal Authority of the Borough of Sinking Spring 502 Penn Avenue Sinking Spring, PA 19608-9661	Berks County Spring Township	Cacoosing Creek 3C	Y
PAR10I172R	Larry Troutman Forest Hills Assoc. Inc. 4701 N. Front St. Harrisburg, PA 17110	Dauphin County Lower Paxton Township	Paxton Creek WWF	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0002941 Industrial Waste	Allegheny Energy Supply Company LLC 4350 Northern Pike Monroeville, PA 15146	Greene County Monongahela Township	Monongahela River (Outfalls 001—006, 090, 010 and 013) UNT to Little Whiteley Creek (Outfall 007)	Y
PA0004081 Industrial Waste	Corrective Action Process Regulations Industries 2214 Walnut Street McKeesport, PA 15132	Allegheny County City of McKeesport	Youghioghney River	Y
PA0026034 Sewage	City of Johnstown Bureau of Sewage 414 Washington Street Johnstown, PA 15901	Cambria County West Taylor Township	Conemaugh River	N
PA0026140 Sewage	Rochester Area Joint Sewer Authority 390 Pinney Street, Suite 1 Rochester, PA 15074	Beaver County Rochester Borough	Ohio River	N
PA0204587 Sewage	James C. Noel 108 Front Street Fallentimber, PA 16639	Cambria County White Township	Clearfield Creek	Y
PA0204927 Sewage	Barr Area Municipal Authority P. O. Box 236 Nicktown, PA 15762	Cambria County Barr Township	Hoppel Run	Y
PA0204986 Sewage	Yellow Truckers & Electronic Services Inc. P. O. Box 459 Yukon, PA 15698	Westmoreland County South Huntingdon Township	Lick Run	Y
PA0217832 Sewage	John Edward Schmidt R. D. 2 Box 164A Route 66 and Pfeffer Road Export, PA 15632	Westmoreland County Washington Township	UNT of Thorn Run	Y
PA0217999 Sewage	Jack's Independent Service Inc. 1121 Wallace Run Road Darlington, PA 16115	Beaver County South Beaver Township	UNT of North Fork Little Beaver Creek	Y

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

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

**NPDES Permit No. PA0008265, Amendment No. 3, Industrial Waste, Appleton Papers, 100 Paper Mill Road, Roaring Spring, PA 16673-1488.** This proposed facility is in Blair Township, **Blair County**.

Description of Proposed Action/Activity: Amendment to add Foamtrol AF33560 to chemical additive section on page 25 in Part C IV of their existing NPDES permit.

---

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


---

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

**WQM Permit No. 5602404**, Sewerage, **Jane Stitt**, 326 Carriage Ct., Freedom, PA 15042-2826. This proposed facility is in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: Single residence sewage treatment plant with discharge to a groundwater infiltration field.

**WQM Permit No. 5602405**, Sewerage, **James and Phyllis Everts**, 135 Shoreline Drive, Penhook, VA 24137. This proposed facility is in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: Single residence sewage treatment plant with discharge to an at-grade groundwater infiltration bed.

**WQM Permit No. 5602411**, Sewerage, **Mr. and Mrs. Lambert**, 473 Sheep Ridge Road, Somerset, PA 15501. This proposed facility is in Somerset Township, **Somerset County**.

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

**WQM Permit No. 6503406**, Sewerage, **City of Jeannette**, P. O. Box 294, Penn, PA 15675. This proposed facility is in Jeannette, **Westmoreland County**.

Description of Proposed Action/Activity: To construct approximately 1,543 feet of 8-inch diameter gravity sewers that will serve as a parallel relief sewer around Fourth Street.

---

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**


---



---

**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


---



---

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**


---

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S046-1-R	S. I. D. E. Corporation P. O. Box 1050 Blakeslee, PA 18610	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF
PAI024503006	Meadow Lake Plaza, LLC P. O. Box 1158 Marshalls Creek, PA 18335	Monroe	Middle Smithfield Township	Pond Creek HQ-CWF
PAI024803022	James K. and Sharon L. Carty 619 East Lawn Road Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAI024803021	Christopher Villani 514 Maple St. Bethlehem, PA 18018	Northampton	Lower Nazareth Township	Bushkill Creek HQ-CWF
PAI024803026	Wind-Drift Read Estate Associates 179 Mikron Road Bethlehem, PA 18020	Northampton	City of Bethlehem	Monocacy Creek HQ-CWF
PAI024803011	Guido and Margaret Bartolacci 3656 Mountainview Ave. Easton, PA 18045	Northampton	Bethlehem Township	Bushkill Creek HQ-CWF
PAI024803023	Main Street Group, Inc. 3359 Durham Rd. Doylestown, PA 18901	Northampton	Hanover Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041803004	Samuel R. Stoltzfus 74 Airstrip Dr. Mill Hall, PA 17751	Clinton	Lamar Township	Fishing Creek HQ-CWF



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

Elk County Conservation District: Courthouse Annex, 300 Center St., Ridgway, PA 15853, (814) 776-5373.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062403002	Catalyst Energy, Inc. 120 Shangri Lane Pittsburgh, PA 15237-3384	Elk	Highland Township	South Branch Tionesta Creek HQ-CWF Crane Run EV

## VII. Approvals to Use NPDES and/or Other General Permits

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

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

#### General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lackawanna County Dickson City Borough	PAR10N101(1)	Siniawa & Associates 760 Scranton Carbondale Highway Scranton, PA 18509	Tributary to Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Lehigh County Upper Saucon Township	PAG2003903027	GKPS, Inc. James Kusco 4555 Hamilton Blvd. Allentown, PA 18103	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Lehigh County Upper Saucon Township	PAG2003903030	South Lehigh Public Library Association Jerome Trexler 6339 Beverly Hills Rd. Coopersburg, PA 18036	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Monroe County Eldred and Ross Townships	PAG2004503007	William Parsons R. R. 3, 649 Lime St. Palmerton, PA 18071	Buckwha Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Schuylkill County W. Brunswick Township	PAG2005403025	Mary Davenport R. R. 2, Box 2044 Orwigsburg, PA 17961	Pine Creek CWF	Schuylkill County Conservation District (570) 622-3742

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Schuylkill County W. Brunswick Township	PAG2005403030	Metal Sales Mfg. John J. Fenstermacher 29 Pinedale Ind. Rd. Orwigsburg, PA 17961	Pine Creek to Sch. River CWF	Schuylkill County Conservation District (570) 622-3742
Luzerne County Hanover Township	PAG2004003010	Earth Conservancy 101 S. Main St. Ashley, PA 18706	Solomon Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Lower Nazareth Township Nazareth Borough	PAG2004803032	ESSROC Attn: Alfred Barzoloski 3251 Bath Pike Nazareth, PA 18064	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Bern Township Berks County	PAG2000603098	David Snyder Horizon Custom Homes, Inc. 224 Genesis Drive Blandon, PA 19510	UNT to Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
East Hanover Township Dauphin County	PAG2002203040	Scott Groy P. O. Box 185 Jonestown, PA 17038	Swatara Creek WWF Bow Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Bradford County Athens Township	PAG2000803005	Rachelle King Belden and Blake Corp. 2281 Titusville Rd. Pleasantville, PA 16341	Chemung River WWF	Bradford County Conservation District R. R. 5, Box 5030C Towanda, PA 18848 (570) 265-5539
Lycoming County Loyalsock Township S. Williamsport Borough City of Williamsport	PAG2004103014	Department of Transportation District 3-0 P. O. Box 218 Montoursville, PA 17754	Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Cambria County Richland Township	PAG2001103005(1)	Alan Bellis 34555 Chagrin Blvd. Moreland Hills, OH 44022 and Randy Straw P. O. Box 9 429 Fetterolf Rd. Boswell, PA 15531	Little Paint Creek CWF Sams Run WWF	Cambria County Conservation District (814) 472-2120
Westmoreland County East Huntingdon Township	PAG2006503052	Gregory Liprando R. R. 2 Box 449 E Greensburg, PA 15601	Sherrick Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County City of Greensburg	PAG2006503055	Marino & Marino 766 E. Pittsburgh St. Greensburg, PA 15601	Coal Tar Run WWF	Westmoreland County Conservation District (724) 837-5271

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Walters Farm Biosolids Site White Township Greene County	Lower Ten Mile Run Joint Sewer Authority Williamstown WWTP 144 Chartiers Road Jefferson, PA 15344	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-13*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136264	Edgewood Borough 2 Race Street Edgewood, PA 15218	Allegheny	Edgewood Borough	Nine Mile Run TSF	Y
PAG136268	Green Tree Borough 10 W. Manilla Avenue Pittsburgh, PA 15220	Allegheny	Green Tree Borough	Whiskey Run WWF	Y
PAG136269	Etna Borough 437 Butler Street Pittsburgh, PA 15223	Allegheny	Etna Borough	Pine Creek TSF Little Pine Creek TSF	Y
PAG136273	Frazer Township 2129 Butler Logan Road Tarentum, PA 15084	Allegheny	Frazer Township	Allegheny River (light industrial and recreational)	Y
PAG136276	East McKeesport Borough 907 Florence Avenue East McKeesport, PA 15035	Allegheny	East McKeesport Borough	Turtle Creek WWF	Y
PAG136284	Dormont Borough 1444 Hillsdale Avenue Suite 10 Pittsburgh, PA 15216	Allegheny	Dormont Borough	UNT to Saw Mill Run	Y

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

## SAFE DRINKING WATER

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

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

**Operations Permit** issued to **Cedar Acres/Cunningham Inc.**, 1650 Harlansburg Road, New Castle, PA 16101, PWS ID 6370910, Scott Township, **Lawrence County** on December 23, 2003, for the operation of facilities approved under Construction Permit No. 3793502-T1.

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

**Operations Permit** issued to **Grampas Woods Estate Mobile Home Park**, HC 1, Box 1508, Tafton, PA 18464, PWS ID 2520005, Palmyra Township, **Pike County** on December 4, 2003, for the operation of facilities approved under Construction Permit No. 5295504.

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

**Permit No. 1701504—Innovative Technology.** Public Water Supply.

Applicant

**Westover Municipal Authority**  
**Gene Hagens, Secretary**  
**Westover Municipal Authority**  
121 North Main Street  
P. O. Box 185  
Westover, PA 16692-0185

Borough

Westover Borough

County	<b>Clearfield</b>
Type of Facility	PWS—Approves a Pall Aria AP-3 membrane microfiltration plant, disinfection, phosphate and caustic soda chemical feeds, three system meter pits, customer meter replacement and finished water storage tank repairs and improvements.
Consulting Engineer	Gwin, Dobson and Foreman, Inc. James L. Balliet 3121 Fairway Drive Altoona, PA 16602
Permit to Operate Issued	December 15, 2003

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Prompt Interim Response

#### Newtown Mercury Site, Newtown Township, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the Newtown Mercury Site (Site), 301 N. Sycamore Street, Newtown, PA 18940, Newtown Township, Bucks County. This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Site consists of a shed and the soils in the immediate vicinity of the shed on a residential property. The property immediately adjacent and to the west is commercial. The eastern edge of the property borders Newtown Creek. The Site can be found on the Langhorne Quadrangle at approximately latitude 40° 14' 5" N and longitude 74° 56' 11" W.

The shed had apparently been used by the owner to collect mercury from thermometers and other equipment. On October 12, 2003, the SERO Emergency Response Team (ERT), upon the request of the Fire Marshall, responded to the Site and removed 71 pounds of mercury and mercury containing devices from the property. At the conclusion of this action, beads of mercury were visible on the floor of the shed and in some of the open boxes. Beads of mercury were also observed entering cracks in the floor of the shed and were visible on a stone step outside the entrance to the shed. The shed was constructed of wood and elevated approximately 1 foot above the ground surface. Department analyses conducted by the ERT with a Jerome Mercury Vapor analyzer confirmed concentrations of mercury vapors inside the shed above the levels established for inhabited structures. Mercury levels in the soils under and around the shed were unknown. Based upon these conditions at the Site and because of the potential for community exposure to hazardous substances via inhalation, ingestion or dermal contact, the Department determined that there was a reasonable basis for prompt action within the meaning of section 505(b) of the HSCA. On December 3, 2003, the Department initiated an HSCA response at the Site.

The objective of the prompt interim response action was to remove and properly dispose of hazardous wastes and materials stored on the Site. The Department considered two alternative interim response actions for the Site:

Alternative 1—No Action. A “No Action” alternative provides a baseline against which all other alternatives can be prepared and/or judged. Had the Department selected the “No Action” alternative, any actual or potential health and environmental risk posed by the Site would have remained the same.

Alternative 2—Waste Removal and Disposal. This alternative consists of safely repackaging, temporarily storing, sampling for disposal purposes and shipping the wastes offsite to approved disposal facilities. This alternative includes demolition of the shed, disposal at a permitted facility of the resulting debris and the characterization of soils beneath the shed.

In evaluating these alternatives, the Department considered the criteria of permanence, protection of human health and environment and the alternatives' ability to meet applicable, relevant and appropriate State and Federal requirements (ARARs). The Department also considered cost-effectiveness in analyzing the prompt interim alternatives. The Department determined that the “No Action” alternative would not be protective of the public health. The Department selected Alternative 2—Waste Removal and Disposal. This alternative is protective of the public health and environment, complies with ARARs and is feasible and effective.

An Administrative Record which contains more detailed information concerning the prompt interim response action is available for public inspection from 8 a.m. to 4 p.m. at the Department's offices at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6000. Individuals interested in examining the Administrative Record should contact April Flipse at (610) 832-5937 ((484) 250-5721 after February 9, 2004) to arrange for an appointment. The Department is moving on February 6, 2004, to 2 East Main Street, Norristown, PA 19401.

An additional copy of the Administrative Record is available for review at the Newtown Township Building, 100 Municipal Drive, Newtown.

Under section 506(d) of the HSCA, (35 P. S. § 6020.506(d)) public hearing is scheduled for February 26, 2004, at 7 p.m. at the Newtown Township Building, 100 Municipal Drive, Newtown. Department staff will be available to informally answer questions beginning at 6:30 p.m. at the township building. Persons who want to present formal oral comments regarding this prompt interim response may do so by registering with the Department before the hearing. Individuals may register by calling the Department's Community Relations Coordinator Lynda Rebarchak at (610) 832-6219 ((484) 250-5820 after February 9, 2004).

Individuals who wish to attend the public hearing and are in need of an accommodation as provided for in the Americans With Disabilities Act should contact Lynda Rebarchak at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The public may also submit written comments regarding the Department's prompt interim response action during the period of public comment. Under section 506(c) of the HSCA, the Department has established a period for public comment, which shall run from the date of this notice through April 2, 2004. Written comments should be addressed to April Flipse, Project Officer, at the Department's previous address.

Individuals with questions concerning this notice should contact April Flipse.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

**The following plans and 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 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 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. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. 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.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Valley Forge General Hospital, Operable Unit 1, Schuylkill Township, Chester County.** Scott McClelland, URS Corp., 7101 Wisconsin Ave., Suite 700, Bethesda, MD 20814, on behalf of Kristine Carson, General Services Administration, Property Disposal Div., (4PR) 401 West Peachtree St., Suite 2528, Atlanta, GA, has submitted a Final Report concerning remediation of site soil contaminated with inorganics and groundwater contaminated with chlorinated solvents, inorganics and other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Reserve at Gwynedd, Upper Gwynedd Township, Montgomery County.** William F. Schmidt, P. E., Pen-noni Associates, Inc. 3001 Market St., Philadelphia, PA

19104, on behalf of Carmen Danella, The Reserve at Gwynedd LP, 470 E. Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2 and inorganics; and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2, inorganics, leaded gasoline, lead, other organics, PAH and unleaded gasoline. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

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

**Estate of Cunard Lower and Donald Watkins Property, Lehigh Township, Northampton County.** Douglas H. Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Final Report (on behalf of Javalyn A. Ramer, West Mountainview Drive, Walnutport, PA and Donald R. Watkins, North Dogwood Road, Danielsville, PA) concerning the remediation of soils found or suspected to have been contaminated with chlorinated solvents and other organics, fuel oil no. 2, leaded gasoline, lead and other inorganics. The report was submitted to demonstrate attainment of the Residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

**Buckeye Pipe Line Company—Dupont Station, Pittston Township, Luzerne County.** Jason Mengel, Environmental Coordinator, Buckeye Pipe Line Company, LP, 5002 Buckeye Road, Emmaus, PA 18049 has submitted a Final Report concerning the remediation of soils and groundwater found or suspected to have been contaminated with diesel fuel, jet fuel, kerosene and/or unleaded gasoline. The report was submitted to demonstrate attainment of the Nonresidential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

**Meade Residence, Middle Smithfield Township, Monroe County.** Ronald S. Carvalho, Principal, FT Associates, LLC, 12 Marshall Street, Unit 8B, Irvington, NJ 07111 has resubmitted a Final Report (on behalf of William Meade, Mountain Top Road, East Stroudsburg, PA 18301) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil. The report was submitted to demonstrate attainment of the Statewide Health Standard. The report was previously withdrawn by the applicant.

**Former Alliance America Facility, Borough of Port Carbon, Schuylkill County.** Christopher Orzechowski, P. G., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406 has submitted a combined Remedial Investigation Report and Final Report (on behalf of JDSW Real Estate Limited Partnership, 5th and Mahantango Streets, Pottsville, PA) concerning the remediation of groundwater found or suspected to have been contaminated with solvents. The reports were submitted in fulfillment of a combination of both the Statewide Health and the Site-Specific Standards.

**ConAgra Foods (a/k/a Saputo Cheese, 1002 MacArthur Road), Whitehall Township, Lehigh County.** Marjory Rinaldo-Lee, P. G., President, GeoLogic NY Inc., P. O. Box 5080, Cortland, NY 13045, has submitted a Final Report (on behalf of ConAgra Foods, 2001 Butterfield Road, Downers Grove, IL 60515) concerning the remediation of soils and groundwater found or suspected to have been contaminated with no. 2, 4 and 6 fuel

oil constituents. The report was submitted to demonstrate attainment of the Statewide Health Standard.

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

**Sunoco Inc., Walters Farm**, West Cocalico Township, **Lancaster County**. Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381, on behalf of Sunoco, Inc., P. O. Box 1135, Marcus Hook, PA 19061, submitted a Final Report concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**Former B & B Equipment**, Clinton Township, **Lycoming County**. BL Companies, on behalf of Hoss-Gorman, Inc., P. O. Box 308, Bartonsville, PA 18321, has submitted a Remedial Investigation Report and a Final Report concerning soil contaminated with leaded gasoline and unleaded gasoline and groundwater contaminated with inorganics, leaded gasoline and unleaded gasoline. This combined submission is intended to demonstrate remediation of this site to meet the Site-Specific Standard.

**James Mason Property**, Eagles Mere Borough, **Sullivan County**. Alliance Environmental Services, Inc., on behalf of James Mason, P. O. Box 3402, Boulder, CO 80307, has submitted a Final Report concerning soil contaminated fuel oil no. 2. This Final Report is intended to demonstrate remediation of the site soil to meet the Statewide Health Standard. See additional information in the Applications and the Actions sections of this *Pennsylvania Bulletin*.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office AFTER which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Helen O'Hora Estate**, Silver Lake Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 submitted a Final Report (on behalf of James O'Hora, Case Drive, Vestal, NY 18350) concerning the remediation of soils found or suspected to have been contaminated with home heating oil constituents (no. 2 fuel oil). The report documented attainment of the Residential Statewide Health Standard and was approved on December 9, 2003.

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

**Penn View Mobile Home Park**, Exeter Township, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Mark Reedy, 1121 Broadway Avenue, Reading, PA 19606, submitted a Final Report concerning remediation of site soils contaminated with kerosene. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 19, 2003.

**Defense Distribution Depot Susquehanna PA SWMU 27 Tank 950**, Fairview Township, **York County**. Weston Solutions, Inc., 1400 Weston Way, Building 4-2, West Chester, PA 19380, on behalf of Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 23, 2003.

**Whelan Investment Company a/k/a Ettline Foods Corporation**, Spring Garden Township, **York County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112-3377, on

behalf of Martin J. Whelan, 525 State Street, P. O. Box 563, York, PA 17405, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PAHs. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 23, 2003.

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

**Cognis**, Castanea Township, **Clinton County**. Cognis Corporation, 300 Brookside Avenue, Ambler, PA 19002 has submitted a Final Report concerning soil contaminated with no. 2 fuel oil, organics, inorganics and PAHs. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 22, 2003.

**Munro Farm**, Castanea Township, **Clinton County**. American Color & Chemical, LLC, Mount Vernon Street, Lock Haven, PA 17745, has submitted a Final Report concerning soil contaminated with VOCs, SVOCs, pesticides, PCBs and inorganics. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 22, 2003.

**James Mason Property**, Eagles Mere Borough, **Sullivan County**. Alliance Environmental Services, Inc., on behalf of James Mason, P. O. Box 3402, Boulder, CO 80307, has submitted a Final Report concerning soil contaminated fuel oil no. 2. This Final Report demonstrated remediation of the site soil to meet the Statewide Health Standard and was approved by the Department on December 23, 2003. See additional information in the Applications and the Actions sections of this *Pennsylvania Bulletin*.

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

**Permit revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and 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. 602935. York Haven Sewer Authority**, Two North Front Street, P. O. Box 394, York Haven, PA 17370-0394, Conewago Township, **York County**. The permit was revoked at the request of the permittee for Glenn Hoover Farm, Conewago Township, York County. The permit was revoked by the Southcentral Regional Office on December 22, 2003.

Persons interested in reviewing the general permit should contact Cynthia Wolfe, File Review Coordinator, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4732. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

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

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

**Cesar Prodosimo**, 176 Broadway St., Apt. 3, Somerville, MA 02145. Authorization No. WH5715. Effective December 22, 2003.

**Sasko Bozinov**, 421 Edmund Ave., Paterson, NJ 07502. Authorization No. WH5716. Effective December 22, 2003.

**First Choice Landscaping**, 179 Hockhockson Road, Colts Neck, NJ 07722. Authorization No. WH3103. Effective December 22, 2003.

**Voluntarily terminated applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act and regulations to transport municipal or residual waste.**

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

**Cisco & Taylor General Contractors, Inc.**, 18 East Ave., Mullica Hill, NJ 08062. Authorization No. WH2096. Voluntarily Terminated December 18, 2003.

**Miners Fuel Company, Inc.**, P. O. Box 86, Tremont, PA 17981. Authorization No. WH1570. Voluntarily Terminated June 25, 2003.

**Miners Oil Company, Inc.**, P. O. Box 86, Tremont, PA 17981. Authorization No. WH1572. Voluntarily Terminated June 25, 2003.

**Miners Environmental, Inc.**, P. O. Box 86, Tremont, PA 17981. Authorization No. WH1571. Voluntarily Terminated June 25, 2003.

#### AIR QUALITY

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

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

**GP3-9-07-03014: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 17201) on December 18, 2003, authorized to operate a portable nonmetallic mineral processing plant under GP3 in Taylor Township, **Blair County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**61-205A: IA Construction Corp.—Nectarine Aggregate Plant** (SR 3003, Harrisville, PA 16038) on December 10, 2003, to modify an existing portable nonmetallic crushing/screening plant at their Ben Hal Nectarine mining operation in Irwin Township, **Venango County**.

**43-290B: Winner Steel, Inc.** (277 Sharpsville Avenue, Sharon, PA 16146) on December 18, 2003, for the installation of a new no. 3 continuous steel strip galvanizing line furnace in the City of Sharon, **Mercer County**. This is a State-only facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**67-05004F: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-0500) on December 19, 2003, for modification of a bleach plant scrubber system in Spring Grove Borough, **York County**. This facility is subject to 40 CFR Part 63, Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry. This plan approval was extended.

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

**41-00005B: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) on December 18, 2003, for construction of three nitriders and associated air cleaning device (an ammonia/gas neutralization unit) to April 16, 2004, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

**18-00009A: Clinton County Solid Waste Authority** (264 Landfill Lane, McElhattan, PA 17748) on December 18, 2003, for authorization to operate a landfill gas-fired flare on a temporary basis to April 16, 2004, at the Wayne Township Landfill in Wayne Township, **Clinton County**. The plan approval has been extended.

**17-00001A: Reliant Energy Mid-Atlantic Power Holdings, LLC—Reliant Energy Northeast Management Co.** (121 Champion Way, Canonsburg, PA 15317) on December 22, 2003, for modification of an ash disposal facility (construction of a 86-acre expansion) by extending the expiration date from December 31, 2003, to June 30, 2004, at the Shawville Station in Bradford Township, **Clearfield County**. The plan approval has been extended.

**14-00014A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on December 19, 2003, to correct a waste oil furnace model number erroneously specified in the plan approval in Spring Township, **Centre County**.

**59-00003A: OSRAM SYLVANIA Products, Inc.** (One Jackson Street, Wellsboro, PA 16901-1717) on December 22, 2003, authorization to operate two light bulb frosting lines, a frosting solution reclaim system and associated air cleaning device (a packed bed scrubber), as well as a waste water treatment plant filter press and lime mixers, on a temporary basis until April 20, 2004, and to modify a hydrogen fluoride stack testing requirement so that only one of the two frosting lines now needs to be operated during the performance of the testing and to modify a scrubbing solution pH recordkeeping requirement so that records of 20-minute average pH values must now be maintained instead of 1-minute pH values in Wellsboro Borough, **Tioga County**. The Plan Approval has been extended.

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

**26-00288D: Better Materials Corp.** (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) on December 23, 2003, at their facility in Connellsville Township, **Fayette County**. Plan Approval 26-00288D will be revised as follows:

- Condition No. 3, change drum mix to batch, add no. 2 fuel oil and remove no. 6 fuel oil.
- Condition No. 8, reduce production from 500,000 tpy to 475,000 tpy to stay below the major source threshold for CO.
- Condition No. 9, removed no. 6 fuel oil.
- Condition No. 10, reduced the annual fuel usage restriction from 1.17 millions gallons to 1,111,500 gallons to coincide with new production limit and removed no. 6 fuel oil.
- Condition No. 12, reduced fuel lead limit from 100 ppm to 65 ppm, changed minimum Btu level from 8,000 Btu/lb to 135,000 Btu/gal, added (Tx) to Total Halides and replaced specific analytical techniques with as determined by appropriate EPA/ASTM methodology.
- Condition No. 16, revised emission limits to coincide with AP-42 emission factors.
- Condition No. 20, removed “and enforce.”
- Condition No. 21, removed requirement to sweep roads weekly and added use of the truck wheel wash.
- Condition No. 31, removed no. 6 fuel oil.
- Deleted former Conditions Nos. 9 and 30 regarding RAP usage. Also removed RAP from Condition No. 35.

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

**25-648A: Nepa Energy, LP** (1095 Ackerman Road, Northeast, PA 16428) on December 8, 2003, for operation of a boiler in North East, **Erie County**.

**25-648B: Nepa Energy LP** (1095 Ackerman Road, Northeast, PA 16428) issued December 8, 2003, for operation of a boiler in North East, **Erie County**.

**16-132B: Temple Inland Forest Products** (1 Fiberboard Avenue, Shippensburg, PA 16254) on December 30, 2003, for modifications to the fiberboard plant in Paint Township, **Clarion County**.

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

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

**23-00038: DELCORA** (100 East 5th Street, Chester, PA 19016) on December 22, 2003, an administrative amendment to resolve the appeal of the Title V Operating Permit, filed on October 10, 2003, in Chester City, **Delaware County**. The plant is a Delaware County Regional Water Authority wastewater treatment plant. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act and 25 Pa. Code § 127.450.



**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**12-399-016: Micron Research Corp.** (13746 Route 120, Emporium, PA 15834) on December 22, 2003, to delete a requirement erroneously established by the Department that the air contaminant emissions from a double arm carbon products mixer be controlled by an activated carbon odor filter system in Shippen Township, **Cameron 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); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permit Actions

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

**65980106 and NPDES Permit No. 0202380. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Renewal permit for continued mining and reclamation to an existing bituminous surface mine in South Huntingdon Township, **Westmoreland County**, affecting 40 acres. Receiving stream: unnamed tributary to Sewickley Creek (WWF). Renewal application received October 22, 2003. Renewal permit issued December 19, 2003.

**26980103 and NPDES Permit No. PA0212312. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Transfer of permit formerly issued to Purco Coal, Inc. for continued operation and reclamation of a bituminous surface mining site in Wharton and Stewart Townships, **Fayette County**, affecting 206 acres. Receiving streams: unnamed tributary to Meadow Run. Application received October 29, 2003. Permit transfer issued December 23, 2003.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**38034029. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Lebanon Valley Bible Church in South Annville Township, **Lebanon County**, with an expiration date of December 25, 2004. Permit issued December 22, 2003.

**38034030. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at 20 Krall Road in Jackson Township, **Lebanon County**, with an expiration date of July 21, 2004. Permit issued December 22, 2003.

**21034069. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Hickory Ridge in East Pennsboro Township, **Cumberland County**, with an expiration date of December 17, 2004. Permit issued December 22, 2003.

**21034070. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Ag Choice Farm Credit at Bent Creek Industrial Park in Silver Spring Township, **Cumberland County**, with an expiration date of December 25, 2004. Permit issued December 22, 2003.

**21034071. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at 4 Buttonwood Court in Silver Spring Township, **Cumberland County**, with an expiration date of December 25, 2004. Permit issued December 22, 2003.

**48034039. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting at Palmer Industrial Park in Forks Township, **Northampton County**, with an expiration date of February 1, 2004. Permit issued December 22, 2003.

**360340120. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Rolling Ridge Development in Manor Township, **Lancaster County**, with an expiration date of December 25, 2008. Permit issued December 23, 2003.

**23034018. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting at Indian Rock—Jacobucci Homes in Aston and Bethel Townships, **Delaware County**, with an expiration date of November 25, 2005. Permit issued December 23, 2003.

**28034043. David H. Martin, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Jason A. Johns Construction in the Borough of Green Castle, **Franklin County**, with an expiration date of June 8, 2007. Permit issued December 23, 2003.

**28034044. David H. Martin, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Shank's Lawn Equipment in Guilford Township, **Franklin County**, with an expiration date of June 8, 2007. Permit issued December 23, 2003.

**21034072. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting at Kelso Road/Westbrook in Southampton Township, **Cumberland**

**County**, with an expiration date of November 18, 2004. Permit issued December 23, 2003.

**38034031. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Extreme Exc.—330 Ramona Road in Jackson Township, **Lebanon County**, with an expiration date of July 25, 2004. Permit issued December 23, 2003.

**48034040. Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting at Lehigh Valley Site in Forks Township, **Northampton County**, with an expiration date of April 1, 2004. Permit issued December 23, 2003.

**52034027. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at John Ellis Property in Shohola Township, **Pike County**, with an expiration date of January 2, 2005. Permit issued December 23, 2003.

**06034060. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Daniel Boone School in Amity Township, **Berks County**, with an expiration date of January 8, 2007. Permit issued December 23, 2003.

**06034061. Popple Construction, Inc.** (202 Main Street, Laffin, PA 18702) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting at Berk Heim Nursing Facility in Bern Township, **Berks County**, with an expiration date of January 8, 2005. Permit issued December 23, 2003.

**54034009. Popple Construction, Inc.** (202 Main Street, Laffin, PA 18702) and **D. C. Guelich Explosive Company** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting at Wegman's Southern Retail Service Center in Cass, Butler and Foster Townships, **Schuylkill County**, with an expiration date of November 30, 2004. Permit issued December 23, 2003.

**360340121. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Nelson Weaver Dairy Barn in Earl Township, **Lancaster County**, with an expiration date of July 8, 2004. Permit issued December 23, 2003.

**360340122. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at R. S. Stoltzfus Job in Salisbury Township, **Lancaster County**, with an expiration date of February 8, 2004. Permit issued December 23, 2003.

**06034062. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Spring Meadow in Spring Township, **Berks County**, with an expiration date of January 8, 2006. Permit issued December 23, 2003.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board

within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E45-331. Blue Ridge Peat Farms, Inc.**, R. R. 1, Box 292-A, White Haven, PA 18661. Barrett Township, **Monroe County**, Army Corps of Engineers Philadelphia District, Subbasin 2E.

To operate and maintain a peat extraction operation in approximately 2.6 acres of (PFO) wetlands within the Cranberry Creek watershed (HQ-CWF). The project includes continued operation within approximately 19 acres of wetlands (previously authorized by Permit No. E45-064) and issuance of this permit supersedes Permit No. E45-064. The permittee is required to provide 20 acres of replacement wetlands. The project is on the south side of SR 1008, approximately 0.5 mile east of the intersection of SR 0191 and SR 1008 (Buck Hill Falls, PA Quadrangle N: 5.0 inches; W: 3.2 inches).

**E66-131. Richard N. Brewer**, 17700 Southeast 85th Ellerbee Avenue, Villages, FL 32162. Tunkhannock Township, **Wyoming County**, Army Corps of Engineers Baltimore District, Subbasin 4-G.

To place fill in approximately 0.17 acre of PFO wetlands for the purpose of providing buildable area for a proposed health care professional office building. The permittee has provided for 0.17 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is on the west side of SR 0006, just north of the intersection of SR 0006 and Township Road T430 (Tunkhannock, PA Quadrangle N: 12.4 inches; W: 12.2 inches).

**E64-231. Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. Honesdale Borough, **Wayne County**, Army Corps of Engineers Philadelphia District, Subbasin 01B.

To construct and maintain a two-span prestressed concrete spread box beam bridge (Church Street Bridge), having a total span length of approximately 40.0 meters (131 feet), an underclearance of approximately 4.5 meters (14.8 feet) and a width of 12.5 meters (41 feet), across West Branch Lackawaxen River (HQ-CWF); and to modify and maintain an existing three-span prestressed concrete spread box beam bridge (Fourth Street Bridge), having a total span length of approximately 50.9 meters (167 feet), an underclearance of approximately 6.1 meters (20.0 feet) and a width of 21.1 meters (69 feet), across the Lackawaxen River (HQ-CWF); with work consisting of widening the structure to accommodate four lanes of traffic. The project includes construction of two 450-mm (18-inch) stormwater outfall structures on the downstream side of the Church Street Bridge. The project also includes temporary impacts for causeways and cofferdams during construction of 0.38 acre of West Branch Lackawaxen River (Church Street) and 0.39 acre of Lackawaxen River (Fourth Street). The project is along

SR 0006, Section 673, Segment 0261, Offset 0117 (Honesdale, PA Quadrangle N: 12.5 inches; W: 0.3 inch).

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

**E07-374. Furrer Beverage Company, Inc.**, 526 Third Avenue, Altoona, PA 16602 in Antis Township, **Blair County**, ACOE Baltimore District.

To construct and maintain water, sewer, telephone, electric and gas utility crossings resulting in temporary impacts to 0.12 acre of exceptional value PEM wetlands at a point approximately 1,008 feet southeast of the intersection of SR 764 and SR 4018 (Bellwood, PA Quadrangle N: 11.8 inches; W: 11.75 inches); and a sewer line crossing resulting in temporary impacts to 0.03 acre of exceptional value PSS wetlands and a 7-foot by 20-foot crossing of a perennial unnamed tributary to Sandy Run (CWF) at a point approximately 426 feet southwest of the intersection of SR 764 and SR 4018 (Bellwood, PA Quadrangle N: 11.7 inches; W: 12.25 inches) in Antis Township, Blair County. The project involves 14 feet of additional impacts to the unnamed tributary to Sandy Run associated with two 2-foot high sandbag coffer dams waived under 105.12.(a)(1). The project proposes to temporarily impact 0.15 acre of exceptional value wetlands and 34 feet of an unnamed tributary to Sandy Run.

**E67-716. Dallastown Borough**, 18 East Main Street, Dallastown, PA 17313 in Dallastown Borough, **York County**, ACOE Baltimore District.

To construct and maintain a 71-inch by 47-inch corrugated metal pipe arch culvert 20 feet long, 190 feet of 48-inch stormwater piping and inlet system, 202 feet of gabion basket lined channel, 475 feet of impact for an on-stream detention basin (nonjurisdictional dam) to control additional flood flows in an unnamed tributary to Mill Creek (WWF). The site is between North Pleasant Avenue and North Walnut Street in Dallastown Borough (York, PA Quadrangle N: 5.0 inches; W: 2.5 inches) Dallastown Borough, York County.

**E34-109. Matthew W. Matter**, R. R. 2 Box 197, Millerstown, PA 17062 in Susquehanna Township, **Juniata County**, ACOE Baltimore District.

To remove a 16-foot dual 30-inch CMP road crossing on Dobson Run (CWF, perennial) and a 25-foot by 30-inch CMP road crossing on an unnamed tributary to Dobson Run (CWF, perennial) and to construct and maintain a 24-foot by 48-inch road crossing on Dobson Run at a point (Reward, PA Quadrangle N: 19.2 inches; W: 7.75 inches) approximately 416 feet downstream from T-518 and a 32-foot by 36-inch road crossing on an unnamed tributary to Dobson Run at a point (Reward, PA Quadrangle N: 19.4 inches; W: 7.85 inches) approximately 750 downstream from T-518. The project proposes to direct affect 56 linear feet of stream channel.

**E38-137. S, A & B Partners**, 1840 Fishburn Road, Hershey, PA 17033 in South Londonderry Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain: (1) 70 linear feet of stream relocation; (2) an 80-linear foot concrete box culvert with a span of 14 feet and a rise of 3 feet; (3) two utility line crossings; (4) four outfall pipes; and (5) 0.02 acre of wetland fill all within and adjacent to Spring Creek (WWF) for the purpose of constructing Phase II of the Stone Knoll residential subdivision, on the east side of Lawn Road (SR 3015) about 500 feet south of its intersection with U.S. Route 322 (Palmyra, PA Quadrangle N: 4.75 inches; W: 10.9 inches) in South Londonderry

Township, Lebanon County. The amount of wetland impact is considered a de minimis impact of 0.02 acre and wetland mitigation is not required.

**E67-747: Jackson Township Board of Supervisors**, 439 Roth's Church Road, Spring Grove, PA 17362 in Jackson Township, **York County**, ACOE Baltimore District.

To remove an existing bridge and then to construct and maintain a 28-foot long, 20-foot by 6-foot concrete box culvert at a point where Pine Road (T-513) crosses the Little Conewago Creek (TSF) (West York, PA Quadrangle N: 10.7 inches; W: 16.1 inches) in Jackson Township, York County. Minor road widening will impact 0.015 acre and wetland mitigation is not required.

[Pa.B. Doc. No. 04-56. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Proposed Fine Particulate Attainment/Nonattainment Designation Recommendations; Public Meetings

The Department of Environmental Protection (Department) is seeking public comment on its proposed recommendations to the United States Environmental Protection Agency (EPA) for the designation of areas not meeting the health-based National Ambient Air Quality Standards (NAAQS) for fine particulates. The EPA is expected to make final designation of these nonattainment areas in December 2004. Subsequently, the Commonwealth will be developing plans for these areas to meet the NAAQS. Reducing concentrations of this pollutant is important because levels above the health-based standard are a serious human health threat and also can cause or contribute to other negative environmental impacts.

The Commonwealth proposes to recommend to the EPA that boundaries for the designated nonattainment areas generally follow metropolitan area and county boundaries. This approach is similar to the methodology used for designating areas under the 8-hour ozone health-based standard. This proposal is available through the contact persons or on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (choose Subjects/Air Quality/Ozone/Clean Air Plans).

The Department will hold informational meetings to discuss its proposed recommendations at the following locations:

Tuesday, January 27, 2004, at 1 p.m.  
Southwest Regional Office, Waterfront Room A  
400 Waterfront Drive  
Pittsburgh, PA 15222

Wednesday, January 28, 2004, at 1 p.m.  
Department of Transportation  
Riverfront Office Center  
Transportation University, Room 411  
1101 S. Front Street  
Harrisburg, PA 17104

Thursday, January 29, 2004, at 2 p.m.  
Delaware Regional Planning Commission  
111 S. Independence Mall East  
The Bourse Building  
Philadelphia, PA 19106

Persons who wish to attend a meeting should contact Susan Ferree, (717) 787-9495, [sferree@state.pa.us](mailto:sferree@state.pa.us) by

January 26, 2004, to speed access into State buildings. Persons with a disability who wish to attend a meeting and require an auxiliary aid, service or other accommodation to participate in the proceeding should also contact Susan Ferree. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments on the recommendations should be sent to J. Wick Havens, Chief, Air Resource Management Division, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [jhavens@state.pa.us](mailto:jhavens@state.pa.us) by 4 p.m. on February 6, 2004. Written comments and e-mail submissions must include the name, affiliation (if any), mailing address and telephone number of the interested person.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-57. Filed for public inspection January 9, 2004, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2003, the maximum compensation payable under the Workers' Compensation Act, under Article 1, §§ 105.1 and 105.2 shall be \$690 per week for injuries occurring on and after January 1, 2004. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2004, the percentage increase in the Statewide Average Weekly Wage is 2.2%

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 04-58. Filed for public inspection January 9, 2004, 9:00 a.m.]

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Per Diem Rates for Residents of Pennsylvania State Veterans' Homes

The following per diem rates for residents of Pennsylvania State Veterans' Homes are effective January 1, 2004, through December 31, 2004:

#### *Hollidaysburg Veterans' Home*

Nursing Care	\$221.17
Personal Care	\$133.93

#### *Pennsylvania Soldiers' and Sailors' Home*

Nursing Care	\$234.57
Personal Care	\$119.53

*Southeastern Veterans' Center*

Nursing Care	\$210.73
Personal Care	\$156.08

*Northeastern Veterans' Center*

Nursing Care	\$212.22
Personal Care	\$105.43

*Southwestern Veterans' Center*

Nursing Care	\$192.26
Personal Care	\$129.12

*Delaware Valley Veterans' Home*

Nursing Care	\$233.45
Personal Care	\$115.98

MAJOR GENERAL WILLIAM B. LYNCH,  
*Adjutant General*

[Pa.B. Doc. No. 04-59. Filed for public inspection January 9, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Fortune Hunter 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 Fortune Hunter.

2. *Price:* The price of a Pennsylvania Fortune Hunter instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Fortune Hunter instant lottery game ticket will feature a "Coordinates For Treasure Map" area and a "Treasure Map" area. The play symbols located in the "Coordinates For Treasure Map" area are: The letters A through H, each in combination with the numbers 1 through 7. The play symbols located in the "Treasure Map" area are: A Chest Symbol consisting of six squares; a Shovel Symbol consisting of five squares; A Money Bag Symbol consisting of four squares; a Map Symbol consisting of four squares; a Diamond Symbol consisting of four squares; a Coin Symbol consisting of four squares; a Gold Bar Symbol consisting of two squares; a Scope Symbol consisting of two squares; a Key Symbol consisting of two squares; and a Pick Symbol consisting of two squares.

4. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$12, \$18, \$30, \$60, \$300, \$3,000 and \$30,000. The player can win up to two times on each ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,480,000 tickets will be printed for the Pennsylvania Fortune Hunter instant lottery game.

#### 6. *Determination of Prize Winners:*

(a) Holders of tickets where the player completely uncovers a Chest Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets where the player completely uncovers a Shovel Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets where the player completely uncovers a Money Bag Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets where the player completely uncovers a Map Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$60.

(e) Holders of tickets where the player completely uncovers a Diamond Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets where the player completely uncovers a Coin Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$18.

(g) Holders of tickets where the player completely uncovers a Gold Bar Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets where the player completely uncovers a Scope Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$9.

(i) Holders of tickets where the player completely uncovers a Key Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$6.

(j) Holders of tickets where the player completely uncovers a Pick Symbol, using only the letter-number combinations found in the "Coordinates For Treasure Map" area, on a single ticket, shall be entitled to a prize of \$3.

7. *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>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,480,000 Tickets</i>
Pick	\$3	6.67	972,000
Key	\$6	16.67	388,800
Scope	\$9	50	129,600
Pick + Key	\$9	50	129,600
Gold Bar	\$12	200	32,400
Pick + Scope	\$12	200	32,400
Coin	\$18	100	64,800
Diamond	\$30	166.67	38,880
Gold Bar + Coin	\$30	250	25,920
Map	\$60	400	16,200
Moneybag	\$300	40,000	162
Shovel	\$3,000	120,000	54
Chest	\$30,000	1,080,000	6

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fortune Hunter instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Fortune Hunter, prize money from winning Pennsylvania Fortune Hunter 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 Fortune Hunter 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.

10. *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.

11. *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 Fortune Hunter or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-60. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Pennsylvania Pot O' Gold '04 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 Pot O' Gold '04.
2. *Price:* The price of a Pennsylvania Pot O' Gold '04 instant lottery game ticket is \$5.
3. *Play Symbols:*

(a) Each Pennsylvania Pot O' Gold '04 instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Pot O' Gold '04 instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$17\$ (SVNTN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for "Game 2" are: Leprechaun Symbol (LEPCH) and X Symbol (XXX).

(d) The play area for "Game 3" will contain a "Lucky Symbol" area and a "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and the "Your Symbols" area are: Chest Symbol (CHEST), Coins Symbol (COINS), Wallet Symbol (WALLET), Moneybag Symbol (MNYBAG), Money Symbol (MONEY), Castle Symbol (CASTLE), Diamond Symbol (DMND), Gold Bar Symbol (GOLD), Pipe Symbol (PIPE), Cabbage Symbol (CABBAGE), Mushroom Symbol (SHROM) and Piggy Bank Symbol (PIGBNK).

#### 4. Prize Play Symbols:

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" and in the "Your Symbols" area for "Game 3" are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$17\$ (SVNTN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and \$50,000 (FTY THO).

(b) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$17\$ (SVNTN), \$51\$ (FTY ONE), \$170 (ONEHUNSTY) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1," "Game 2" and "Game 3" are \$5, \$6, \$7, \$10, \$17, \$51, \$170 and \$50,000. The prizes that can be won in the "Fast Cash Bonus" area are \$5, \$6, \$7, \$10, \$17, \$51 and \$170. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,280,000 tickets will be printed for the Pennsylvania Pot O' Gold '04 instant lottery game.

#### 7. Determination of Prize Winners:

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching play symbols of \$170 (ONEHUNSTY) in the play area, on a single ticket, shall be entitled to a prize of \$170.

(3) Holders of tickets with three matching play symbols of \$51\$ (FTY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$51.

(4) Holders of tickets with three matching play symbols of \$17\$ (SVNTN) in the play area, on a single ticket, shall be entitled to a prize of \$17.

(5) Holders of tickets with three matching play symbols of \$10<sup>.00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets with three matching play symbols of \$7<sup>.00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(7) Holders of tickets with three matching play symbols of \$6<sup>.00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets with three matching play symbols of \$5<sup>.00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$50,000 (FTY THO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$170 (ONEHUNSTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$170.

(3) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$51\$ (FTY ONE) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$51.

(4) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$17\$ (SVNTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$17.

(5) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$7<sup>.00</sup> (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(7) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column or diagonal, and a prize play symbol of \$6<sup>.00</sup> (SIX DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets with three matching Leprechaun Symbol (LEPCH) play symbols in the same row, column

or diagonal, and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$50,000 (FTY THO) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$170 (ONEHUNSTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$170.

(3) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$51\$ (FTY ONE) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$51.

(4) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$17\$ (SVNTN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$17.

(5) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$7<sup>.00</sup> (SVN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(7) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$6<sup>.00</sup> (SIX DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for "Fast Cash Bonus" are:

(1) Holders of tickets with a prize play symbol of \$170 (ONEHUNSTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$170.

(2) Holders of tickets with a prize play symbol of \$51\$ (FTY ONE) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$51.

(3) Holders of tickets with a prize play symbol of \$17\$ (SVNTN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$17.

(4) Holders of tickets with a prize play symbol of \$10<sup>.00</sup> (TEN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(5) Holders of tickets with a prize play symbol of \$7<sup>.00</sup> (SVN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$7.

(6) Holders of tickets with a prize play symbol of \$6<sup>00</sup> (SIX DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$6.

(7) Holders of tickets with a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Fast Cash Bonus" area, on a single

ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 2,280,000 Tickets</i>
\$5				\$5	30	76,000
	\$5			\$5	30	76,000
		\$5		\$5	60	38,000
			\$5	\$5	60	38,000
\$6				\$6	200	11,400
	\$6			\$6	300	7,600
		\$6		\$6	300	7,600
			\$6	\$6	300	7,600
\$7				\$7	300	7,600
	\$7			\$7	300	7,600
		\$7		\$7	300	7,600
			\$7	\$7	300	7,600
			\$5 × 2	\$10	50	45,600
\$10				\$10	120	19,000
	\$10			\$10	120	19,000
		\$10		\$10	150	15,200
			\$10	\$10	150	15,200
\$10		\$7		\$17	60	38,000
\$17				\$17	60	38,000
	\$17			\$17	30	76,000
		\$17		\$17	60	38,000
			\$17	\$17	60	38,000
\$7	\$7	\$7	\$6 × 5	\$51	902.26	2,527
\$51				\$51	902.26	2,527
\$17			\$17 × 2	\$51	902.26	2,527
\$17	\$17	\$17		\$51	902.26	2,527
\$17		\$17	\$17	\$51	902.26	2,527
	\$51			\$51	902.26	2,527
		\$51		\$51	902.26	2,527
			\$51	\$51	909.09	2,508
\$170				\$170	12,000	190
\$17	\$51	\$51	\$51	\$170	12,000	190
\$17		\$51	\$51 × 2	\$170	12,000	190
\$17			\$51 × 3	\$170	12,000	190
	\$170			\$170	12,000	190
		\$170		\$170	12,000	190
			\$170	\$170	12,000	190
	\$50,000			\$50,000	2,280,000	1
		\$50,000		\$50,000	2,280,000	1
			\$50,000	\$50,000	2,280,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pot O' Gold '04 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 Pot O' Gold '04, prize money from winning Pennsylvania Pot O' Gold '04 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 Pot O' Gold '04 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 Pot O' Gold '04 or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-61. Filed for public inspection January 9, 2004, 9:00 a.m.]



### Super 6 Lotto

In accordance with 61 Pa. Code § 870.8(j) (relating to determination of prize winners), the Secretary of Revenue hereby announces that in the event that no ticket is sold containing the winning numbers necessary to claim the first place (jackpot) prize for the final Super 6 Lotto drawing to take place January 27, 2004, the allocation of prize money will be as follows:

All first place (jackpot) prize moneys will be shared proportionately by second, third and fourth prize winners. Those prize tiers will be allocated a proportion of the prize pool equal to the proportion of nonjackpot prizes allocated normally to that tier. The following chart indicates the regular percentage of prize pool for each nonjackpot prize tier and the new percentage under the promotion.

Match	Regular Prize Pool %	Promotional Prize Pool %
6	76.0%	00.00%
5	8.0%	33.33%
4	7.5%	31.25%
3	8.5%	35.42%

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-62. Filed for public inspection January 9, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Continental Insurance Company; Homeowners Insurance Rate and Rule Revision; Rate Filing

On December 18, 2003, the Insurance Department (Department) received from Continental Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

Continental Insurance Company requests an overall 2.9% increase amounting to \$1.238 million annually, effective June 1, 2004.

Unless formal administrative action is taken prior to February 16, 2004, 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 Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 04-63. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Continental Insurance Company; Private Passenger Auto Insurance Rate and Rule Revision; Rate Filing

On December 18, 2003, the Insurance Department (Department) received from Continental Insurance Company a filing for a proposed rate level and rule changes for private passenger auto insurance.

Continental Insurance Company requests an overall 3.9% increase amounting to \$3.4 million annually, to be effective June 1, 2004.

Unless formal administrative action is taken prior to February 16, 2004, 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 Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 04-64. Filed for public inspection January 9, 2004, 9:00 a.m.]

### HealthAmerica East; Rate Filing

On December 17, 2003, HealthAmerica East submitted filings for the prescription drug riders for the eastern Pennsylvania service area. The requested rate increase is for 5.0—22.3% (percentage varies by co-pay plan) and affects 61,281 members. It will generate an additional annual income of \$310,989. An effective date of April 1, 2004, is requested.

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 Rashmi Mathur, 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. 04-65. Filed for public inspection January 9, 2004, 9:00 a.m.]

### HealthAmerica West; Rate Filing

On December 17, 2003, HealthAmerica West submitted filings for the prescription drug riders for the western Pennsylvania service area. The requested rate increase is for 3.1—27.7% (percentage varies by co-pay plan) and

affects 51,619 members. It will generate an additional annual income of \$305,491. An effective date of April 1, 2004, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, 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. 04-66. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of James R. Kinard; file no. 03-182-11918; Erie Insurance Exchange; doc. no. P03-12-027; January 28, 2004, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Patsy Ciocca; file no. 03-280-05558; Tuscarora-Wayne Mutual Insurance Company; doc. no. PH03-12-012; March 4, 2004, 10:30 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid,

service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-67. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Anthony Sison, M.D.; Prehearing

#### Appeal of Anthony Sison, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-12-019

On or before January 14, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 4, 2004, at 3 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 4, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 26, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before January 30, 2004.

Persons with a disability who wish to attend the 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. 04-68. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Lawrence P. Wean, M.D.; Prehearing

#### Appeal of Lawrence P. Wean, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-12-015

On or before January 14, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's October 23, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 4, 2004, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 4, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 26, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before January 30, 2004.

Persons with a disability who wish to attend the 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. 04-69. Filed for public inspection January 9, 2004, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Minimum Class II Prices

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on March 3, 2004, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the methodology for establishing minimum Class II wholesale and retail prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on February 9, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on February 9, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies for the use of nonparties attending the hearing.

1. By 4 p.m. on February 23, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on February 27, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on February 9, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIMOTHY A. MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 04-70. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Price Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on February 4, 2004, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the timing of the inclusion of the over-price premium in the calculation of minimum wholesale and retail prices. The Board will also receive testimony and exhibits concerning the cross-section of milk dealers used to calculate the over-price premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on January 16, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on January 16, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies for the use of nonparties attending the hearing.

1. By 4 p.m. on January 27, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as

an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on January 30, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on January 20, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIMOTHY A. MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 04-71. Filed for public inspection January 9, 2004, 9:00 a.m.]

**PENNSYLVANIA  
INFRASTRUCTURE  
INVESTMENT AUTHORITY  
AND  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

**Clean Water State Revolving Fund Projects; Public Hearing on Federal Fiscal Year 2004 and 2005 Project Priority List and Fiscal Year 2004 Intended Use Plan**

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared a combined Federal Fiscal Year 2004 and 2005 wastewater construction Project Priority List (PPL) and the Fiscal Year 2004 Intended Use Plan (IUP) list of municipal wastewater projects to be considered for a construction loan from funds the Commonwealth expects to receive from fiscal year 2004 funds approved by Congress to capitalize the Clean Water State Revolving Fund (CWSRF) program.

The projects included on the PPL have a project priority rating under the Department's regulations in 25

Pa. Code Chapter 103 (relating to financial assistance) concerning project priority rating system, and as such, regulations have been approved by the United States Environmental Protection Agency (EPA) for that purpose. The Clean Water Act stipulates that states must maintain a PPL of municipal wastewater projects from which to develop the annual CWSRF IUP list of projects to be funded.

Projects listed on the Fiscal Year 2004 IUP list are on the Commonwealth's CWSRF PPL and are expected to proceed to construction in the near future. Other projects on the PPL are projects that are in development or will be developed for future construction loan consideration. Any project removed from an IUP is maintained on the PPL unless otherwise completed.

A project must appear on the approved IUP before it can receive a loan from the CWSRF. The CWSRF IUP was developed in accordance with the ranking criteria listed in section 10(b) of the Pennsylvania Infrastructure Investment Authority Act (35 P.S. § 751.10(b)). These ranking criteria differ somewhat from the Department regulations in 25 Pa. Code Chapter 103, as does the methodology used to evaluate projects. In addition, a project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUP. Consequently, the rank ordered list of projects on the PPL does not dictate the order in which they will be chosen for inclusion in the IUP.

The CWSRF will be capitalized with approximately \$52.5 million of Federal Fiscal Year 2004 funds from the EPA and \$10.5 million of State funds. Some \$64.3 million of CWSRF loan repayments will be used to allow additional project funding opportunities on the Fiscal Year 2004 IUP. The Fiscal Year 2004 CWSRF IUP has 31 municipal wastewater construction projects listed with a total dollar value of approximately \$125 million. Some \$2.1 million of the Federal Fiscal Year 2004 funds will be set aside for program administration costs. A public hearing will be held, as described in this notice. After the public hearing and assessment of the comments received, the final Fiscal Year 2004 CWSRF IUP will be completed; potentially, it may include other projects from the CWSRF PPL.

Federal guidance and regulations on development of the CWSRF PPL and IUP direct that the lists be subject to public comment and review before being submitted to the EPA.

The Department has scheduled a public hearing for 10 a.m. on February 25, 2004, in the Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The hearing is scheduled for the purpose of receiving comments from the public regarding the combined Fiscal Year 2004/2005 CWSRF PPL and the Fiscal Year 2004 CWSRF IUP. Interested persons are invited to express their views at the public hearing. Persons who wish to offer comments should contact the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply and Wastewater Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744, amaisano@state.pa.us by 4 p.m. on February 24, 2004. Where written statements are prepared and will be submitted at the hearing, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments. Speakers will be called to present their comments generally in the order of receipt of the notice of intent to appear at the hearing.

It is not necessary to appear at the public hearing to present comments. Interested persons may submit written comments to the Department at the previous address. The written comments will be considered equivalent to oral statements presented at the hearing. To be considered by the Department and PENNVEST, the written comments must be received by the Administrative Services Section on or before the date of the hearing.

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

The Fiscal Year 2004/2005 CWSRF PPL and Fiscal Year 2004 CWSRF IUP list of projects follow this notice. Copies of these lists, as well as the narrative portion of the CWSRF IUP, are available for public review in the offices listed at the end of this notice and are accessible electronically through the Department's website: [www.dep.state.pa.us/dep/deputate/watermgmt/WSM/WSM\\_TAO/Finan\\_Tech\\_Asst.htm](http://www.dep.state.pa.us/dep/deputate/watermgmt/WSM/WSM_TAO/Finan_Tech_Asst.htm)

**Department of Environmental Protection—Southeast Region**

Water Management Program Manager  
Lee Park, Suite 6010, 555 North Lane  
Conshohocken, PA 19428  
(610) 832-6131

**Department of Environmental Protection—Northeast Region**

Water Management Program Manager  
2 Public Square  
Wilkes-Barre, PA 18711-0790  
(570) 826-2553

**Department of Environmental Protection—Southcentral Region**

Water Management Program Manager  
900 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

**Department of Environmental Protection—Northcentral Region**

Water Management Program Manager  
208 West 3rd Street  
Williamsport, PA 17701  
(570) 327-3669

**Department of Environmental Protection—Southwest Region**

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

**Department of Environmental Protection—Northwest Region**

Water Management Program Manager  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942

**Department of Environmental Protection—Bureau of Water Supply and Wastewater Management, Division of Municipal Financial Assistance, Administrative Services Section**

10th Floor, Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101  
(717) 787-6744

**Pennsylvania Infrastructure Investment Authority**

22 S. Third Street  
4th Floor, Keystone Building  
Harrisburg, PA 17101  
(717) 787-8137

KATHLEEN A. MCGINTY,

*Secretary*

*Department of Environmental Protection*

*Vice Chairperson*

*Pennsylvania Infrastructure Investment Authority*

PAUL K. MARCHETTI,

*Executive Director*

*Pennsylvania Infrastructure Investment Authority*

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION CLEAN WATER  
STATE REVOLVING FUND  
FY 2004 AND FY 2005 PROJECT PRIORITY LIST  
IN PRIORITY ORDER**

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I—SECONDARY TREATMENT
- II—TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA—INFILTRATION/INFLOW CORRECTION
- IIIB—MAJOR SEWER SYSTEM REHABILITATION
- IVA—NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB—NEW INTERCEPTORS AND APPURTENANCES
- V—CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP—SEWAGE TREATMENT PLANT
- STPMOD—SEWAGE TREATMENT PLANT MODIFICATION
- INT—INTERCEPTOR
- PS—PUMP STATION
- FM—FORCE MAIN
- SS—SEWER SYSTEM
- SS REH—SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 CLEAN WATER STATE REVOLVING FUND  
 FY 2004 AND FY 2005 PROJECT PRIORITY LIST  
 JANUARY 10, 2004**

*APPLICANT INFORMATION*

*NEEDS CATEGORIES*

*PROJECT INFORMATION*

Fredericksburg Sewer & Water Authority P. O. Box 161 Fredericksburg, PA 17026	COUNTY: REGION: NPDES:	Lebanon SC	I: II: III A:	\$479,327 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,799,873 \$0 \$0 \$2,279,200	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422304-01 STP PS INT SS 64 1
Northern Blair County Regional Sewer Authority R. R. 4, Box 236A Tyrone, PA 16686	COUNTY: REGION: NPDES:	Blair SC	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,105,000 \$0 \$0 \$1,105,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422298-01 SS 55 2
Lenhartsville Borough P. O. Box 238, 19 Willow Street Lenhartsville, PA 19534	COUNTY: REGION: NPDES:	Berks SC	I: II: III A:	\$600,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$656,455 \$350,000 \$0 \$1,606,455	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422300-01 STP INT SS 55 3
BRIDGEWATER TWNP MA P. O. BOX 185 S. MONTROSE, PA 18801	COUNTY: REGION: NPDES:	Susquehanna NE	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$3,190,617 \$797,654 \$0 \$3,988,271	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422412-01 SS INT 53 4
New Ringgold Borough P. O. Box 180 New Ringgold, PA 17960	COUNTY: REGION: NPDES:	Schuylkill NE N/A	I: II: III A:	\$673,750 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$998,440 \$0 \$0 \$1,672,190	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421944-01 STP SS INT 52 5
Alexandria-Porter Joint MA R. D. 1 Box 80 Alexandria, PA 16611	COUNTY: REGION: NPDES:	Huntingdon SC	I: II: III A:	\$1,850,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$5,252,000 \$0 \$0 \$7,102,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422296-01 SS STPMOD 50 6
Swatara Township One Supervisors Drive Jonestown, PA 17038	COUNTY: REGION: NPDES:	Lebanon SC	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$2,577,671 \$0 \$0 \$2,577,671	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422310-01 PS INT SS 50 7
Penn Township Municipal Authority 102 Municipal Building Road Duncannon, PA 17020	COUNTY: REGION: NPDES:	Perry SC Pending	I: II: III A:	\$1,600,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$3,075,000 \$0 \$0 \$4,675,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422236-01 STPMOD SS 47 8
Delano Township 140 Hazle Street Delano, PA 18220	COUNTY: REGION: NPDES:	Schuylkill NE N/A	I: II: III A:	\$500,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,105,900 \$0 \$0 \$1,605,900	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421742-01 STP SS 46 9

## APPLICANT INFORMATION

## NEEDS CATEGORIES

## PROJECT INFORMATION

Dublin Township 29195 Great Cove Rd., Box 240 Fort Littleton, PA 17223	COUNTY: REGION: NPDES:	Fulton SC N/A	I: \$600,000 II: \$0 III: \$0 III: \$0	IVA: \$2,199,000 IVB: \$0 V: \$0 ELIG. \$2,799,000	PROJECT NO.: CS421813-01 PROJ. TYPE: STP SS PS PROJECT RATING: 47 PROJECT RANKING: 10
RINGTOWN MSA P. O. BOX 202 RINGTOWN, PA 17967	COUNTY: REGION: NPDES:	Schuylkill NE	I: \$789,360 II: \$0 III: \$0 III: \$740,016	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$1,529,376	PROJECT NO.: CS422420-01 PROJ. TYPE: SSREH PROJECT RATING: 45 PROJECT RANKING: 11
Covington Township R. R. 1, Box 87 Covington, PA 16917	COUNTY: REGION: NPDES:	Tioga NC N/A	I: \$37,500 II: \$0 III: \$0 III: \$0	IVA: \$257,008 IVB: \$0 V: \$0 ELIG. \$294,508	PROJECT NO.: CS422145-01 PROJ. TYPE: STPMOD SS PROJECT RATING: 44 PROJECT RANKING: 12
Indiana County Municipal Services 827 Water Street Indiana, PA 15701	COUNTY: REGION: NPDES:	Indiana SW	I: \$150,000 II: \$0 III: \$0 III: \$0	IVA: \$180,000 IVB: \$1,312,500 V: \$0 ELIG. \$1,642,500	PROJECT NO.: CS422359-01 PROJ. TYPE: STP SS PS PROJECT RATING: 43 PROJECT RANKING: 13
Nelson Township MA P. O. Box 100 Nelson, PA 16940	COUNTY: REGION: NPDES:	Tioga NC	I: \$1,266,172 II: \$259,337 III: \$0 III: \$0	IVA: \$926,243 IVB: \$369,648 V: \$0 ELIG. \$2,821,400	PROJECT NO.: CS422375-01 PROJ. TYPE: STPMOD SS PS PROJECT RATING: 43 PROJECT RANKING: 14
LOLENDON BOROUGH 24 FRANKLIN ST. EASTON, PA 18042	COUNTY: REGION: NPDES:	Northampton NE	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$900,000 IVB: \$200,000 V: \$0 ELIG. \$1,100,000	PROJECT NO.: CS422416-01 PROJ. TYPE: SS PS INT PROJECT RATING: 43 PROJECT RANKING: 15
MAHONING TOWNSHIP S. R. 224, BOX 99 HILLSVILLE, PA 16132	COUNTY: REGION: NPDES:	Lawrence NW	I: \$2,100,000 II: \$0 III: \$0 III: \$0	IVA: \$6,600,000 IVB: \$0 V: \$0 ELIG. \$8,700,000	PROJECT NO.: CS422404-01 PROJ. TYPE: STP SS PROJECT RATING: 43 PROJECT RANKING: 16
Cromwell Township P. O. Box 340 Orbisonia, PA 17243	COUNTY: REGION: NPDES:	Huntingdon SC	I: \$0 II: \$244,000 III: \$0 III: \$0	IVA: \$1,055,000 IVB: \$0 V: \$0 ELIG. \$1,299,000	PROJECT NO.: CS422226-01 PROJ. TYPE: STP SS PROJECT RATING: 41 PROJECT RANKING: 17
Tulpehocken Township P. O. Box 272 Rehlersburg, PA 19550	COUNTY: REGION: NPDES:	Berks SC N/A	I: \$1,500,000 II: \$0 III: \$0 III: \$0	IVA: \$2,700,000 IVB: \$0 V: \$0 ELIG. \$4,200,000	PROJECT NO.: CS422192-01 PROJ. TYPE: STP PS INT SS PROJECT RATING: 41 PROJECT RANKING: 18
ELDRED TOWNSHIP R. D. 2, BOX 123A PITTSFIELD, PA 16340	COUNTY: REGION: NPDES:	Warren NW	I: \$0 II: \$650,000 III: \$0 III: \$0	IVA: \$1,403,737 IVB: \$0 V: \$0 ELIG. \$2,053,737	PROJECT NO.: CS422401-01 PROJ. TYPE: STP SS PROJECT RATING: 41 PROJECT RANKING: 19



APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

East Providence Township P. O. Box 83 Breezewood, PA 15533	COUNTY: REGION: NPDES:	Bedford SC	I: \$500,000 II: \$84,000 III: \$0 III: \$400,000	IVA: \$100,000 IVB: \$0 V: \$0 ELIG. \$1,084,000	PROJECT NO.: CS422371-01 PROJ. TYPE: STPMOD SS PS PROJECT RATING: 41 PROJECT RANKING: 20
Chartiers Township 2 Buccaneer Drive Houston, PA 15342	COUNTY: REGION: NPDES:	Washington SW	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$396,393 IVB: \$0 V: \$0 ELIG. \$396,393	PROJECT NO.: CS422254-01 PROJ. TYPE: SS PROJECT RATING: 40 PROJECT RANKING: 21
North Sewickley Township Sewer Authority 893 Mercer Road Beaver Falls, PA 15010	COUNTY: REGION: NPDES:	Beaver SW	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$3,445,600 IVB: \$8,204,875 V: \$0 ELIG. \$11,650,475	PROJECT NO.: CS422245-01 PROJ. TYPE: SS INT PS FM PROJECT RATING: 40 PROJECT RANKING: 22
MONONGAHELA CITY 449 West Main Street Monongahela, PA 15063	COUNTY: REGION: NPDES:	Washington SW	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$3,296,000 IVB: \$0 V: \$0 ELIG. \$3,296,000	PROJECT NO.: CS422394-01 PROJ. TYPE: SS PS FM PROJECT RATING: 40 PROJECT RANKING: 23
Duryea Borough Sewer Authority 504 Main Street Duryea, PA 18642	COUNTY: REGION: NPDES:	Luzerne NE N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$583,038 IVB: \$0 V: \$0 ELIG. \$583,038	PROJECT NO.: CS422217-01 PROJ. TYPE: PS SS PROJECT RATING: 40 PROJECT RANKING: 24
Westover Borough Council P. O. Box 199 Westover, PA 16692	COUNTY: REGION: NPDES:	Clearfield NC	I: \$841,500 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$1,708,500 V: \$0 ELIG. \$2,550,000	PROJECT NO.: CS422379-01 PROJ. TYPE: STP SS PROJECT RATING: 40 PROJECT RANKING: 25
South Coventry Township 1002 Ridge Road Pottstown, PA 19464	COUNTY: REGION: NPDES:	Chester SE N/A	I: \$0 II: \$675,000 III: \$0 III: \$0	IVA: \$1,210,000 IVB: \$0 V: \$0 ELIG. \$1,885,000	PROJECT NO.: CS422103-01 PROJ. TYPE: STP SS PS INT PROJECT RATING: 40 PROJECT RANKING: 26
Texas Township Municipal Authority 320 Shady Lane Honesdale, PA 18431	COUNTY: REGION: NPDES:	Wayne NE N/A	I: \$2,300,000 II: \$100,000 III: \$0 III: \$0	IVA: \$600,000 IVB: \$0 V: \$0 ELIG. \$3,000,000	PROJECT NO.: CS422038-01 PROJ. TYPE: STP SS PROJECT RATING: 40 PROJECT RANKING: 27
HEMPFIELD TOWNSHIP MA R. D. 6, BOX 504 GREENSBURG, PA 15601	COUNTY: REGION: NPDES:	Westmoreland SW	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$2,000,000 IVB: \$0 V: \$0 ELIG. \$2,000,000	PROJECT NO.: CS422425-01 PROJ. TYPE: SS PROJECT RATING: 40 PROJECT RANKING: 28
Delaware Township R. D. 1, Box 410 Thompsontown, PA 17094	COUNTY: REGION: NPDES:	Juniata SC	I: \$0 II: \$274,622 III: \$0 III: \$0	IVA: \$322,778 IVB: \$0 V: \$0 ELIG. \$597,400	PROJECT NO.: CS422308-01 PROJ. TYPE: STP PS SS PROJECT RATING: 40 PROJECT RANKING: 29

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Jackson Township P. O. Box 48 Millerton, PA 16936	COUNTY: REGION: NPDES:	Tioga NC N/A	I: \$554,399 II: \$215,600 III: \$0 III: \$0	IVA: \$3,457,208 IVB: \$116,019 V: \$0 ELIG. \$4,343,226	PROJECT NO.: CS422143-01 PROJ. TYPE: STP SS PROJECT RATING: 39 PROJECT RANKING: 30
Strausstown Borough 101 Main Street, P. O. Box 269 Strausstown, PA 19559	COUNTY: REGION: NPDES:	Berks SC	I: \$471,600 II: \$0 III: \$0 III: \$0	IVA: \$1,400,000 IVB: \$650,000 V: \$0 ELIG. \$2,521,600	PROJECT NO.: CS422301-01 PROJ. TYPE: STP PS INT SS PROJECT RATING: 39 PROJECT RANKING: 31
Reilly Township P. O. Box 1 Branchdale, PA 17923	COUNTY: REGION: NPDES:	Schuylkill NE N/A	I: \$800,000 II: \$0 III: \$0 III: \$0	IVA: \$531,000 IVB: \$30,000 V: \$0 ELIG. \$1,361,000	PROJECT NO.: CS422087-01 PROJ. TYPE: STP SS INT PROJECT RATING: 39 PROJECT RANKING: 32
Susquehanna Township 1900 Linglestown Road Harrisburg, PA 17110	COUNTY: REGION: NPDES:	Dauphin SC	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$154,000 IVB: \$130,000 V: \$0 ELIG. \$284,000	PROJECT NO.: CS422249-01 PROJ. TYPE: INT SS PROJECT RATING: 38 PROJECT RANKING: 33
MAHONING TOWNSHIP P. O. Box 50 Distant, PA 16223	COUNTY: REGION: NPDES:	Armstrong SW	I: \$1,000,000 II: \$0 III: \$0 III: \$0	IVA: \$3,175,150 IVB: \$0 V: \$0 ELIG. \$4,175,150	PROJECT NO.: CS422393-01 PROJ. TYPE: STP PS SS PROJECT RATING: 38 PROJECT RANKING: 34
Schuylkill Valley Sewer Authority P. O. Box 314 Mary-D, PA 17952	COUNTY: REGION: NPDES:	Schuylkill NE N/A	I: \$5,403,989 II: \$0 III: \$0 III: \$0	IVA: \$9,313,264 IVB: \$4,024,247 V: \$0 ELIG. \$18,741,500	PROJECT NO.: CS421749-01 PROJ. TYPE: STP SS INT PROJECT RATING: 38 PROJECT RANKING: 35
West Brownsville Borough Municipal 625 Middle Street West Brownsville, PA 15417	COUNTY: REGION: NPDES:	Washington SW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,928,000 IVB: \$297,000 V: \$0 ELIG. \$2,225,000	PROJECT NO.: CS421486-01 PROJ. TYPE: SS PS INT PROJECT RATING: 38 PROJECT RANKING: 36
Newton Hamilton Borough P. O. Box 65 Newton Hamilton, PA 17075	COUNTY: REGION: NPDES:	Mifflin SC N/A	I: \$700,000 II: \$0 III: \$0 III: \$0	IVA: \$650,000 IVB: \$450,000 V: \$0 ELIG. \$1,800,000	PROJECT NO.: CS421829-01 PROJ. TYPE: STP SS INT PROJECT RATING: 38 PROJECT RANKING: 37
Plymouth Township 5 Towers Road Shavertown, PA 18708	COUNTY: REGION: NPDES:	Luzerne NE N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$2,600,000 IVB: \$0 V: \$0 ELIG. \$2,600,000	PROJECT NO.: CS421940-01 PROJ. TYPE: SS PROJECT RATING: 38 PROJECT RANKING: 38
Cecil Township Municipal Authority Municipal Building Canonsburg, PA 15317	COUNTY: REGION: NPDES:	Washington SW PA0020796	I: \$3,700,000 II: \$0 III: \$0 III: \$0	IVA: \$5,000,000 IVB: \$5,600,000 V: \$0 ELIG. \$14,300,000	PROJECT NO.: CS421031-02 PROJ. TYPE: STP SS INT PROJECT RATING: 37 PROJECT RANKING: 39

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Union Township Municipal Authority P. O. Box 501 Union City, PA 16438	COUNTY: REGION: NPDES:	Erie NW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$958,680 IVB: \$0 V: \$0 ELIG. \$958,680	PROJECT NO.: CS422123-01 PROJ. TYPE: SS PS PROJECT RATING: 37 PROJECT RANKING: 40
Leacock Township 16 E. Westview Drive Intercourse, PA 17534	COUNTY: REGION: NPDES:	Lancaster SC PA0084212	I: \$2,500,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$500,000 V: \$0 ELIG. \$3,000,000	PROJECT NO.: CS421839-01 PROJ. TYPE: STP INT PROJECT RATING: 37 PROJECT RANKING: 41
New Florence Borough/St. Clair Township San. P. O. Box 369 New Florence, PA 15944	COUNTY: REGION: NPDES:	Westmoreland SW N/A	I: \$750,000 II: \$0 III: \$0 III: \$0	IVA: \$3,000,000 IVB: \$1,650,000 V: \$0 ELIG. \$5,400,000	PROJECT NO.: CS422167-01 PROJ. TYPE: STPMOD PS INT SS PROJECT RATING: 35 PROJECT RANKING: 42
Port Clinton Borough North Street Port Clinton, PA 19549	COUNTY: REGION: NPDES:	Schuylkill NE N/A	I: \$1,200,000 II: \$0 III: \$0 III: \$0	IVA: \$1,440,000 IVB: \$60,000 V: \$0 ELIG. \$2,700,000	PROJECT NO.: CS421941-01 PROJ. TYPE: STP SS PS INT PROJECT RATING: 35 PROJECT RANKING: 43
Franklin Township 55 Scott School Road Orrtanna, PA 17353	COUNTY: REGION: NPDES:	Adams SC N/A	I: \$190,000 II: \$0 III: \$0 III: \$0	IVA: \$85,000 IVB: \$0 V: \$0 ELIG. \$275,000	PROJECT NO.: CS422220-01 PROJ. TYPE: STP SS PROJECT RATING: 35 PROJECT RANKING: 44
Avondale Borough 110 Pomeroy Street Avondale, PA 19311	COUNTY: REGION: NPDES:	Chester SE N/A	I: \$3,420,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$3,420,000	PROJECT NO.: CS422370-01 PROJ. TYPE: STPMOD PROJECT RATING: 35 PROJECT RANKING: 45
Londonderry Township 783 S. Geyer's Church Road Middletown, PA 17057	COUNTY: REGION: NPDES:	Dauphin SC PA0082392	I: \$4,140,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$4,140,000	PROJECT NO.: CS421574-01 PROJ. TYPE: STP PROJECT RATING: 35 PROJECT RANKING: 46
Penn Township R. R. 1, Box 15 Coburn, PA 16832	COUNTY: REGION: NPDES:	Centre NC N/A	I: \$457,800 II: \$0 III: \$0 III: \$0	IVA: \$888,750 IVB: \$0 V: \$0 ELIG. \$1,346,550	PROJECT NO.: CS422204-01 PROJ. TYPE: STP SS PROJECT RATING: 35 PROJECT RANKING: 47
Scott Township Sewer and Water Authority R. R. 1, Box 457 Olyphant, PA 18447	COUNTY: REGION: NPDES:	Lackawanna NE PA0063207	I: \$2,800,000 II: \$1,200,000 III: \$0 III: \$0	IVA: \$10,700,000 IVB: \$300,000 V: \$0 ELIG. \$15,000,000	PROJECT NO.: CS421672-01 PROJ. TYPE: STP SS INT PROJECT RATING: 35 PROJECT RANKING: 48
FACTORYVILLE BOROUGH P. O. BOX 77 FACTORYVILLE, PA 18419	COUNTY: REGION: NPDES:	Wyoming NE N/A	I: \$550,000 II: \$0 III: \$0 III: \$0	IVA: \$650,000 IVB: \$150,000 V: \$0 ELIG. \$1,350,000	PROJECT NO.: CS422415-01 PROJ. TYPE: STPMOD PS INT SS PROJECT RATING: 35 PROJECT RANKING: 49

## APPLICANT INFORMATION

## NEEDS CATEGORIES

## PROJECT INFORMATION

Wilkes-Barre Township 150 Watson Street Wilkes-Barre, PA 18702	COUNTY: REGION: NPDES:	Luzerne NE N/A	I: II: III A:	\$0 \$0 \$400,000 \$600,000	IVA: IVB: V: ELIG.	\$1,200,000 \$600,000 \$0 \$2,800,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421943-01 SS SSREH INT 34 50
Manor Township Joint Municipal Authority 2310 Pleasant View Drive Ford City, PA 16226	COUNTY: REGION: NPDES:	Armstrong SW	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,778,560 \$1,093,440 \$0 \$2,872,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422242-01 PS SS INT 34 51
Union Township 3904 Finley Elrama Road Finleyville, PA 15332	COUNTY: REGION: NPDES:	Washington SW N/A	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,300,000 \$482,530 \$0 \$1,782,530	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422176-01 PS INT SS 34 52
PERRY TOWNSHIP P. O. BOX 183 STAR JUNCTION, PA 15482	COUNTY: REGION: NPDES:	Fayette SW	I: II: III A:	\$0 \$1,000,000 \$0 \$0	IVA: IVB: V: ELIG.	\$1,000,000 \$800,000 \$0 \$2,800,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422428-01 SS INT PS STP 34 53
Jeddo Borough R. D. Box 1269 Freeland, PA 18224	COUNTY: REGION: NPDES:	Luzerne NE N/A	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,200,000 \$1,100,000 \$0 \$2,300,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421891-01 SS PS INT 34 54
Conyngnam Township P. O. Box 14 Wilburton, PA 17888	COUNTY: REGION: NPDES:	Columbia NC N/A	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$3,535,895 \$2,366,773 \$0 \$5,902,668	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421801-01 PS INT SS 34 55
Dudley-Carbon-Coalmont Joint Municipal P. O. Box 276 Dudley, PA 16634	COUNTY: REGION: NPDES:	Huntingdon SC PA0084883	I: II: III A:	\$0 \$1,548,829 \$0 \$0	IVA: IVB: V: ELIG.	\$2,640,171 \$0 \$0 \$4,189,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421581-01 STP SS INT 34 56
JAY TOWNSHIP SA 81 WEST TEABERRY STREET WEEDVILLE, PA 15868	COUNTY: REGION: NPDES:	ELK NW	I: II: III A:	\$0 \$250,000 \$0 \$0	IVA: IVB: V: ELIG.	\$2,897,777 \$0 \$0 \$3,147,777	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422403-01 STPMOD SS 34 57
Avondale Borough P. O. Box 247 Avondale, PA 19311	COUNTY: REGION: NPDES:	Chester SE PA0025488	I: II: III A:	\$135,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$0 \$0 \$0 \$135,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421644-01 STPMOD 34 58
Decatur Township R. D. 2 McClure, PA 17841	COUNTY: REGION: NPDES:	Mifflin SC N/A	I: II: III A:	\$2,290,339 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$2,679,478 \$1,530,183 \$0 \$6,500,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421831-01 STP SS PS INT 33 59

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Gulich Township P. O. Box 305 Smithmill, PA 16680	COUNTY: REGION: NPDES:	Clearfield NC N/A	I: \$371,300 II: \$0 III: \$0 III: \$0	IVA: \$1,198,300 IVB: \$106,000 V: \$0 ELIG. \$1,675,600	PROJECT NO.: CS421982-01 PROJ. TYPE: STP PS INT SS PROJECT RATING: 33 PROJECT RANKING: 60
Corry City Municipal Authority 100 South Center Street Corry, PA 16407	COUNTY: REGION: NPDES:	Erie NW Pending	I: \$0 II: \$5,275,524 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$716,585 ELIG. \$5,992,109	PROJECT NO.: CS422275-01 PROJ. TYPE: STPMOD SS PROJECT RATING: 33 PROJECT RANKING: 61
Center Township P. O. Box 369 Rogersville, PA 15359	COUNTY: REGION: NPDES:	Greene SW N/A	I: \$754,000 II: \$0 III: \$0 III: \$0	IVA: \$3,705,000 IVB: \$408,000 V: \$0 ELIG. \$4,867,000	PROJECT NO.: CS421487-01 PROJ. TYPE: STP SS INT PROJECT RATING: 32 PROJECT RANKING: 62
Winfield Township P. O. Box 65 Cabot, PA 16023	COUNTY: REGION: NPDES:	Butler NW N/A	I: \$66,000 II: \$554,400 III: \$0 III: \$0	IVA: \$902,880 IVB: \$0 V: \$0 ELIG. \$1,523,280	PROJECT NO.: CS422276-01 PROJ. TYPE: STP SS PROJECT RATING: 32 PROJECT RANKING: 63
Vestaburg-New Hill Joint Authority P. O. Box 189 Vestaburg, PA 15368	COUNTY: REGION: NPDES:	Washington SW N/A	I: \$0 II: \$0 III: \$0 III: \$1,200,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$1,200,000	PROJECT NO.: CS422108-01 PROJ. TYPE: SSREH PROJECT RATING: 32 PROJECT RANKING: 64
WASHINGTON TOWNSHIP MA 283 PINE RUN CHURCH RD. APOLLO, PA 15613	COUNTY: REGION: NPDES:	Westmoreland SW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$4,200,000 IVB: \$0 V: \$0 ELIG. \$4,200,000	PROJECT NO.: CS422430-01 PROJ. TYPE: SS PROJECT RATING: 31 PROJECT RANKING: 65
South Annville Township R. D. 4, Box 454 Lebanon, PA 17042	COUNTY: REGION: NPDES:	Lebanon SC N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$3,300,000 IVB: \$0 V: \$0 ELIG. \$3,300,000	PROJECT NO.: CS421815-01 PROJ. TYPE: SS PS PROJECT RATING: 31 PROJECT RANKING: 66
Conestoga Township P. O. Box 98 Conestoga, PA 17516	COUNTY: REGION: NPDES:	Lancaster SC N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$1,725,000 V: \$0 ELIG. \$1,725,000	PROJECT NO.: CS421837-01 PROJ. TYPE: SS PS PROJECT RATING: 31 PROJECT RANKING: 67
Foster Township 1000 Wyoming Street Freeland, PA 18224	COUNTY: REGION: NPDES:	Luzerne NE PA0020435	I: \$1,000,000 II: \$0 III: \$1,000,000 III: \$500,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$2,500,000	PROJECT NO.: CS421888-01 PROJ. TYPE: STPMOD SSREH PS PROJECT RATING: 31 PROJECT RANKING: 68
Parryville Borough P. O. Box 10 Parryville, PA 18244	COUNTY: REGION: NPDES:	Carbon NE N/A	I: \$490,600 II: \$0 III: \$0 III: \$0	IVA: \$2,420,000 IVB: \$330,000 V: \$0 ELIG. \$3,240,600	PROJECT NO.: CS421633-01 PROJ. TYPE: STPMOD SS PS PROJECT RATING: 31 PROJECT RANKING: 69

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

<p>PORTLAND BOROUGH P. O. BOX 476 PORTLAND, PA 18351</p>	<p>COUNTY: Northampton REGION: NE NPDES:</p>	<p>I: \$1,200,000 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$3,000,000 IVB: \$700,000 V: \$0 ELIG. \$4,900,000</p>	<p>PROJECT NO.: CS422419-01 PROJ. TYPE: STP PS INT SS PROJECT RATING: 31 PROJECT RANKING: 70</p>
<p>Conemaugh Township 1120 Tire Hill Road Johnstown, PA 15905</p>	<p>COUNTY: Somerset REGION: SW NPDES: PA0217301</p>	<p>I: \$2,770,000 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$3,437,500 IVB: \$312,500 V: \$0 ELIG. \$6,520,000</p>	<p>PROJECT NO.: CS421479-01 PROJ. TYPE: STP SS PS INT PROJECT RATING: 30 PROJECT RANKING: 71</p>
<p>Pulaski Township Municipal Authority R. D. 1, Box 1043 Pulaski, PA 16143</p>	<p>COUNTY: Lawrence REGION: NW NPDES: N/A</p>	<p>I: \$0 II: \$2,992,325 III: \$0 III A: \$0</p>	<p>IVA: \$6,968,895 IVB: \$0 V: \$0 ELIG. \$9,961,220</p>	<p>PROJECT NO.: CS421996-01 PROJ. TYPE: STP SS PS PROJECT RATING: 30 PROJECT RANKING: 72</p>
<p>SCRANTON SA 307 NORTH WASHINGTON AVE. SCRANTON, PA 18503</p>	<p>COUNTY: Lackawanna REGION: NE NPDES:</p>	<p>I: \$3,715,000 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$0 IVB: \$0 V: \$0 ELIG. \$3,715,000</p>	<p>PROJECT NO.: CS422431-01 PROJ. TYPE: PSMOD PROJECT RATING: 30 PROJECT RANKING: 73</p>
<p>Lower Burrell Municipal Authority Schreiber and Bethel Streets Lower Burrell, PA 15068</p>	<p>COUNTY: Westmoreland REGION: SW NPDES: N/A</p>	<p>I: \$0 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$1,500,000 IVB: \$0 V: \$0 ELIG. \$1,500,000</p>	<p>PROJECT NO.: CS422048-01 PROJ. TYPE: SS PROJECT RATING: 29 PROJECT RANKING: 74</p>
<p>Milton Regional SA Two Filbert Street, P. O. Box 150 Milton, PA 17847</p>	<p>COUNTY: Northumberland REGION: NC NPDES:</p>	<p>I: \$0 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$7,525,340 IVB: \$645,496 V: \$0 ELIG. \$8,170,836</p>	<p>PROJECT NO.: CS422287-01 PROJ. TYPE: SS PROJECT RATING: 29 PROJECT RANKING: 75</p>
<p>Wayne Township Municipal Authority 1418 Wampum Road, Rte. 288 Ellwood City, PA 16117</p>	<p>COUNTY: Lawrence REGION: NW NPDES: N/A</p>	<p>I: \$0 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$3,374,000 IVB: \$0 V: \$0 ELIG. \$3,374,000</p>	<p>PROJECT NO.: CS421828-01 PROJ. TYPE: SS INT PROJECT RATING: 29 PROJECT RANKING: 76</p>
<p>Upper Augusta Township Municipal R. R. 2, Box 398-A Sunbury, PA 17801</p>	<p>COUNTY: Northumberland REGION: NC NPDES: N/A</p>	<p>I: \$256,500 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$974,054 IVB: \$243,689 V: \$0 ELIG. \$1,474,243</p>	<p>PROJECT NO.: CS422172-01 PROJ. TYPE: PS SS PROJECT RATING: 29 PROJECT RANKING: 77</p>
<p>Rose Township Rte. 3, Box 143 Brookville, PA 15825</p>	<p>COUNTY: Jefferson REGION: NW NPDES: N/A</p>	<p>I: \$0 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$1,865,430 IVB: \$0 V: \$0 ELIG. \$1,865,430</p>	<p>PROJECT NO.: CS421914-01 PROJ. TYPE: SS PROJECT RATING: 29 PROJECT RANKING: 78</p>
<p>Sergeant Township Box 1A, Clermont S. R. Mt. Jewett, PA 16740</p>	<p>COUNTY: McKean REGION: NW NPDES: N/A</p>	<p>I: \$126,000 II: \$0 III: \$0 III A: \$0</p>	<p>IVA: \$363,255 IVB: \$0 V: \$0 ELIG. \$489,255</p>	<p>PROJECT NO.: CS421992-01 PROJ. TYPE: STP SS PROJECT RATING: 29 PROJECT RANKING: 79</p>

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Blaine Township 123 Main Street Taylorstown, PA 15365	COUNTY: Washington REGION: SW NPDES: N/A	I: \$0 II: \$300,000 III: \$0 III: \$0	IVA: \$700,000 IVB: \$300,000 V: \$0 ELIG. \$1,300,000	PROJECT NO.: CS422171-01 PROJ. TYPE: STP INT SS PROJECT RATING: 29 PROJECT RANKING: 80
Herndon Borough P. O. Box 385 Herndon, PA 17830	COUNTY: Northumberland REGION: NC NPDES: N/A	I: \$760,277 II: \$0 III: \$0 III: \$0	IVA: \$1,801,976 IVB: \$103,983 V: \$0 ELIG. \$2,666,236	PROJECT NO.: CS422144-01 PROJ. TYPE: STPMOD SS PROJECT RATING: 29 PROJECT RANKING: 81
Centre Township Municipal Authority 449 Bucks Hill Road Mohrsville, PA 19541	COUNTY: Berks REGION: SC NPDES: PA0086771	I: \$494,312 II: \$0 III: \$0 III: \$0	IVA: \$1,238,688 IVB: \$0 V: \$0 ELIG. \$1,733,000	PROJECT NO.: CS422030-01 PROJ. TYPE: STP SS PROJECT RATING: 29 PROJECT RANKING: 82
BARKEYVILLE BOROUGH 137 OAK STREET HARRISVILLE, PA 16038	COUNTY: Venango REGION: NW NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,003,606 IVB: \$0 V: \$0 ELIG. \$1,003,606	PROJECT NO.: CS422399-01 PROJ. TYPE: SS PROJECT RATING: 29 PROJECT RANKING: 83
Uniontown City 20 N. Gallatin Avenue Uniontown, PA 15401	COUNTY: Fayette REGION: SW NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$4,311,600 V: \$0 ELIG. \$4,311,600	PROJECT NO.: CS422261-01 PROJ. TYPE: INT PROJECT RATING: 29 PROJECT RANKING: 84
Leesport Borough Authority P. O. Box 18 Leesport, PA 19533	COUNTY: Berks REGION: SC NPDES: PA0070149	I: \$1,026,000 II: \$0 III: \$0 III: \$0	IVA: \$406,000 IVB: \$0 V: \$0 ELIG. \$1,432,000	PROJECT NO.: CS421577-01 PROJ. TYPE: STPMOD SS PROJECT RATING: 29 PROJECT RANKING: 85
Fredericksburg Sewer and Water Authority P. O. Box 161 Fredericksburg, PA 17026	COUNTY: Lebanon REGION: SC NPDES:	I: \$1,873,380 II: \$0 III: \$0 III: \$0	IVA: \$2,226,000 IVB: \$0 V: \$0 ELIG. \$4,099,380	PROJECT NO.: CS422303-01 PROJ. TYPE: STPMOD SS PS INT PROJECT RATING: 29 PROJECT RANKING: 86
Meshoppen Borough P. O. Box 237 Meshoppen, PA 18630	COUNTY: Wyoming REGION: NE NPDES:	I: \$0 II: \$860,000 III: \$0 III: \$0	IVA: \$989,703 IVB: \$290,000 V: \$0 ELIG. \$2,139,703	PROJECT NO.: CS422267-01 PROJ. TYPE: STP INT SS PROJECT RATING: 29 PROJECT RANKING: 87
Sharon City 155 W. Connelly Boulevard Sharon, PA 16146	COUNTY: Mercer REGION: NW NPDES: N/A	I: \$0 II: \$20,552,000 III: \$0 III: \$0	IVA: \$0 IVB: \$1,993,000 V: \$0 ELIG. \$22,545,000	PROJECT NO.: CS422131-01 PROJ. TYPE: STPMOD INT PROJECT RATING: 29 PROJECT RANKING: 88
Lower Towamensing Township R. D. 2, Box 211A Palmerton, PA 18071	COUNTY: Carbon REGION: NE NPDES: N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$2,700,000 IVB: \$300,000 V: \$0 ELIG. \$3,000,000	PROJECT NO.: CS421686-01 PROJ. TYPE: SS PS INT PROJECT RATING: 29 PROJECT RANKING: 89

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

CLIFFORD TOWNSHIP P. O. BOX 339 CLIFFORD, PA 18413	COUNTY: REGION: NPDES:	Susquehanna NE	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,903,000 IVB: \$0 V: \$0 ELIG. \$1,903,000	PROJECT NO.: CS422414-01 PROJ. TYPE: SS PROJECT RATING: 29 PROJECT RANKING: 90
NUANGOLA BOROUGH 5150 NUANGOLA ROAD MOUNTAIN TOP, PA 18707	COUNTY: REGION: NPDES:	Luzerne NE	I: \$500,000 II: \$0 III: \$0 III: \$0	IVA: \$2,500,000 IVB: \$1,500,000 V: \$0 ELIG. \$4,500,000	PROJECT NO.: CS422413-01 PROJ. TYPE: STP SS INT PROJECT RATING: 29 PROJECT RANKING: 91
Moon Township MA 1700 Beaver Grade Rd., Suite 200 Coraopolis, PA 15108	COUNTY: REGION: NPDES:	Allegheny/ Beaver SW	I: \$1,920,000 II: \$0 III: \$0 III: \$0	IVA: \$685,000 IVB: \$1,560,000 V: \$0 ELIG. \$4,165,000	PROJECT NO.: CS422374-01 PROJ. TYPE: STP PS SS PROJECT RATING: 29 PROJECT RANKING: 92
Worthington-West Franklin Joint Mun. Authority P. O. Box O, R. D. 2, Box 40A Worthington, PA 16262	COUNTY: REGION: NPDES:	Armstrong SW N/A	I: \$2,300,000 II: \$0 III: \$0 III: \$0	IVA: \$4,000,000 IVB: \$1,900,000 V: \$0 ELIG. \$8,200,000	PROJECT NO.: CS421481-01 PROJ. TYPE: STP SS PS INT PROJECT RATING: 28 PROJECT RANKING: 93
BALDWIN BOROUGH 3344 CHURCHVIEW AVENUE PITTSBURG, PA 15227	COUNTY: REGION: NPDES:	Allegheny SW	I: \$0 II: \$0 III: \$0 III: \$3,700,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$3,700,000	PROJECT NO.: CS422422-01 PROJ. TYPE: SSREH PROJECT RATING: 28 PROJECT RANKING: 94
FAIRCHANCE-GEORGES JMA 141 BIG SIX ROAD SMITHFIELD, PA 15478	COUNTY: REGION: NPDES:	Fayette SW	I: \$2,000,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$2,000,000	PROJECT NO.: CS422423-01 PROJ. TYPE: STPMOD PROJECT RATING: 28 PROJECT RANKING: 95
MCKEESPORT CITY 201 LYSLE BLVD. MCKEESPORT, PA 15132	COUNTY: REGION: NPDES:	Allegheny SW	I: \$0 II: \$0 III: \$0 III: \$750,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$750,000	PROJECT NO.: CS422426-01 PROJ. TYPE: SSREH PROJECT RATING: 28 PROJECT RANKING: 96
Muddy Run Authority R. D. 1, Box 51 Fallentimber, PA 16639	COUNTY: REGION: NPDES:	Clearfield NC N/A	I: \$1,197,728 II: \$0 III: \$0 III: \$0	IVA: \$6,446,512 IVB: \$1,725,640 V: \$0 ELIG. \$9,369,880	PROJECT NO.: CS421981-01 PROJ. TYPE: STP PS INT SS PROJECT RATING: 27 PROJECT RANKING: 97
Jenner Area Joint Sewer Authority P. O. Box 202 Jennerstown, PA 15547	COUNTY: REGION: NPDES:	Somerset SW	I: \$343,000 II: \$0 III: \$0 III: \$0	IVA: \$1,227,000 IVB: \$0 V: \$0 ELIG. \$1,570,000	PROJECT NO.: CS422315-01 PROJ. TYPE: STPMOD PS SS PROJECT RATING: 27 PROJECT RANKING: 98
Pocono Township P. O. Box 197 Tannersville, PA 18372	COUNTY: REGION: NPDES:	Monroe NE N/A	I: \$5,596,100 II: \$0 III: \$0 III: \$0	IVA: \$2,626,056 IVB: \$80,000 V: \$0 ELIG. \$8,302,156	PROJECT NO.: CS421642-01 PROJ. TYPE: STP SS PROJECT RATING: 27 PROJECT RANKING: 99



APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Ebensburg Borough Municipal Authority 300 W. High Street Ebensburg, PA 15931	COUNTY: REGION: NPDES:	Cambria SW N/A	I: \$4,000,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$4,000,000	PROJECT NO.: CS422118-01 PROJ. TYPE: STPMOD PROJECT RATING: 27 PROJECT RANKING: 100
East Lampeter Township 2205 Old Philadelphia Pike Lancaster, PA 17602	COUNTY: REGION: NPDES:	Lancaster SC N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,626,000 IVB: \$0 V: \$0 ELIG. \$1,626,000	PROJECT NO.: CS421510-01 PROJ. TYPE: PS INT PROJECT RATING: 27 PROJECT RANKING: 101
Vernon Township Sanitary Authority 16678 McMath Avenue Meadville, PA 16335	COUNTY: REGION: NPDES:	Crawford NW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,674,000 IVB: \$1,130,000 V: \$0 ELIG. \$2,804,000	PROJECT NO.: CS422354-01 PROJ. TYPE: SS PS FM PROJECT RATING: 26 PROJECT RANKING: 102
Cranberry Township S. R. 257, P. O. Box 378 Seneca, PA 16346	COUNTY: REGION: NPDES:	Venango NW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$2,691,996 IVB: \$0 V: \$0 ELIG. \$2,691,996	PROJECT NO.: CS422284-01 PROJ. TYPE: PS SS PROJECT RATING: 26 PROJECT RANKING: 103
Greene Township 9333 Tate Road Erie, PA 16509	COUNTY: REGION: NPDES:	Erie NW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$9,830,410 IVB: \$0 V: \$0 ELIG. \$9,830,410	PROJECT NO.: CS421995-01 PROJ. TYPE: SS PROJECT RATING: 26 PROJECT RANKING: 104
Rush Township P. O. Box 152 Philipsburg, PA 16866	COUNTY: REGION: NPDES:	Centre NC N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,234,945 IVB: \$191,755 V: \$0 ELIG. \$1,426,700	PROJECT NO.: CS422395-01 PROJ. TYPE: SS INT PROJECT RATING: 26 PROJECT RANKING: 105
Dudley-Carbon-Coalmont Joint Municipal P. O. Box 276 Dudley, PA 16634	COUNTY: REGION: NPDES:	Huntingdon SC N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$900,000 IVB: \$0 V: \$0 ELIG. \$900,000	PROJECT NO.: CS422335-01 PROJ. TYPE: SS PROJECT RATING: 26 PROJECT RANKING: 106
North East Township 10300 W. Main Road, P. O Box 249 North East, PA 16428	COUNTY: REGION: NPDES:	Erie NW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$7,150,000 IVB: \$0 V: \$0 ELIG. \$7,150,000	PROJECT NO.: CS422126-01 PROJ. TYPE: SS PROJECT RATING: 26 PROJECT RANKING: 107
Falls Creek Borough Municipal Authority 117 Taylor Avenue Falls Creek, PA 15840	COUNTY: REGION: NPDES:	Jefferson NW Yes	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,940,000 IVB: \$0 V: \$0 ELIG. \$1,940,000	PROJECT NO.: CS422321-01 PROJ. TYPE: PS SS PROJECT RATING: 26 PROJECT RANKING: 108
Foster Township 1000 Wyoming Street Freeland, PA 18224	COUNTY: REGION: NPDES:	Luzerne NE N/A	I: \$300,000 II: \$0 III: \$0 III: \$968,000	IVA: \$1,987,046 IVB: \$143,048 V: \$0 ELIG. \$3,398,094	PROJECT NO.: CS421681-01 PROJ. TYPE: STP SS PS INT PROJECT RATING: 26 PROJECT RANKING: 109

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

NEW MILFOR. D. MA 175 MAIN ST., P. O. BOX 1111 NEW MILFORD, PA 18834	COUNTY: Susquehanna REGION: NE NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,400,000 IVB: \$1,170,000 V: \$0 ELIG. \$2,570,000	PROJECT NO.: CS422418-01 PROJ. TYPE: PS INT SS PROJECT RATING: 26 PROJECT RANKING: 110
HEMPFIELD TOWNSHIP MA R. D. 6, BOX 501 GREENSBURG, PA 15601	COUNTY: Westmoreland REGION: SW NPDES:	I: \$5,900,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$5,900,000	PROJECT NO.: CS422424-01 PROJ. TYPE: STPMOD PROJECT RATING: 26 PROJECT RANKING: 111
Ellwood City Borough 525 Lawrence Avenue Ellwood City, PA 16117	COUNTY: Lawrence/ Beaver REGION: NW NPDES: No	I: \$0 II: \$0 III: \$724,000 III: \$0	IVA: \$1,614,000 IVB: \$0 V: \$16,962,000 ELIG. \$19,300,000	PROJECT NO.: CS422280-01 PROJ. TYPE: STP PS FM SSREHI PROJECT RATING: 26 PROJECT RANKING: 112
SCRANTON SA 307 NORTH WASHINGTON AVE. SCRANTON, PA 18503	COUNTY: Lackawanna REGION: NE NPDES:	I: \$6,497,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$6,497,000	PROJECT NO.: CS422432-01 PROJ. TYPE: STPMOD PROJECT RATING: 26 PROJECT RANKING: 113
SUGARCREEK BOROUGH 212 FOX STREET FRANKLIN, PA 16323	COUNTY: Venango REGION: NW NPDES:	I: \$0 II: \$0 III: \$464,600 III: \$500,000	IVA: \$2,512,700 IVB: \$0 V: \$0 ELIG. \$3,477,300	PROJECT NO.: CS422411-01 PROJ. TYPE: SS SSREHAB INT PROJECT RATING: 25 PROJECT RANKING: 114
HOLLIDAYSBURG SA 401 BLAIR STREET HOLLISDAYSBURG, PA 16648	COUNTY: Blair REGION: SC NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$990,385 IVB: \$1,586,000 V: \$0 ELIG. \$2,576,385	PROJECT NO.: CS422392-01 PROJ. TYPE: INT SS PROJECT RATING: 25 PROJECT RANKING: 115
Clearfield Minicipal Authority 107 East Market Street Clearfield, PA 16830	COUNTY: Clearfield REGION: NC NPDES:	I: \$1,870,000 II: \$0 III: \$75,000 III: \$175,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$2,120,000	PROJECT NO.: CS422390-01 PROJ. TYPE: STPMOD INT PROJECT RATING: 25 PROJECT RANKING: 116
Bristol Township Authority 2501 Bath Road Bristol, PA 19007	COUNTY: Bucks REGION: SE NPDES:	I: \$150,000 II: \$0 III: \$0 III: \$2,685,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$2,835,000	PROJECT NO.: CS422396-01 PROJ. TYPE: PS SSREH FM PROJECT RATING: 25 PROJECT RANKING: 117
Elkland Borough Authority 105 Parkhurst Street Elkland, PA 16920	COUNTY: Tioga REGION: NC NPDES: PA0113398	I: \$150,480 II: \$58,520 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$209,000	PROJECT NO.: CS421963-01 PROJ. TYPE: STPMOD PROJECT RATING: 25 PROJECT RANKING: 118
North East Borough 58 E. Main Street North East, PA 16428	COUNTY: Erie REGION: NW NPDES: N/A	I: \$10,982,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$10,982,000	PROJECT NO.: CS422125-01 PROJ. TYPE: STPMOD PROJECT RATING: 25 PROJECT RANKING: 119

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Elk Lick Township P. O. Box 55 West Salisbury, PA 15565	COUNTY: REGION: NPDES:	Somerset SW	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$0 \$0 \$0 \$0	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422353-01 INT SS 23 120
East Allen Township 5344 Nor-bath Boulevard Northampton, PA 18067	COUNTY: REGION: NPDES:	Northampton NE	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$262,520 \$264,880 \$0 \$527,400	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422273-01 INT SS 23 121
Mid Mon Valley P. O. Box 197 Allenport, PA 15412	COUNTY: REGION: NPDES:	Washington SW	I: II: III A:	\$750,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$0 \$652,535 \$0 \$1,402,535	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422373-01 STPMOD PS 23 122
North Belle Vernon Borough 503 Speer Street North Belle Vernon, PA 15012	COUNTY: REGION: NPDES:	Westmoreland SW	I: II: III A:	\$0 \$0 \$0 \$5,900,000	IVA: IVB: V: ELIG.	\$0 \$0 \$0 \$5,900,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422318-01 SSREH 23 123
Fredericksburg Water and Sewer Authority 150 S. Pine Grove Street Fredericksburg, PA 17026	COUNTY: REGION: NPDES:	Lebanon SC PA0080705	I: II: III A:	\$0 \$450,000 \$0 \$0	IVA: IVB: V: ELIG.	\$300,000 \$0 \$0 \$750,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421924-01 STPMOD SS 23 124
Bald Eagle Township Authority R. D. 2, Box 301 Mill Hall, PA 17751	COUNTY: REGION: NPDES:	Clinton NC N/A	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$858,000 \$700,000 \$0 \$1,558,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421932-01 INT SS PS 23 125
Hopewell Township R. D. 1, Box 95 James Creek, PA 16657	COUNTY: REGION: NPDES:	Huntingdon SC PA0082759	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$700,000 \$0 \$0 \$700,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421571-01 SS PS 23 126
Brockway Area Sewage Authority 501 Main Street Brockway, PA 15824	COUNTY: REGION: NPDES:	Jefferson/Elk NW N/A	I: II: III A:	\$0 \$8,373,305 \$750,000 \$0	IVA: IVB: V: ELIG.	\$6,582,715 \$520,000 \$0 \$16,226,020	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421910-01 STP PS INT SS I/I 23 127
Redbank Valley Municipal Authority 243 Broad Street New Bethlehem, PA 16242	COUNTY: REGION: NPDES:	Clarion NW PA0024511	I: II: III A:	\$1,639,000 \$0 \$1,435,000 \$0	IVA: IVB: V: ELIG.	\$4,089,000 \$2,722,000 \$0 \$9,885,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421900-01 STPMOD SS 23 128
Brush Valley Township R. D. 4, Box 264 Indiana, PA 15701	COUNTY: REGION: NPDES:	Indiana SW N/A	I: II: III A:	\$244,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,529,565 \$325,710 \$0 \$2,099,275	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421847-01 STP SS 23 129

## APPLICANT INFORMATION

## NEEDS CATEGORIES

## PROJECT INFORMATION

Locust Township R. R. 3 Box 119A Catawissa, PA 17820	COUNTY: REGION: NPDES:	Columbia NC N/A	I: \$464,671 II: \$95,174 III: \$0 IV: \$0	IVA: \$1,031,206 IVB: \$82,407 V: \$0 ELIG. \$1,673,458	PROJECT NO.: CS422140-01 PROJ. TYPE: STP SS INT PROJECT RATING: 23 PROJECT RANKING: 130
East Penn Township 288 Schleicher Avenue Lehighton, PA 18235	COUNTY: REGION: NPDES:	Carbon NE N/A	I: \$0 II: \$0 III: \$0 IV: \$0	IVA: \$2,620,000 IVB: \$540,000 V: \$0 ELIG. \$3,160,000	PROJECT NO.: CS421679-01 PROJ. TYPE: SS INT PROJECT RATING: 23 PROJECT RANKING: 131
FOXBURG AREA W&SA P. O. Box 2 Foxburg, PA 16036	COUNTY: REGION: NPDES:	Clarion NW N/A	I: \$500,000 II: \$0 III: \$0 IV: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$500,000	PROJECT NO.: CS422386-01 PROJ. TYPE: STPMOD PROJECT RATING: 23 PROJECT RANKING: 132
New Castle Sanitary Authority 110 E. Washington Street New Castle, PA 16101	COUNTY: REGION: NPDES:	Lawrence NW N/A	I: \$0 II: \$0 III: \$0 IV: \$0	IVA: \$0 IVB: \$8,000,000 V: \$0 ELIG. \$8,000,000	PROJECT NO.: CS421823-01 PROJ. TYPE: SSREH INT PROJECT RATING: 23 PROJECT RANKING: 133
Hallstead-Great Bend Joint Sewer Authority P. O. Box 757 Great Bend, PA 18821	COUNTY: REGION: NPDES:	Susquehanna NE PA0060518	I: \$1,250,000 II: \$0 III: \$0 IV: \$0	IVA: \$475,000 IVB: \$0 V: \$0 ELIG. \$1,725,000	PROJECT NO.: CS421817-01 PROJ. TYPE: STPMOD SS PROJECT RATING: 23 PROJECT RANKING: 134
NORTH AND SOUTH SHENANGO TOWNSHIP 3397 DAM ROAD JAMESTOWN, PA 16134	COUNTY: REGION: NPDES:	Crawford NW N/A	I: \$0 II: \$0 III: \$0 IV: \$0	IVA: \$1,838,375 IVB: \$0 V: \$0 ELIG. \$1,838,375	PROJECT NO.: CS422409-01 PROJ. TYPE: SS PROJECT RATING: 23 PROJECT RANKING: 135
STONEBORO BOROUGH P. O. BOX 146 STONEBORO, PA 16153	COUNTY: REGION: NPDES:	Mercer NW N/A	I: \$0 II: \$0 III: \$0 IV: \$0	IVA: \$492,000 IVB: \$0 V: \$0 ELIG. \$492,000	PROJECT NO.: CS422410-01 PROJ. TYPE: SS PROJECT RATING: 23 PROJECT RANKING: 136
ROSTRAVER TOWNSHIP SA 202 PORT ROYAL RD. ROSTRAVER, PA 15012	COUNTY: REGION: NPDES:	Westmoreland SW N/A	I: \$0 II: \$0 III: \$0 IV: \$0	IVA: \$4,200,000 IVB: \$1,500,000 V: \$0 ELIG. \$5,700,000	PROJECT NO.: CS422429-01 PROJ. TYPE: SS PS PROJECT RATING: 22 PROJECT RANKING: 137
West Mahanoy Township Authority 190 Pennsylvania Avenue Shenandoah Height, PA 17976	COUNTY: REGION: NPDES:	Schuylkill NE N/A	I: \$0 II: \$0 III: \$0 IV: \$0	IVA: \$3,375,000 IVB: \$3,375,000 V: \$0 ELIG. \$6,750,000	PROJECT NO.: CS421906-01 PROJ. TYPE: SS PS INT PROJECT RATING: 22 PROJECT RANKING: 138
Berwick Area Joint Sewer Authority 344 Market Street Berwick, PA 18603	COUNTY: REGION: NPDES:	Columbia NC Yes	I: \$0 II: \$0 III: \$0 IV: \$0	IVA: \$0 IVB: \$0 V: \$875,375 ELIG. \$875,375	PROJECT NO.: CS422293-01 PROJ. TYPE: INT PROJECT RATING: 22 PROJECT RANKING: 139

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

MEYERSDALE BOROUGH 613 SECOND ST., P. O. BOX 60 MEYERSDALE, PA 15552	COUNTY: REGION: NPDES:	Somerset SW	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$3,000,000 ELIG. \$3,000,000	PROJECT NO.: CS422427-01 PROJ. TYPE: CS PROJECT RATING: 22 PROJECT RANKING: 140
Cambridge Springs Borough 1611 Carringer Street Cambridge Springs, PA 16403	COUNTY: REGION: NPDES:	Crawford NW N/A	I: \$0 II: \$2,100,000 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$2,100,000	PROJECT NO.: CS421993-01 PROJ. TYPE: STPMOD PROJECT RATING: 22 PROJECT RANKING: 141
Todd Township 22622 Great Cove Road McConnellsburg, PA 17233	COUNTY: REGION: NPDES:	Fulton SC	I: \$196,775 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$196,775	PROJECT NO.: CS422337-01 PROJ. TYPE: STPMOD PROJECT RATING: 22 PROJECT RANKING: 142
Mid-Cameron Authority 421 North Broad Street Emporium, PA 15834	COUNTY: REGION: NPDES:	Cameron NC	I: \$5,372,030 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$145,500 V: \$0 ELIG. \$5,517,530	PROJECT NO.: CS422285-01 PROJ. TYPE: STPMOD INT PROJECT RATING: 22 PROJECT RANKING: 143
Penn Township 260 Lewis Road West Grove, PA 19390	COUNTY: REGION: NPDES:	Chester SE	I: \$0 II: \$550,000 III: \$0 III: \$0	IVA: \$0 IVB: \$160,000 V: \$0 ELIG. \$710,000	PROJECT NO.: CS422232-01 PROJ. TYPE: STPMOD FM PROJECT RATING: 22 PROJECT RANKING: 144
Girard Township 10140 Ridge Road Girard, PA 16417	COUNTY: REGION: NPDES:	Erie NW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$5,098,100 IVB: \$0 V: \$0 ELIG. \$5,098,100	PROJECT NO.: CS422124-01 PROJ. TYPE: SS PROJECT RATING: 21 PROJECT RANKING: 145
Hopewell Township 1700 Clark Boulevard Aliquippa, PA 15001	COUNTY: REGION: NPDES:	Beaver SW	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$770,000 V: \$0 ELIG. \$770,000	PROJECT NO.: CS422387-01 PROJ. TYPE: INT SS PROJECT RATING: 20 PROJECT RANKING: 146
ELLPORT BOROUGH 313 BURNS AVENUE ELLWORD CITY, PA 16117	COUNTY: REGION: NPDES:	Lawrence NW	I: \$1,750,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$1,750,000	PROJECT NO.: CS422402-01 PROJ. TYPE: STPMOD PROJECT RATING: 20 PROJECT RANKING: 147
Muddy Run RA P. O. Box 474 Madera, PA 16661	COUNTY: REGION: NPDES:	Clearfield NC	I: \$475,000 II: \$0 III: \$0 III: \$0	IVA: \$125,000 IVB: \$510,000 V: \$0 ELIG. \$1,110,000	PROJECT NO.: CS422377-01 PROJ. TYPE: STP PS SS PROJECT RATING: 20 PROJECT RANKING: 148
Leechburg Borough 260 Market Street Leechburg, PA 15656	COUNTY: REGION: NPDES:	Armstrong SW	I: \$0 II: \$0 III: \$0 III: \$1,722,635	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$1,722,635	PROJECT NO.: CS422241-01 PROJ. TYPE: SS PROJECT RATING: 20 PROJECT RANKING: 149

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Apollo Borough 45 N. Pennsylvania Avenue Apollo, PA 15613	COUNTY: REGION: NPDES:	Armstrong SW N/A	I: \$0 II: \$0 III: \$0 III: \$0	IV: \$0 IVB: \$0 V: \$3,950,125 ELIG. \$3,950,125	PROJECT NO.: CS422221-01 PROJ. TYPE: SS PROJECT RATING: 20 PROJECT RANKING: 150
North Apollo Borough P. O. Box 501 North Apollo, PA 15673	COUNTY: REGION: NPDES:	Armstrong SW	I: \$0 II: \$0 III: \$0 \$889,486	IV: \$0 IVB: \$0 V: \$0 ELIG. \$889,486	PROJECT NO.: CS422317-01 PROJ. TYPE: SSREH PROJECT RATING: 20 PROJECT RANKING: 151
Derry Township Sanitary Sewer Authority Mill Street, Box N Yeagertown, PA 17099	COUNTY: REGION: NPDES:	Mifflin SC N/A	I: \$0 II: \$0 III: \$0 \$0	IV: \$1,083,000 IVB: \$850,000 V: \$0 ELIG. \$1,933,000	PROJECT NO.: CS420343-02 PROJ. TYPE: SS INT PROJECT RATING: 20 PROJECT RANKING: 152
Greater Pottsville Area Sewer Authority P. O. Box 1163 Pottsville, PA 17901	COUNTY: REGION: NPDES:	Schuylkill NE PA0043885	I: \$19,400,000 II: \$0 III: \$0 \$0	IV: \$6,305,000 IVB: \$2,200,000 V: \$2,470,000 ELIG. \$30,375,000	PROJECT NO.: CS422037-01 PROJ. TYPE: STPMOD SS INT PS PROJECT RATING: 20 PROJECT RANKING: 153
Carlisle Suburban Authority 240 Clearwater Drive Carlisle, PA 17013	COUNTY: REGION: NPDES:	Cumberland SC	I: \$0 II: \$1,200,000 III: \$0 \$0	IV: \$3,400,000 IVB: \$4,000,000 V: \$0 ELIG. \$8,600,000	PROJECT NO.: CS422302-01 PROJ. TYPE: STP PS INT SS PROJECT RATING: 20 PROJECT RANKING: 154
Wayne Township P. O. Box 97 Friedensburg, PA 17933	COUNTY: REGION: NPDES:	Schuylkill NE N/A	I: \$0 II: \$0 III: \$0 \$0	IV: \$2,502,000 IVB: \$0 V: \$0 ELIG. \$2,502,000	PROJECT NO.: CS421675-01 PROJ. TYPE: SS PROJECT RATING: 20 PROJECT RANKING: 155
Windber Area Authority 1700 Stockholm Ave. Windber, PA 15963	COUNTY: REGION: NPDES:	Somerset/ Cambria SW Pending	I: \$0 II: \$0 III: \$0 \$4,900,000	IV: \$0 IVB: \$0 V: \$0 ELIG. \$4,900,000	PROJECT NO.: CS422369-01 PROJ. TYPE: SSREHAB PROJECT RATING: 19 PROJECT RANKING: 156
Cambridge Township 22530 Electric Drive Cambridge Springs, PA 16403	COUNTY: REGION: NPDES:	Crawford NW	I: \$0 II: \$0 III: \$0 \$0	IV: \$0 IVB: \$309,745 V: \$0 ELIG. \$309,745	PROJECT NO.: CS422277-01 PROJ. TYPE: PS FM PROJECT RATING: 19 PROJECT RANKING: 157
Brownsville Municipal Authority 200 Bank Street Brownsville, PA 15417	COUNTY: REGION: NPDES:	Fayette SW N/A	I: \$2,000,000 II: \$0 III: \$0 \$0	IV: \$0 IVB: \$0 V: \$0 ELIG. \$2,000,000	PROJECT NO.: CS422112-01 PROJ. TYPE: STPMOD PROJECT RATING: 19 PROJECT RANKING: 158
Exeter Township R. D. 1, Box 191 Pittston, PA 18643	COUNTY: REGION: NPDES:	Luzerne NE N/A	I: \$1,092,000 II: \$0 III: \$0 \$0	IV: \$1,128,000 IVB: \$574,000 V: \$0 ELIG. \$2,794,000	PROJECT NO.: CS421727-01 PROJ. TYPE: STP SS PS INT PROJECT RATING: 19 PROJECT RANKING: 159

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Bethany Borough R. D. 3, Box 790 Honesdale, PA 18431	COUNTY: REGION: NPDES:	Wayne NE N/A	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,200,000 \$1,000,000 \$0 \$2,200,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421741-01 SS PS INT 19 160
Nicholson Borough Nicholson Borough Building Nicholson, PA 18446	COUNTY: REGION: NPDES:	Wyoming NE N/A	I: II: III A:	\$614,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$596,000 \$151,000 \$0 \$1,361,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421669-01 STP SS INT 19 161
Lemon Township R. D. 1, Box 410 Tunkhannock, PA 18657	COUNTY: REGION: NPDES:	Wyoming NE N/A	I: II: III A:	\$0 \$900,000 \$0 \$0	IVA: IVB: V: ELIG.	\$1,000,000 \$200,000 \$0 \$2,100,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421746-01 STP SS INT 19 162
Dyberry Township Box 1265, R. D. 1 Honesdale, PA 18431	COUNTY: REGION: NPDES:	Wayne NE N/A	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$195,000 \$631,000 \$0 \$826,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421743-01 SS INT 19 163
Grove City Borough 123 W. Main St., P. O. Box 110 Grove City, PA 16127	COUNTY: REGION: NPDES:	Mercer/Butler NW	I: II: III A:	\$0 \$6,216,100 \$2,895,900 \$0	IVA: IVB: V: ELIG.	\$0 \$0 \$0 \$9,112,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422281-01 STPMOD SS 19 164
Mount Pocono Municipal Authority 303 Pocono Boulevard Mount Pocono, PA 18344	COUNTY: REGION: NPDES:	Monroe NE	I: II: III A:	\$2,171,000 \$480,000 \$0 \$0	IVA: IVB: V: ELIG.	\$0 \$0 \$0 \$2,651,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422268-01 STPMOD 19 165
South Hanover Township 111 W. Third Street Hershey, PA 17033	COUNTY: REGION: NPDES:	Dauphin SC N/A	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$2,986,000 \$2,063,000 \$0 \$5,049,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421001-02 SS PS INT 19 166
Sadsbury Township Sewer Authority 1077 White Oak Road Christiana, PA 17509	COUNTY: REGION: NPDES:	Lancaster SC PA0083381	I: II: III A:	\$0 \$469,000 \$0 \$0	IVA: IVB: V: ELIG.	\$1,190,400 \$0 \$0 \$1,659,400	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421717-01 STP SS 19 167
Westfall Township P. O. Box 247 Matamoras, PA 18336	COUNTY: REGION: NPDES:	Pike NE	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$3,368,810 \$0 \$0 \$3,368,810	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422272-01 SS 19 168
Hermitage Municipal Authority 800 N. Hermitage Road Hermitage, PA 16148	COUNTY: REGION: NPDES:	Mercer NW N/A	I: II: III A:	\$1,500,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$0 \$3,950,000 \$0 \$5,450,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422130-01 STPMOD INT 19 169

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Upper Frederick Township 205 Big Road Obelisk, PA 19492	COUNTY: Montgomery REGION: SE NPDES: N/A	I: \$650,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$650,000	PROJECT NO.: CS422101-01 PROJ. TYPE: STPMOD PROJECT RATING: 19 PROJECT RANKING: 170
MCKEAN BOROUGH 4881 EAST AVENUE MCKEAN, PA 16426	COUNTY: Erie REGION: NW NPDES:	I: \$0 II: \$672,500 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$672,500	PROJECT NO.: CS422405-01 PROJ. TYPE: STPMOD PROJECT RATING: 19 PROJECT RANKING: 171
MILFOR. D. WATER AUTHORITY P. O. BOX 459 MILFORD, PA 18337	COUNTY: Pike REGION: NE NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$2,863,000 IVB: \$0 V: \$0 ELIG. \$2,863,000	PROJECT NO.: CS422417-01 PROJ. TYPE: SS PROJECT RATING: 19 PROJECT RANKING: 172
Windber Borough 1409 Somerset Avenue Windber, PA 15963	COUNTY: Somerset REGION: SW NPDES:	I: \$0 II: \$0 III: \$0 III: \$1,754,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$1,754,000	PROJECT NO.: CS422320-01 PROJ. TYPE: SSREH PROJECT RATING: 18 PROJECT RANKING: 173
Hanover Township 3630 Jacksonville Road Bethlehem, PA 18017	COUNTY: Northampton REGION: NE NPDES: N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$804,174 IVB: \$0 V: \$0 ELIG. \$804,174	PROJECT NO.: CS421728-01 PROJ. TYPE: SS PROJECT RATING: 18 PROJECT RANKING: 174
Titusville City 107 N. Franklin Street Titusville, PA 16354	COUNTY: Crawford REGION: NW NPDES:	I: \$0 II: \$0 III: \$0 III: \$541,191	IVA: \$0 IVB: \$0 V: \$3,449,309 ELIG. \$3,990,500	PROJECT NO.: CS422278-01 PROJ. TYPE: STPMOD PS INT SS PROJECT RATING: 18 PROJECT RANKING: 175
Freeland Borough P. O. Box 117 Freeland, PA 18224	COUNTY: Luzerne REGION: NE NPDES: PA0024716	I: \$2,574,000 II: \$422,000 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$2,996,000	PROJECT NO.: CS421682-01 PROJ. TYPE: STPMOD PROJECT RATING: 18 PROJECT RANKING: 176
NESHANNOCK TOWNSHIP SD 3131 MERRER ROAD NEW CASTLE, PA 16105	COUNTY: Lawrence REGION: NW NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$4,250,000 V: \$0 ELIG. \$4,250,000	PROJECT NO.: CS422407-01 PROJ. TYPE: PS FM INT PROJECT RATING: 18 PROJECT RANKING: 177
NESHANNOCK TOWNSHIP SD 3131 MERRER ROAD NEW CASTLE, PA 16105	COUNTY: Lawrence REGION: NW NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$1,390,000 V: \$0 ELIG. \$1,390,000	PROJECT NO.: CS422408-01 PROJ. TYPE: INT PROJECT RATING: 18 PROJECT RANKING: 178
Adams Township Municipal Authority P. O. Box 265 Sidman, PA 15926	COUNTY: Cambria REGION: SW NPDES:	I: \$0 II: \$0 III: \$0 III: \$472,271	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$472,271	PROJECT NO.: CS422314-01 PROJ. TYPE: SSREH PROJECT RATING: 17 PROJECT RANKING: 179



APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Tunkhannock Township R. D. 2, Box 233A Tunkhannock, PA 18657	COUNTY: REGION: NPDES:	Wyoming NE N/A	I: II: III A:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$2,000,000 \$0 \$0 \$2,000,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421945-01 SS PS 17 180
Bedminster Township Authority Bedminster Road Bedminster, PA 18910	COUNTY: REGION: NPDES:	Bucks SE N/A	I: II: III A:	\$0 \$400,000 \$0 \$0	IVA: IVB: V: ELIG.	\$0 \$0 \$0 \$400,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422100-01 STP 17 181
Lackawanna River Basin Sewer Authority P. O. Box 9068 Dickson City, PA 18519	COUNTY: REGION: NPDES:	Lackawanna NE N/A	I: II: III A:	\$0 \$0 \$350,000 \$0	IVA: IVB: V: ELIG.	\$290,000 \$4,485,000 \$0 \$5,125,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421790-01 I/I INT SS 17 182
Butler Township R. D. 3, Box 796B Drums, PA 18222	COUNTY: REGION: NPDES:	Luzerne NE N/A	I: II: III A:	\$5,681,250 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$2,053,188 \$0 \$0 \$7,734,438	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421884-01 STPMOD SS 16 183
Coaldale-Lansford-Summit Hill Sewer 6 Coal Street Lansford, PA 18232	COUNTY: REGION: NPDES:	Schuylkill NE PA0026476	I: II: III A:	\$1,000,000 \$0 \$0 \$1,000,000	IVA: IVB: V: ELIG.	\$0 \$0 \$1,000,000 \$3,000,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS421885-01 STPMOD SSREH 16 184
MONROE TOWNSHIP 17956 ROUTE 68 SLIGO, PA 16205	COUNTY: REGION: NPDES:	Clarion NW N/A	I: II: III A:	\$0 \$1,601,375 \$0 \$0	IVA: IVB: V: ELIG.	\$974,250 \$0 \$0 \$2,575,625	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422406-01 STP SS 16 185
Shenango Township Municipal Authority P. O. Box 266 West Middlesex, PA 16159	COUNTY: REGION: NPDES:	Mercer NW N/A	I: II: III A:	\$585,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$0 \$0 \$0 \$585,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422283-01 STPMOD 16 186
Washington Township Water and Sewer 11800 Edinboro Road Edinboro, PA 16412	COUNTY: REGION: NPDES:	Erie NW N/A	I: II: III A:	\$830,000 \$0 \$0 \$864,000	IVA: IVB: V: ELIG.	\$0 \$0 \$0 \$1,694,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422042-01 STPMOD SSREH 16 187
Letterkenny Township 4924 Orrstown Road Orrstown, PA 17244	COUNTY: REGION: NPDES:	Franklin SC N/A	I: II: III A:	\$600,000 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$1,202,000 \$0 \$0 \$1,802,000	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422306-01 STP PS SS 16 188
Letterkenny Township 4924 Orrstown Road Orrstown, PA 17244	COUNTY: REGION: NPDES:	Franklin SC N/A	I: II: III A:	\$621,827 \$0 \$0 \$0	IVA: IVB: V: ELIG.	\$942,692 \$0 \$0 \$1,564,519	PROJECT NO.: PROJ. TYPE: PROJECT RATING: PROJECT RANKING:	CS422307-01 STP PS SS 16 189

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Alburtis Borough 260 Franklin Street Alburtis, PA 18011	COUNTY: Lehigh REGION: NE NPDES: N/A	I: \$0 II: \$0 III: \$0 IV: \$0 V: \$0 ELIG. \$170,000	IVA: \$170,000 IVB: \$0 V: \$0 ELIG. \$170,000	PROJECT NO.: CS421722-01 PROJ. TYPE: SS PROJECT RATING: 16 PROJECT RANKING: 190
---	--	---	---	--

Palmyra Township HCR 1, Box 15-C Paupack, PA 18451	COUNTY: Pike REGION: NE NPDES:	I: \$4,200,000 II: \$0 III: \$0 IV: \$0 V: \$0 ELIG. \$7,470,450	IVA: \$3,270,450 IVB: \$0 V: \$0 ELIG. \$7,470,450	PROJECT NO.: CS422269-01 PROJ. TYPE: STP PS SS PROJECT RATING: 16 PROJECT RANKING: 191
--	--------------------------------------	---	---	---

Harveys Lake Borough Sewer Authority P. O. Box 53 Harveys Lake, PA 18618	COUNTY: Luzerne REGION: NE NPDES: N/A	I: \$0 II: \$0 III: \$0 IV: \$3,000,000 V: \$0 ELIG. \$3,000,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$3,000,000	PROJECT NO.: CS421730-01 PROJ. TYPE: SSREH PROJECT RATING: 16 PROJECT RANKING: 192
--	---	---	---	---

Tuscarora Township R. R. 1, Box 56 Honey Grove, PA 17035	COUNTY: Juniata REGION: SC NPDES:	I: \$253,060 II: \$0 III: \$0 IV: \$0 V: \$0 ELIG. \$1,212,506	IVA: \$959,446 IVB: \$0 V: \$0 ELIG. \$1,212,506	PROJECT NO.: CS422305-01 PROJ. TYPE: STP PS SS PROJECT RATING: 16 PROJECT RANKING: 193
--	---	---	---	---

Allen Township R. R. 1, Box 1596A Saylorsburg, PA 18353	COUNTY: Northampton REGION: NE NPDES:	I: \$0 II: \$0 III: \$0 IV: \$0 V: \$0 ELIG. \$2,443,688	IVA: \$958,000 IVB: \$1,485,688 V: \$0 ELIG. \$2,443,688	PROJECT NO.: CS422263-01 PROJ. TYPE: INT SS PROJECT RATING: 16 PROJECT RANKING: 194
---	---	---	---	--

Kilbuck Township 343 Eicher Road Pittsburgh, PA 15237	COUNTY: Allegheny REGION: SW NPDES: N/A	I: \$0 II: \$0 III: \$0 IV: \$0 V: \$0 ELIG. \$1,930,000	IVA: \$1,930,000 IVB: \$0 V: \$0 ELIG. \$1,930,000	PROJECT NO.: CS422116-01 PROJ. TYPE: SS PROJECT RATING: 16 PROJECT RANKING: 195
---	---	---	---	--

Mount Carmel Municipal Authority Avenue and Oak Street Mount Carmel, PA 17851	COUNTY: Northumberland REGION: NC NPDES:	I: \$9,109,400 II: \$0 III: \$0 IV: \$0 V: \$0 ELIG. \$9,109,400	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$9,109,400	PROJECT NO.: CS422291-01 PROJ. TYPE: STPMOD PROJECT RATING: 15 PROJECT RANKING: 196
---	--	---	---	--

Upper Saucon Township 5500 Camp Meeting Road Center Valley, PA 18039	COUNTY: Lehigh REGION: NE NPDES:	I: \$0 II: \$0 III: \$0 IV: \$0 V: \$0 ELIG. \$12,228,300	IVA: \$0 IVB: \$12,228,300 V: \$0 ELIG. \$12,228,300	PROJECT NO.: CS422270-01 PROJ. TYPE: PS INT SS PROJECT RATING: 15 PROJECT RANKING: 197
--	--	--	---	---

Frackville Area Municipal Authority P. O. Box 471 Frackville, PA 17931	COUNTY: Schuylkill REGION: NE NPDES:	I: \$1,700,000 II: \$0 III: \$0 IV: \$0 V: \$0 ELIG. \$4,651,000	IVA: \$2,951,000 IVB: \$0 V: \$0 ELIG. \$4,651,000	PROJECT NO.: CS422265-01 PROJ. TYPE: STPMOD SSREH PROJECT RATING: 15 PROJECT RANKING: 198
--	--	---	---	---

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Ralpho Township MA  
32-A S. Market Street  
Elysburg, PA 17824

COUNTY: Columbia/  
Northumberland  
REGION: NC  
NPDES:

I: \$0  
II: \$0  
III: \$0  
III: \$0

IVA: \$964,330  
IVB: \$565,670  
V: \$0  
ELIG. \$1,530,000

PROJECT NO.: CS422376-01  
PROJ. TYPE: SS PS FM  
PROJECT RATING: 13  
PROJECT RANKING: 199

Lynn Township Sewer Authority  
P. O. Box 208  
New Tripoli, PA 18066

COUNTY: Lehigh  
REGION: NE  
NPDES:

I: \$600,000  
II: \$200,000  
III: \$0  
III: \$0

IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$800,000

PROJECT NO.: CS422266-01  
PROJ. TYPE: STPMOD  
PROJECT RATING: 13  
PROJECT RANKING: 200

Weatherly Borough  
10 Wilbur Street  
Weatherly, PA 18255

COUNTY: Carbon  
REGION: NE  
NPDES:

I: \$0  
II: \$0  
III: \$0  
III: \$4,437,239

IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$4,437,239

PROJECT NO.: CS422271-01  
PROJ. TYPE: SSREH  
PROJECT RATING: 13  
PROJECT RANKING: 201

Dravosburg Borough  
P. O. Box 37  
Dravosburg, PA 15034

COUNTY: Allegheny  
REGION: SW  
NPDES: PA0028401

I: \$769,000  
II: \$0  
III: \$0  
III: \$0

IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$769,000

PROJECT NO.: CS421485-01  
PROJ. TYPE: STPMOD  
PROJECT RATING: 13  
PROJECT RANKING: 202

Parker City Sewer Authority  
P. O. Box 323  
Parker, PA 16049

COUNTY: Armstrong  
REGION: SW  
NPDES: PA0034851

I: \$0  
II: \$3,153,000  
III: \$0  
III: \$0

IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$3,153,000

PROJECT NO.: CS421475-01  
PROJ. TYPE: STPMOD  
PROJECT RATING: 13  
PROJECT RANKING: 203

COCHRANTON BOROUGH  
109 E. ADAMS ST., P. O. BOX 66  
COCHRANTON, PA 16314

COUNTY: Crawford  
REGION: NW  
NPDES:

I: \$0  
II: \$975,000  
III: \$0  
III: \$0

IVA: \$4,625,000  
IVB: \$0  
V: \$0  
ELIG. \$5,600,000

PROJECT NO.: CS422400-01  
PROJ. TYPE: STP SS  
PROJECT RATING: 13  
PROJECT RANKING: 204

Summit Hill Borough  
114 W. Ludlow Street  
Summit Hill, PA 18250

COUNTY: Carbon  
REGION: NE  
NPDES: N/A

I: \$0  
II: \$0  
III: \$500,000  
III: \$0

IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$500,000

PROJECT NO.: CS421907-01  
PROJ. TYPE: SSREH  
PROJECT RATING: 12  
PROJECT RANKING: 205

Springfield Township Sewer Authority  
9211 Susquehanna Trail S  
Seven Valleys, PA 17360

COUNTY: York  
REGION: SC  
NPDES: N/A

I: \$0  
II: \$0  
III: \$0  
III: \$0

IVA: \$795,000  
IVB: \$0  
V: \$0  
ELIG. \$795,000

PROJECT NO.: CS422191-01  
PROJ. TYPE: SS  
PROJECT RATING: 10  
PROJECT RANKING: 206

Reading Township Municipal Authority  
5500 Carlisle Pike  
New Oxford, PA 17350

COUNTY: Adams  
REGION: SC  
NPDES: N/A

I: \$1,750,000  
II: \$0  
III: \$0  
III: \$0

IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$1,750,000

PROJECT NO.: CS422053-01  
PROJ. TYPE: STPMOD  
PROJECT RATING: 10  
PROJECT RANKING: 207

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

East Cocalico Township 100 Hill Road Denver, PA 17517	COUNTY: Lancaster REGION: SC NPDES: N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$3,416,230 V: \$0 ELIG. \$3,416,230	PROJECT NO.: CS422074-01 PROJ. TYPE: INT PROJECT RATING: 10 PROJECT RANKING: 208
Harmony Township 2501 Woodland Road Ambridge, PA 15003	COUNTY: Beaver REGION: SW NPDES: N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,800,000 IVB: \$0 V: \$0 ELIG. \$1,800,000	PROJECT NO.: CS421861-01 PROJ. TYPE: SS PROJECT RATING: 10 PROJECT RANKING: 209
Athens Township Authority 379 Pennsylvania Avenue Sayre, PA 18840	COUNTY: Bradford REGION: NC NPDES: N/A	I: \$141,415 II: \$28,965 III: \$0 III: \$0	IVA: \$313,460 IVB: \$0 V: \$0 ELIG. \$483,840	PROJECT NO.: CS422148-01 PROJ. TYPE: STP SS PROJECT RATING: 10 PROJECT RANKING: 210
Coaldale Borough P. O. Box 116 Coaldale, PA 18218	COUNTY: Schuylkill REGION: NE NPDES: N/A	I: \$0 II: \$0 III: \$1,000,000 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$1,000,000	PROJECT NO.: CS422082-01 PROJ. TYPE: SSREH PROJECT RATING: 10 PROJECT RANKING: 211
Beech Creek Borough P. O. Box 216 Beech Creek, PA 16822	COUNTY: Clinton REGION: NC NPDES: PA0024538	I: \$1,004,000 II: \$0 III: \$0 III: \$0	IVA: \$665,100 IVB: \$210,000 V: \$0 ELIG. \$1,879,100	PROJECT NO.: CS421937-01 PROJ. TYPE: STPMOD SS INT PROJECT RATING: 10 PROJECT RANKING: 212
TREMONT MA 423 WEST MAIN STREET TREMONT, PA 17981	COUNTY: Schuylkill REGION: NE NPDES:	I: \$2,282,445 II: \$0 III: \$766,986 III: \$123,420	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$3,172,851	PROJECT NO.: CS422421-01 PROJ. TYPE: STPMOD SSREH PROJECT RATING: 10 PROJECT RANKING: 213
Hummels Wharf MA P. O. Box 165 Hummels Warf, PA 17831	COUNTY: Snyder REGION: SC NPDES:	I: \$0 II: \$0 III: \$0 III: \$1,721,729	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$1,721,729	PROJECT NO.: CS422391-01 PROJ. TYPE: SSREH PROJECT RATING: 10 PROJECT RANKING: 214
Mansfield Borough Municipal Authority 19 E. Wellsboro Street Mansfield, PA 16933	COUNTY: Tioga REGION: NC NPDES: PA0021814	I: \$5,265,488 II: \$0 III: \$573,205 III: \$0	IVA: \$5,925,475 IVB: \$410,575 V: \$0 ELIG. \$12,174,743	PROJECT NO.: CS421808-01 PROJ. TYPE: STPMOD INT SS PROJECT RATING: 9 PROJECT RANKING: 215
Lansford Borough P. O. Box 126 Lansford, PA 18232	COUNTY: Carbon REGION: NE NPDES: N/A	I: \$0 II: \$0 III: \$0 III: \$4,300,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$4,300,000	PROJECT NO.: CS421893-01 PROJ. TYPE: SS SSREH PROJECT RATING: 8 PROJECT RANKING: 216

*APPLICANT INFORMATION*

*NEEDS CATEGORIES*

*PROJECT INFORMATION*

Minersville Sewer Authority Two E. Sunbury Street Minersville, PA 17954	COUNTY: Schuylkill REGION: NE NPDES: N/A	I: \$990,000 II: \$0 III: \$0 III: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$990,000	PROJECT NO.: CS422016-01 PROJ. TYPE: STPMOD PROJECT RATING: 8 PROJECT RANKING: 217
East Donegal Township 190 Rock Point Road Marietta, PA 17547	COUNTY: Lancaster REGION: SC NPDES: N/A	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$573,500 IVB: \$0 V: \$0 ELIG. \$573,500	PROJECT NO.: CS421775-01 PROJ. TYPE: SS PS PROJECT RATING: 7 PROJECT RANKING: 218
Ashland Borough 501 Chestnut Street Ashland, PA 17921	COUNTY: Schuylkill REGION: NE NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$675,000 IVB: \$0 V: \$0 ELIG. \$675,000	PROJECT NO.: CS422264-01 PROJ. TYPE: PS SS PROJECT RATING: 7 PROJECT RANKING: 219
Athens Township Authority 379 Pennsylvania Avenue Sayre, PA 18840	COUNTY: Bradford REGION: NC NPDES:	I: \$0 II: \$0 III: \$0 III: \$0	IVA: \$1,517,549 IVB: \$0 V: \$0 ELIG. \$1,517,549	PROJECT NO.: CS422286-01 PROJ. TYPE: SS PROJECT RATING: 4 PROJECT RANKING: 220

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION CLEAN WATER  
STATE REVOLVING FUND**

**FY 2004 INTENDED USE PLAN PROJECT LIST**

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

I—SECONDARY TREATMENT

II—TREATMENT MORE STRINGENT THAN SECONDARY

IIIA—INFILTRATION/INFLOW CORRECTION

IIIB—MAJOR SEWER SYSTEM REHABILITATION

IVA—NEW COLLECTOR SEWERS AND APPURTENANCES

IVB—NEW INTERCEPTORS AND APPURTENANCES

V—CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

STP—SEWAGE TREATMENT PLANT

STPMOD—SEWAGE TREATMENT PLANT MODIFICATION

INT—INTERCEPTOR

PS—PUMP STATION

FM—FORCE MAIN

SS—SEWER SYSTEM

SS REH—SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 CLEAN WATER STATE REVOLVING FUND  
 FY 2004 INTENDED USE PLAN PROJECT LIST  
 JANUARY 10, 2004**

*APPLICANT INFORMATION*

*NEEDS CATEGORIES*

*PROJECT INFORMATION*

Alexandria-Porter Joint MA R. D. 1 Box 80 Alexandria, PA 16611	COUNTY: Huntingdon REGION: SC NPDES	I: \$1,850,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$5,252,000 IVB: \$0 V: \$0 SRF \$9,070,000	PROJECT NO.: CS422296-01 PROJ. TYPE: SS STPMOD PROJECT RATING: 50 PROJECT RANKING: 6
--	---	--	---	---

PROBLEM DESCRIPTION: Malfunctioning onlot systems  
 PROJECT DESCRIPTION: Construction of a collection system

Avondale Borough 110 Pomeroy Street Avondale, PA 19311	COUNTY: Chester REGION: SE NPDES	I: \$3,420,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 SRF \$4,480,000	PROJECT NO.: CS422370-01 PROJ. TYPE: STPMOD PROJECT RATING: 35 PROJECT RANKING: 45
--	--	--	---	---

PROBLEM DESCRIPTION: Existing STP subject to excessive I/I, at times fails to meet NPDES permit limits (dry and wet weather) and cannot meet future capacity demands  
 PROJECT DESCRIPTION: Upgrade and expand current STP utilizing BNR technology. Expand from 0.3 MGD to 0.5 MGD

Berwick Area Joint Sewer Authority 344 Market Street Berwick, PA 18603	COUNTY: Columbia REGION: NC NPDES Yes	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$875,375 SRF \$1,201,710	PROJECT NO.: CS422293-01 PROJ. TYPE: INT PROJECT RATING: 22 PROJECT RANKING: 139
--	---	--	---	---

PROBLEM DESCRIPTION: Hydraulic overloading of conveyance system  
 PROJECT DESCRIPTION: Construction of improvements to the conveyance system (additional interceptor)

Bristol Township Authority 2501 Bath Road Bristol, PA 19007	COUNTY: Bucks REGION: SE NPDES	I: \$150,000 II: \$0 III: \$0 IIIB: \$2,685,000	IVA: \$0 IVB: \$0 V: \$0 SRF \$5,500,000	PROJECT NO.: CS422396-01 PROJ. TYPE: PS SSREH FM PROJECT RATING: 25 PROJECT RANKING: 117
---	--------------------------------------	--	---	---

PROBLEM DESCRIPTION: Wet weather overflows at manholes  
 PROJECT DESCRIPTION: Construction of two pump stations; 8,000 lf of force main; 10,500 lf of gravity sewers

Brockway Area Sewage Authority 501 Main Street Brockway, PA 15824	COUNTY: Jefferson/Elk REGION: NW NPDES N/A	I: \$0 II: \$8,373,305 III: \$750,000 IIIB: \$0	IVA: \$6,582,715 IVB: \$520,000 V: \$0 SRF \$16,246,020	PROJECT NO.: CS421910-01 PROJ. TYPE: STP PS INT SS I/I PROJECT RATING: 23 PROJECT RANKING: 127
---	--	--	--	---

PROBLEM DESCRIPTION: Hydraulic and organic overloading of treatment plant with high I/I in the collection system. Also malfunctioning onlot systems  
 PROJECT DESCRIPTION: New 1.5 MGD oxidation ditch; upgrade and expand two existing pump stations; two interceptor relief sections; new vacuum sewer collection for 938 EDUs in two townships

PENNSYLVANIA BULLETIN, VOL. 34, NO. 2, JANUARY 10, 2004

NOTICES

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830	COUNTY: Clearfield REGION: NC NPDES	I: \$1,870,000 II: \$0 III A: \$75,000 III B: \$175,000	IVA: \$0 IVB: \$0 V: \$0 SRF \$2,120,000	PROJECT NO.: CS422390-01 PROJ. TYPE: STPMOD INT PROJECT RATING: 25 PROJECT RANKING: 116
--	---	--	---	--

PROBLEM DESCRIPTION: Equipment/lines wearing out; need to store more digester gas  
PROJECT DESCRIPTION: Replace digester covers, clarification mechanism, 2,200 lf of VCP interceptor and 14 manhole covers. Install sludge centrifuge and sludge storage.

Corry City Municipal Authority 100 South Center Street Corry, PA 16407	COUNTY: Erie REGION: NW NPDES Pending	I: \$0 II: \$5,275,524 III A: \$0 III B: \$0	IVA: \$0 IVB: \$0 V: \$716,585 SRF \$7,189,512	PROJECT NO.: CS422275-01 PROJ. TYPE: STPMOD SS PROJECT RATING: 33 PROJECT RANKING: 61
--	---	---	---	--

PROBLEM DESCRIPTION: Hydraulic overloading at treatment facility  
PROJECT DESCRIPTION: Construction of treatment facility and collection system improvements

East Providence Township P. O. Box 83 Breezewood, PA 15533	COUNTY: Bedford REGION: SC NPDES	I: \$500,000 II: \$84,000 III A: \$0 III B: \$400,000	IVA: \$100,000 IVB: \$0 V: \$0 SRF \$806,667	PROJECT NO.: CS422371-01 PROJ. TYPE: STPMOD SS PS PROJECT RATING: 41 PROJECT RANKING: 20
--	--	--	---	--

PROBLEM DESCRIPTION: Malfunctioning onlot systems  
PROJECT DESCRIPTION: Construction of new sanitary lines to connect 30 homes to existing STP; construction of one pump station, installation of centrifuge to dewater sludge, construction of an equalization tank, construction of new head works and replacement of the existing gas

Falls Creek Borough Municipal Authority 117 Taylor Avenue Falls Creek, PA 15840	COUNTY: Jefferson REGION: NW NPDES Yes	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,940,000 IVB: \$0 V: \$0 SRF \$1,940,000	PROJECT NO.: CS422321-01 PROJ. TYPE: PS SS PROJECT RATING: 26 PROJECT RANKING: 108
---	--	---	---	---

PROBLEM DESCRIPTION: Malfunctioning onlot systems and discharge of sewage into streams  
PROJECT DESCRIPTION: Construction of an extension to the collection system

FOXBURG AREA W&SA P. O. Box 2 Foxburg, PA 16036	COUNTY: Clarion REGION: NW NPDES	I: \$28,600 II: \$0 III A: \$329,924 III B: \$0	IVA: \$0 IVB: \$0 V: \$0 SRF \$550,000	PROJECT NO.: CS422386-01 PROJ. TYPE: STPMOD PROJECT RATING: 23 PROJECT RANKING: 132
---	--	--	---	--

PROBLEM DESCRIPTION: Hydraulic overloading at the Foxburg STP; a broken outfall sewer and high I/I in portions of the sanitary sewer system  
PROJECT DESCRIPTION: Construction of a 100,000-gallon flow equalization tank, a new outfall and two areas of sewer rehabilitation

HOLLIDAYSBURG SA 401 BLAIR STREET HOLLISDAYSBURG, PA 16648	COUNTY: Blair REGION: SC NPDES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$990,385 IVB: \$1,586,000 V: \$0 SRF \$2,308,965	PROJECT NO.: CS422392-01 PROJ. TYPE: INT SS PROJECT RATING: 25 PROJECT RANKING: 115
--	--------------------------------------	---	---	--

PROBLEM DESCRIPTION: Manhole overflows on Legion park interceptor and near Fort Fetter Siphon during wet weather.  
PROJECT DESCRIPTION: Interceptor replacement, eliminate wildcat sewer, combined sewer separation



APPLICANT INFORMATION

Hopewell Township  
R. D. 1, Box 95  
James Creek, PA 16657

NEEDS CATEGORIES

COUNTY: Huntingdon I: \$0  
REGION: SC II: \$0  
NPDES PA0082759 IIIA: \$0  
IIIB: \$0  
AMOUNT:

PROJECT INFORMATION

PROJECT NO.: CS422387-01  
PROJ. TYPE: SS PS  
PROJECT RATING: 23  
PROJECT RANKING: 126

PROBLEM DESCRIPTION: Malfunctioning onlot systems and contamination of drinking water wells  
PROJECT DESCRIPTION: Construction of a collections system and pump station to serve 65 EDU's in the Pottstown area.

Hopewell Township  
1700 Clark Boulevard  
Aliquippa, PA 15001

COUNTY: Beaver I: \$0  
REGION: SW II: \$0  
NPDES IIIA: \$0  
IIIB: \$0  
AMOUNT:

PROJECT NO.: CS422387-01  
PROJ. TYPE: INT SS  
PROJECT RATING: 20  
PROJECT RANKING: 146

PROBLEM DESCRIPTION: Wet weather bypassing to tributaries of the Racoon Creek  
PROJECT DESCRIPTION: Replacement of 525 feet of sewer and upsizing of the Wilson and Heights Pump Station to eliminate wet weather bypassing

Hummels Wharf MA  
P. O. Box 165  
Hummels Warf, PA 17831

COUNTY: Snyder I: \$0  
REGION: SC II: \$0  
NPDES IIIA: \$0  
IIIB: \$1,721,729  
AMOUNT:

PROJECT NO.: CS422391-01  
PROJ. TYPE: SSREH  
PROJECT RATING: 10  
PROJECT RANKING: 214

PROBLEM DESCRIPTION: Existing sewer replacement to reduce I/I  
PROJECT DESCRIPTION: Replacement and rehabilitation of oldest subsection of collection system to reduce I/I

Indiana County Municipal Services  
827 Water Street  
Indiana, PA 15701

COUNTY: Indiana I: \$150,000  
REGION: SW II: \$0  
NPDES IIIA: \$0  
IIIB: \$0  
AMOUNT:

PROJECT NO.: CS422359-01  
PROJ. TYPE: STP SS PS  
PROJECT RATING: 43  
PROJECT RANKING: 13

PROBLEM DESCRIPTION: Malfunctioning onlot systems will be eliminated which in turn will eliminate seepage of sewage into nearby streams and waterways  
PROJECT DESCRIPTION: Construction of 25,000 lf of SS, one pump station, 9,000 lf of force main, 3,000 lf of collection lines and a 10,000 GPD STP

MAHONING TOWNSHIP  
P. O. Box 50  
Distant, PA 16223

COUNTY: Armstrong I: \$1,000,000  
REGION: SW II: \$0  
NPDES IIIA: \$0  
IIIB: \$0  
AMOUNT:

PROJECT NO.: CS422393-01  
PROJ. TYPE: STP PS SS  
PROJECT RATING: 38  
PROJECT RANKING: 34

PROBLEM DESCRIPTION: Wild cat sewers discharging untreated sewage to tributaries of Redbank Creek  
PROJECT DESCRIPTION: Construction of a sanitary sewer system to serve 244 existing EDUs that are currently served by wildcat systems. Project consist of 32,000 lf of sewers, two pump stations and a 90,000 GPD STP.

Mid Mon Valley  
P. O. Box 197  
Allenport, PA 15412

COUNTY: Washington I: \$750,000  
REGION: SW II: \$0  
NPDES IIIA: \$0  
IIIB: \$0  
AMOUNT:

PROJECT NO.: CS422373-01  
PROJ. TYPE: STPMOD PS  
PROJECT RATING: 23  
PROJECT RANKING: 122

PROBLEM DESCRIPTION: Combined sewer overflows during wet weather events  
PROJECT DESCRIPTION: Project involves upgrading current STP and pump station.

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Milton Regional SA  
Two Filbert Street, P. O. Box 150  
Milton, PA 17847

COUNTY: Northumberland  
REGION: NC  
NPDES

I: \$0  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$7,525,340  
IVB: \$645,496  
V: \$0  
SRF \$8,170,836

AMOUNT:

PROJECT NO.: CS422287-01  
PROJ. TYPE: SS  
PROJECT RATING: 29  
PROJECT RANKING: 75

PROBLEM DESCRIPTION: New sewage collection system for Montandon Village

PROJECT DESCRIPTION: Construction of a new sewage collection system to serve Montandon Village, East Lewisburg along Old Rt. 45, Sodom Road, Colonial Park, Milton Center East and along SR 405, north of Houses Run Road.

MONONGAHELA CITY  
449 West Main Street  
Monongahela, PA 15063

COUNTY: Washington  
REGION: SW  
NPDES

I: \$0  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$3,296,000  
IVB: \$0  
V: \$0  
SRF \$3,296,000

AMOUNT:

PROJECT NO.: CS422394-01  
PROJ. TYPE: SS PS FM  
PROJECT RATING: 40  
PROJECT RANKING: 23

PROBLEM DESCRIPTION: Malfunctioning onlot systems directly discharging into tributaries of Dry Run and Pigeon Creek

PROJECT DESCRIPTION: Construction of sanitary sewers to serve EDUs that are currently unsewered. Project will consist of 26,000 lf of gravity sewer lines, 123 lf of force main and 1 pump station that will serve 120 homes.

Moon Township MA  
1700 Beaver Grade Rd, Suite 200  
Coraopolis, PA 15108

COUNTY: Allegheny/  
Beaver  
REGION: SW  
NPDES

I: \$1,920,000  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$685,000  
IVB: \$1,560,000  
V: \$0  
SRF \$4,700,000

AMOUNT:

PROJECT NO.: CS422374-01  
PROJ. TYPE: STP PS SS  
PROJECT RATING: 29  
PROJECT RANKING: 92

PROBLEM DESCRIPTION: Overflows from current overloaded Crescent WWTP into Spring Run and Shouse Run

PROJECT DESCRIPTION: Project involves upgrading existing Crescent/S.Heights pump stations, expansion of the Flaugherty Run STP from 2.0 MGD to 3.0 MGD and the extension of the outfall sewer to the Ohio River. Flows in Crescent/S.Heights will be redirected to Moon Township and the Crescent/S. Heights STP will be abandoned.

Muddy Run RA  
P. O. Box 474  
Madera, PA 16661

COUNTY: Clearfield  
REGION: NC  
NPDES

I: \$475,000  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$125,000  
IVB: \$510,000  
V: \$0  
SRF \$398,334

AMOUNT:

PROJECT NO.: CS422377-01  
PROJ. TYPE: STP PS SS  
PROJECT RATING: 20  
PROJECT RANKING: 148

PROBLEM DESCRIPTION: Malfunctioning onlot and wildcat sewers throughout borough

PROJECT DESCRIPTION: Construction of a .025 MGD WWTP and 15,000 lf of gravity/pressure sewers

Nelson Township MA  
P. O. Box 100  
Nelson, PA 16940

COUNTY: Tioga  
REGION: NC  
NPDES

I: \$1,266,172  
II: \$259,337  
III A: \$0  
III B: \$0

IVA: \$926,243  
IVB: \$369,648  
V: \$0  
SRF \$1,082,600

AMOUNT:

PROJECT NO.: CS422375-01  
PROJ. TYPE: STPMOD SS PS  
PROJECT RATING: 43  
PROJECT RANKING: 14

PROBLEM DESCRIPTION: Malfunctioning onlot systems contaminating potable water wells

PROJECT DESCRIPTION: Construction of 11,200 lf of SS, 7,300 lf of force mains, two pump stations and modifications at the current STP

North Sewickley Township Sewer Authority  
893 Mercer Road  
Beaver Falls, PA 15010

COUNTY: Beaver  
REGION: SW  
NPDES

I: \$0  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$3,445,600  
IVB: \$8,204,875  
V: \$0  
SRF \$10,003,100

AMOUNT:

PROJECT NO.: CS422245-01  
PROJ. TYPE: SS INT PS FM  
PROJECT RATING: 40  
PROJECT RANKING: 22

PROBLEM DESCRIPTION: Malfunctioning onlot systems

PROJECT DESCRIPTION: Design of a collection and conveyance system

*APPLICANT INFORMATION*

Penn Township  
R. R. 1, Box 15  
Coburn, PA 16832

COUNTY: Centre  
REGION: NC  
NPDES N/A

*NEEDS CATEGORIES*

I: \$457,800  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$888,750  
IVB: \$0  
V: \$0  
SRF \$1,346,550

AMOUNT:

*PROJECT INFORMATION*

PROJECT NO.: CS422204-01  
PROJ. TYPE: STP SS  
PROJECT RATING: 35  
PROJECT RANKING: 47

PROBLEM DESCRIPTION: Malfunctioning onlot systems

PROJECT DESCRIPTION: Design of a collection system and treatment facility

Penn Township Municipal Authority  
102 Municipal Building Road  
Duncannon, PA 17020

COUNTY: Perry  
REGION: SC  
NPDES Pending

I: \$1,600,000  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$3,075,000  
IVB: \$0  
V: \$0  
SRF \$6,023,500

AMOUNT:

PROJECT NO.: CS422236-01  
PROJ. TYPE: STPMOD SS  
PROJECT RATING: 47  
PROJECT RANKING: 8

PROBLEM DESCRIPTION: Malfunctioning onlot systems

PROJECT DESCRIPTION: Construction of a collection and conveyance system and expansion of an existing treatment facility

Ralpho Township MA  
32-A S. Market Street  
Elysburg, PA 17824

COUNTY: Columbia/  
Northumberland  
REGION: NC  
NPDES

I: \$0  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$964,330  
IVB: \$565,670  
V: \$0  
SRF \$1,988,000

AMOUNT:

PROJECT NO.: CS422376-01  
PROJ. TYPE: SS PS FM  
PROJECT RATING: 13  
PROJECT RANKING: 199

PROBLEM DESCRIPTION: Current treatment plant operating at near capacity; also Reeders Grove cottages and residences/businesses within Rt. 487 are discharging improperly treated sewage into the Roaring Creek a High Quality Water

PROJECT DESCRIPTION: Construction of 6,000 lf of force main, one pump station and 6,000 lf of gravity sewer

Rush Township  
P. O. Box 152  
Philipsburg, PA 16866

COUNTY: Centre  
REGION: NC  
NPDES

I: \$0  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$1,234,945  
IVB: \$191,755  
V: \$0  
SRF \$1,426,700

AMOUNT:

PROJECT NO.: CS422395-01  
PROJ. TYPE: SS INT  
PROJECT RATING: 26  
PROJECT RANKING: 105

PROBLEM DESCRIPTION: Malfunctioning on-lot septic systems; regional growth

PROJECT DESCRIPTION: Construct sewer extensions and replace faulty private and public sewer sections

Schuylkill Valley Sewer Authority  
P. O. Box 314  
Mary-D, PA 17952

COUNTY: Schuylkill  
REGION: NE  
NPDES N/A

I: \$5,403,989  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$9,313,264  
IVB: \$4,024,247  
V: \$0  
SRF \$17,623,500

AMOUNT:

PROJECT NO.: CS421749-01  
PROJ. TYPE: STP SS INT  
PROJECT RATING: 38  
PROJECT RANKING: 35

PROBLEM DESCRIPTION: Malfunctioning onlot systems and discharges of sewage into streams

PROJECT DESCRIPTION: Construction of a collection and conveyance system and treatment facility

Vernon Township Sanitary Authority  
16678 McMath Avenue  
Meadville, PA 16335

COUNTY: Crawford  
REGION: NW  
NPDES

I: \$0  
II: \$0  
III A: \$0  
III B: \$0

IVA: \$1,674,000  
IVB: \$1,130,000  
V: \$0  
SRF \$3,470,100

AMOUNT:

PROJECT NO.: CS422354-01  
PROJ. TYPE: SS PS FM  
PROJECT RATING: 26  
PROJECT RANKING: 102

PROBLEM DESCRIPTION: Malfunctioning onlot systems

PROJECT DESCRIPTION: Installation of 1,230 lf of 10-inch gravity sewer, 25,335 lf of 8-inch gravity sewer, 120 manholes, 11,780 lf of force main, 1 pump station and 39 residential grinder pumps.

APPLICANT INFORMATION

Westover Borough Council  
P. O. Box 199  
Westover, PA 16692

NEEDS CATEGORIES

COUNTY: Clearfield I: \$841,500  
REGION: NC II: \$0  
NPDES IIIA: \$0  
IIIB: \$0

PROJECT INFORMATION

PROJECT NO.: CS422379-01  
PROJ. TYPE: STP SS  
PROJECT RATING: 40  
PROJECT RANKING: 25

PROBLEM DESCRIPTION: 93% of existing onlot systems malfunctioning  
PROJECT DESCRIPTION: Construction of a new 51,000 GPD STP and 23,000 lf of sanitary sewer piping

AMOUNT:

Windber Area Authority  
1700 Stockholm Ave.  
Windber, PA 15963

COUNTY: Somerset/ Cambria I: \$0  
REGION: SW II: \$0  
NPDES Pending IIIA: \$0  
IIIB: \$4,900,000

IVA: \$0  
IVB: \$0  
V: \$0  
SRF \$5,680,000  
AMOUNT:

PROJECT NO.: CS422369-01  
PROJ. TYPE: SSREHAB  
PROJECT RATING: 19  
PROJECT RANKING: 156

PROBLEM DESCRIPTION: Wet weather bypassing from SS into Paint Creek  
PROJECT DESCRIPTION: Replacement of 17,000 lf of 24-inch interceptor with 36- and 42-inch sewer to eliminate SSO

[Pa.B. Doc. No. 04-72. Filed for public inspection January 9, 2004, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Telecommunications

**A-311305F7008. CTSI, LLC and Tern Wireless, LLC.** Joint petition of CTSI, LLC and Tern Wireless, LLC for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

CTSI, LLC and Tern Wireless, LLC, by its counsel, filed on December 19, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the CTSI, LLC and Tern Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-73. Filed for public inspection January 9, 2004, 9:00 a.m.]

## Telecommunications

**A-311305F7003. Commonwealth Telephone Company and Tern Wireless, LLC.** Joint Petition of Commonwealth Telephone Company and Tern Wireless, LLC for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Tern Wireless, LLC, by its counsel, filed on December 22, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company and Tern Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-74. Filed for public inspection January 9, 2004, 9:00 a.m.]

## Tentative Order

Public Meeting held  
December 18, 2003

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Natel, LLC (2003.0333); A-310953*

## Tentative Order

*By the Commission:*

Natel, LLC (Natel) has failed to pay its \$734 annual assessment for 2003-2004 under section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Natel is a telecommunications interexchange reseller certificated at A-310953. Commission staff has been advised by Natel's outside consultant that the company is no longer in business.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the imposition of any remedies as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the information provided by the former consultant and because of Natel's failure to pay its general assessment for 2003-2004, we believe it is appropriate to revoke Natel's certificate of public convenience without the necessity of a formal complaint, and we tentatively conclude that revocation of Natel's certificate of public convenience under 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, instead of cancellation, if Natel seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Natel LLC's certificate of public convenience is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.
3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.
4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Natel LLC at A-310953 shall be canceled, and Natel LLC's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-75. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Water Service

**A-210104F0045. Pennsylvania Suburban Water Company.** Application of Pennsylvania Suburban Water Company for approval of: (1) the acquisition by Pennsylvania Suburban Water Company of the water supply and distribution system assets of Century Land Development Company and Landmark Builders, Inc., along with the installation by Pennsylvania Suburban Water Company of a water treatment plant; and (2) the commencement by Pennsylvania Suburban Water Company of water service to the public in a portion of Marion Township, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 26, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire,  
762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489  
JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-76. Filed for public inspection January 9, 2004, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-178.1, Canopy Repairs at Pier 80 South Annex until 2 p.m. on Tuesday, January 27, 2004. 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 January 13, 2004. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on Tuesday, January 20, 2004, at 10 a.m. at Columbus Blvd. and Snyder Ave., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-77. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-214.1, Roof Replacement, Pier 84 S., until 2 p.m. on Thursday, January 29, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available January 13, 2004. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on January 22, 2004, at 10 a.m. at Pier 84 S., Porter St. and Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-78. Filed for public inspection January 9, 2004, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-242.1, 1st Floor Paving, Pier 40 South, until 2 p.m. on Thursday, January 29, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available January 13, 2004. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on Thursday, January 22, 2004, at 11 a.m. at Pier 40 South, Columbus Blvd. and Christian St., Philadelphia, PA 19147.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-79. Filed for public inspection January 9, 2004, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

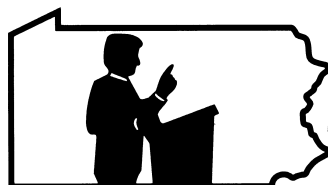
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

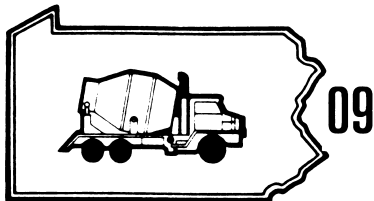
## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room 201 Finance Building  
Harrisburg, PA 17120  
717-787-4586  
1-800-252-4700  
BizOutlet@patreasury.org

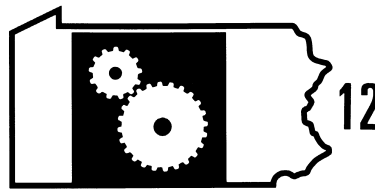
BARBARA HAFER,  
*State Treasurer*



### Construction & Construction Maintenance

**MI-867** MI-867 TIN SHOP/ELECTRICAL SUBSTATION ROOF REPLACEMENT, Millersville University of PA of the State System of Higher Education invites General Construction Contractors to request bid documents for this project. Brief scope of work includes: removal and proper disposal of existing gravel roofing system, built-up roofing membrane, cant strips, gravel stops, and asbestos containing membrane flashings; provide new roof insulation and high density fiberboard insulation, modified bitumen roof membrane, base flashings, roof gravel, cant strips, metal gravel stops, counter flashings, fascias, roof edges, pitch pockets, sealants, treated wood nailers; replace roof walkways with precast pads and pedestals and replace door threshold. Provide new green roof surfacing system, including root barrier, drainage and filter layer, root reinforcement layer, soil medium, treated 2 x 4 wood nailer, drain edge and vegetation. Prospective bidders may obtain a bid packet on-line at: [http://muweb.millersville.edu/~purchase/current\\_bid\\_opportunities.html](http://muweb.millersville.edu/~purchase/current_bid_opportunities.html), there is no charge for prime contractors submitting a bid. Prebid date/time/Location: 01/20/2004, 10:00 a.m., Dilworth Hall Room 203. Bid due date/time/Location: 02/10/2004, 10:00 a.m. Construction Contracting, Room 202B Dilworth Hall, a public bid opening will be held in Room 203 Dilworth Hall. Non-discrimination and equal opportunity are the policies of the Commonwealth of PA and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Millersville University, main campus, Millersville Borough  
**Duration:** 60 calendar days from the date of the Notice to Proceed  
**Contact:** Jill M. Coleman, (717) 872-3730

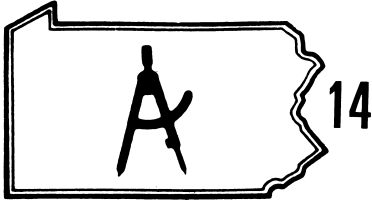


### Drafting and Design Services

**Baseball Field Design** Millersville University is soliciting architectural and engineering services to design the required modifications to an existing open field southeast of Stayer Education Building of the University baseball field complex. Consideration must be given to future development of parking garage, Field House and additional athletic fields. The design should include, but not be limited to, existing site evaluation, soils analysis, design of required sitework necessary for the successful construction of an intercollegiate baseball field in conformance with all applicable regulations. The successful design of this project must lie within the confines of the project budget. The Professional may expect multiple meetings with the department and other University staff members, multiple submittals to the University and site visits. The Professional may be requested to ascertain whether the existing facility has code issues that would preclude approval by appropriate agencies. The Professional will also be required to evaluate the existing utility services to the site and provide recommendations for any improvements to the respective systems. The Professional will consider the feasibility of all proposed fields, but will only design the baseball field. The construction cost allocation for this project is \$750,000 based on 2004/2005 dollars. All applications submitted are subject to review by the Slatting and Selection Committees. The System committees disclaim any liability whatsoever as to their review of the applications submitted, and in formulating their recommendations for selection. All recommendations for selection made by the committees shall be final pursuant to the Act of November, 1982 (P. L. 660, No. 188). Professionals may be required as part of the process to be interviewed by the Selection Committee. If an interview is required, the Professional will be notified by the Committee as to the date, time and place. The System encourages responses from small firms, minority firms, woman-owned firms, and firms which have not previously worked for the System and will consider joint-ventures which will enable these firms to participate in System professional services contracts. Non-discrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education. Interested Professionals can obtain an RFP by faxing a Letter of Interest to 717-871-2000 or sending an E-mail to [John.Cox@millersville.edu](mailto:John.Cox@millersville.edu). Letters of Interest are due no later than 4:00 PM on January 26th, 2004. Late responses will not be considered. RFP will be issued January 20th, 2004.

**Department:** State System of Higher Education  
**Location:** Millersville University, Main Campus, Millersville Borough  
**Duration:** Design Phase is 35 weeks  
**Contact:** John Cox, (717) 871-2083

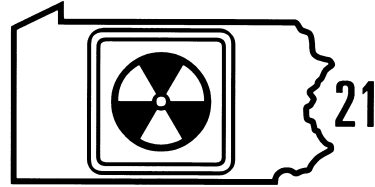




### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

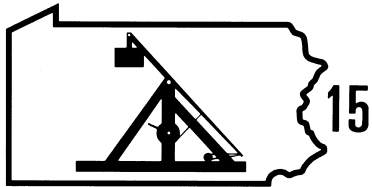
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Hazardous Material Services

**RFP IRRSC-5** DEP is soliciting proposals from experienced and qualified firms to provide statewide environmental remediation and construction services under DEP's environmental cleanup programs. A pre-proposal conference is scheduled for Friday, January 16, 2004, at 10:00 a.m. in the 2nd floor auditorium of the Rachel Carson State Office Building, 400 Market Street, Harrisburg. A copy of the Request for Proposals may be obtained through the mail by contacting Jina Leinbach in the Division of Remediation Services at 717-787-4942 or electronically, by sending a request to [jleinbach@state.pa.us](mailto:jleinbach@state.pa.us).

**Department:** Environmental Protection  
**Location:** Commonwealth of Pennsylvania  
**Duration:** Two years with three-year renewal options  
**Contact:** Jina Leinbach, (717) 787-4942



### Environmental Maintenance Service

**OSM 37(0185)101.1** Abandoned Mine Reclamation Project, Fridays Hill Road. The principal items of work and approximate quantities include 38,100 cubic yards of grading, 11 acres of seeding, 7,300 trees. This project issues on January 9, 2004, and bids will be opened on February 3, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. This project is financed by the Federal Government under the authority given it by P. L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977," and is subject to that Law and to the Federal Grant for this project.

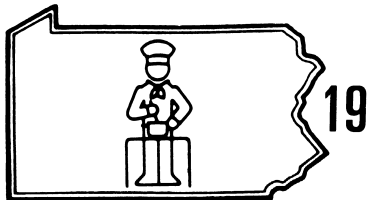
**Department:** Environmental Protection  
**Location:** Wayne Township, Lawrence County, PA  
**Duration:** 150 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994



### Janitorial Services

**010G76** This contract is for the cleaning of the PennDOT District 1-0 Office Building. Fax requests for bid packages to (814) 678-7051.

**Department:** Transportation  
**Location:** 255 Elm Street, Oil City, PA 16301  
**Duration:** 1 year with two 2-year renewals. Total of five years.  
**Contact:** Amy Judson-Burak, (814) 678-7185



### Food

**CN00006610** Miscellaneous frozen food contract for April, May and June 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID Number and PA state vendor number to (570) 587-7108. Bid packages cannot be faxed.

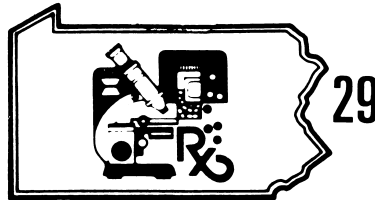
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** April 1, 2004—June 30, 2004  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**CN00006609** Frozen meat contract for April, May and June 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID Number and PA state vendor number to (570) 587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** April 1, 2004—June 30, 2004  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**CN00006611** Frozen poultry contract for April, May and June 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA State vendor number to 570-587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** April 1, 2004—June 30, 2004  
**Contact:** Stanley Rygelski, PA, (570) 587-7291



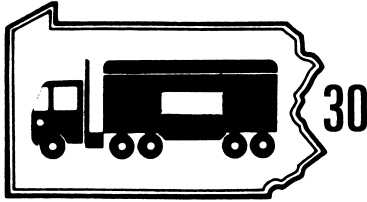
### Medical Services

**CN00006655** Contractor shall provide pharmaceutical services for six juvenile detention facilities under the Loysville Complex.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, Loysville, PA; Loysville Secure Treatment Unit, Loysville, PA; Southeast Secure Treatment Unit, Coatesville, PA; North Central Secure Treatment Unit, Danville, PA; Youth Forestry Camp #2, White Haven, PA; and Youth Forestry Camp #3, James Creek, PA.  
**Duration:** Approximately 4/1/04 through 3/31/05  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508

**CN00006654** Contractor shall provide direct clinical care services such as but not be limited to: examination, diagnosis, treatment of illness/injury, and physical examination of all new admissions.

**Department:** Public Welfare  
**Location:** Southeast Secure Treatment Unit, 900 Ryan Blvd., Coatesville, 19320 (located on the grounds of the Embreeville State Hospital)  
**Duration:** Approximately 4/1/04 through 3/31/05  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508



### Moving Services

**010K42** The Pennsylvania Department of Transportation will be accepting sealed bids for removal of machinery and equipment located along State Route 4034-A70 (East Side Connector) in the City of Erie, Erie County. Contractor will be required to remove/dismantle subject machinery and equipment and deliver to PENNDOT Erie Maintenance site located approximately 15 miles away, for future auction. Removal is to be performed to maintain operability of subject machinery and equipment, which is currently in use at a railroad siding bulk delivery operation. Attendance at a field view is MANDATORY. Successful bidder will be required to comply with FHWA and State regulations. This project is federally funded; therefore you must pay Davis-Bacon Act wage rates. Bid package requests must be received by January 14, 2004. No requests will be honored after this date. A MANDATORY inspection will be conducted at the subject site on January 20, 2004, at 2 PM. The Department will accept sealed bids at 255 Elm Street, P. O. Box 398, Oil City PA 16301, until 10:00 A.M. on January 27, 2004.

**Department:** Transportation  
**Location:** Engineering District 1-0, 255 Elm Street, Oil City, PA 16301-1412  
**Duration:** One business week per phase, weather permitting. Move to be done in two stages, further details will be in bid package.  
**Contact:** Jeffrey E. Hahne, (814) 678-7069

[Pa.B. Doc. No. 04-80. Filed for public inspection January 9, 2004, 9:00 a.m.]

---

## DESCRIPTION OF LEGEND

---

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*



# RULES AND REGULATIONS

## Title 34—LABOR AND INDUSTRY

### DEPARTMENT OF LABOR AND INDUSTRY

#### [34 PA. CODE CHS. 401, 403 AND 405]

#### Uniform Construction Code; Administrative and Enforcement; Elevators and Other Lifting Devices

The Department of Labor and Industry (Department), Bureau of Occupational and Industrial Safety, adopts this final-form rulemaking to provide detailed administrative and enforcement provisions and standards for elevators and other lifting devices of the Uniform Construction Code (UCC) under the Pennsylvania Construction Code Act (act) (35 P. S. §§ 7210.701—7210.1103) to read as set forth in Annex A.

In response to comments received and meetings with affected parties, some changes have been made to the proposed rulemaking published at 32 Pa.B. 4127 (August 24, 2002). An earlier draft of this final-form rulemaking was submitted on May 8, 2003. The Department withdrew the final-form rulemaking on June 9, 2003.

This final-form rulemaking includes the Department's adoption of the International Building Code (IBC) and other codes issued by the International Code Council (ICC), which were published in February 2003.

#### *Statutory Authority*

This rulemaking is adopted under sections 301 and 304 of the act (35 P. S. §§ 7210.301 and 7210.304), which require the Department to promulgate regulations adopting the 1999 "BOCA National Building Code" (BOCA Code) and successor codes and allow the Department to make changes to Chapter 1 of the BOCA Code. The Department must also adopt the "International Fuel Gas Code" and prescriptive methods for energy related standards under section 301 of the act.

Section 301 of the act requires the final-form rulemaking to include a provision providing the Department exclusive power to grant modifications and decide issues of technical infeasibility under the accessibility provisions of the UCC. Section 105(c) of the act (35 P. S. § 7210.105(c)) continues the Department's administrative and inspection authority over elevators and other lifting devices. The Department is adopting plan review and inspection fees under section 301(d)(2) of the act.

#### *Background*

In accordance with the act, the Department must promulgate the UCC. The UCC will provide uniform standards for builders and design professionals, and greater protection for building owners, occupants and the general public. The Department, municipalities and third-party agencies in this Commonwealth will utilize the UCC to insure that this Commonwealth has a UCC that will promote safety, health, sanitary construction, state-of-the-art techniques and cost-effectiveness in residential and commercial construction.

This final-form rulemaking establishes administrative provisions, enforcement provisions and elevator and other lifting devices standards for the UCC required by the act. This final-form rulemaking adopts the ICC model codes as part of the UCC.

For elevators and lifting devices, this final-form rulemaking adopts: "ASME A17.1-2000" with "A17.1a-2002" addenda (Part 1 (General); Part 2 (Electric elevators); Part 3 (Hydraulic elevators); Part 4 (Elevators with other types of driving machines); Part 5 (Special application elevators); Part 6 (Escalators and moving walks); Part 7 (Dumbwaiters and material lifts); Part 8 (General requirements); Part 9 (Standard codes and specifications); "ASME B20.1" for vertical and inclined reciprocating conveyors without automatic transfer devices; "ASME A90.1-1997" including "A90.1a-1999" and "A90.1b-2001" addenda for belt man-lifts; "ANSI B77.1-1999" for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors; and "ASME A18.1-1999" including "A.18.1a-2001" addenda for vertical and inclined wheelchair lifts and stairway lifts.

The final-form regulations containing the UCC's training and certification requirements under section 701 of the act (35 P. S. § 7210.701) were published at 32 Pa.B. 1849 (April 13, 2002).

The UCC will take effect 90 days after publication of this final-form rulemaking after each of the Commonwealth's 2,566 municipalities formally decides whether it will administer the UCC and provides notification to the Department. See section 501 of the act (35 P. S. § 7210.501).

At 32 Pa.B. 4127, the Department published notice of proposed rulemaking and invited all interested parties to provide written comments. The Department held three public hearings to take testimony on the proposed rulemakings. These public hearings were held: September 9, 2002, in Monroeville; September 11, 2002, in Plymouth Meeting; and September 13, 2002, in Grantville. The proposed rulemaking was also posted on the Department's website. The Department received comments from 138 persons on the proposed rulemaking. Comments were submitted from builders, contractors, architects, municipalities, third-party agencies, hospitals, child-care providers, legal services, engineers, accessibility advocates, elevator companies, plumbers, trade unions, building code associations, energy conservation groups, manufacturers, other associations and individuals.

The Independent Regulatory Review Commission (IRRC) submitted its comments through a letter dated October 25, 2002. The House Labor Relations Committee also provided comments in a letter dated October 15, 2002, which included comments from Senator James J. Rhoades, the Pennsylvania Manufactured Housing Association, the Hospital and Healthsystem Association of Pennsylvania (HAP), the Modular Buildings Association, the Pennsylvania State Association of Township Supervisors (PSATS), the Pennsylvania Petroleum Marketers and Convenience Store Association and Eric Holman, P. M., Associates.

The Department also received comments from the following: City of Allentown, American Forest and Paper Association, American Institute of Architects (AIA), American Iron and Steel Institute, Amerital of Pittsburgh, Senator Gibson E. Armstrong, Associated Builders and Contractors, Inc., Associated Day Care Service Inc., Jon Benson, Bear Creek Township, Berks Homebased Childcare Providers Association, Better Kid Care Program, Holly Caldwell, Caring for Our Children, Centre Region Council of Governments, Commercial Technical Services, Inc, Commonwealth Code Inspection Service,

Inc., Community Legal Services, Cranberry Township, Delaware Valley Association of Energy Engineers, Danville Child Care Development Center, Edward A. Donoghue, Alma Doumbouya, Eastern Paralyzed Veterans Association, Eaton Corporation, Yvonne Ellison, Facilities Design & Construction Company, Family Child Care Associates of Lehigh Valley, Ed Ferree, Flavey Energy Engineering, PC, Fire Safety Consultants, Frankstown Township, George W. Gibson and Associates, Inc., Harold W. Godwin, Carol Godwin, Patty Graff, Steve Greco, Grindel Elevator Company, Hampton Concrete, Heritage Valley Health System, Hospital Association of Pennsylvania, Haubert Homes, Inc., International Association of Plumbing and Mechanical Officials, International Brotherhood of Electrical Workers, Martha W. Issler, Marvin Kanze, Bob Kaver, John J. Kline and Associates, Latrobe Hospital, Loss Control Associates Incorporated, Ann Luscan, Maternity Care Coalition, McWapac County Boroughs Association, Middle Department Inspection Agency, Inc., Modular Building Systems Association, Gerald F. Mizgorski, National Electrical Contractors Association, National Electrical Contractors Association—Western Pennsylvania Chapter, National Fire Protection Association (NFPA), Neighborhood Child Care Resource Program, Tom Palaski, Pennsylvania Association of Code Officials, Pennsylvania Association of Plumbing, Heating and Cooling Contractors, Inc., Pennsylvania Builders Association (PBA), Pennsylvania Building Officials and Code Administrators, Pennsylvania Child Care Association, Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Home-based Child Care Providers Association, Pennsylvania Housing Finance Agency, Pennsylvania Housing Research Center (PHRC), Pennsylvania Human Relations Commission, Pennsylvania Manufactured Housing Association, Pennsylvania Petroleum Marketers and Convenience Store Association, Pennsylvania Propane Gas Association (PPGA), Pennsylvania Ski Areas Association, Pennsylvania Society of Professional Engineers, PSATS, Peters Township Sanitary Authority, City of Philadelphia—Department of Licenses & Inspections, City of Pittsburgh—Bureau of Building, Plymouth Township, PM Associates, The Preschool Project, Quest, Brad Randall, Radnor Township, Joseph P. Rapine, Rene Loubet Electric, Responsible Energy Codes Alliance, Richland Township, George M. Rohana, Rossman Hensley, Inc, Marce Schulz, Robert L. Seymour & Associates, Inc., Settlement Music School, Wes Smith, Lawrence G. Speilvogel, Rhea Starr, Wilhemena Stewart, Sparta Township Supervisors, Ken Strup, Noel Susskind, John Sykes, Trane, Tredyffrin Township, Universal Accessibility Advisory Board (UAAB), Upper Paxton Township Board of Supervisors, Upper Providence Township, Jeff Walker, Jeffrey R. Walzer, Carl M. Watson, Tom Wenner, West Penn Allegheny Health System, Augie Whymeyer, Whitpain Township, WIDCO, Harriet J. Williams and City of Williamsport.

The Department originally submitted this rulemaking in final-form on May 8, 2003. The House Labor Relations Committee held two meetings on the Department's final-form rulemaking. First, the House Labor Relations and Local Government Committees met with the Department on May 22, 2003. The House Labor Relations Committee received numerous comments concerning this rulemaking and, along with the Local Government Committee, met with some of the commentators on June 5, 2003. On June 9, 2003, the Department withdrew its final-form rulemaking. The Labor Relations Committee also provided additional comments on June 30, 2003. The Department also met with Committee members. Revisions reflecting

comments from the House Labor Relations and Local Government Committees are contained in this final-form rulemaking.

#### *Regulatory Review and Promulgation*

Since the passage of the act, extensive outreach and communication efforts were undertaken to gain input from the various affected parties including representatives from most of the associations affected by this final-form rulemaking and many government agencies. Department representatives met almost weekly with interested persons to answer questions and solicit comment.

The Department utilized its website, [www.dli.state.pa.us](http://www.dli.state.pa.us), to provide updates on the regulatory process, to provide information about the act and to solicit comments and questions. The Department also utilized its website to notify stakeholders of regulation updates and drafts. The stakeholder list comprised approximately 375 interested parties. Prior to issuance of proposed rulemaking, the Department held a meeting on May 31, 2001, in Grantville, PA with stakeholders and received comments on an initial stakeholder draft of this rulemaking. As described earlier, the Department held three public hearings on the proposed rulemaking and placed a draft of the rulemaking on its website.

This final-form rulemaking was discussed with the Department's Industrial Board and Accessibility Advisory Board. On May 30 and September 19, 2002, Department representatives briefed the House Labor Relations Committee on the UCC and the Department's progress on implementing regulations. The Department also briefed the House Local Government Committee. The Department also met with the House Committees and its members after submission of the first final-form rulemaking.

#### *Purpose*

As stated in section 102(b) of the act (35 P.S. § 7210.102(b)), the purpose of the act is to insure safe, uniform, cost-efficient, modern construction standards throughout this Commonwealth by adopting a Statewide building code governing the construction, alteration, repair and new occupancy of all structures in this Commonwealth.

This final-form rulemaking sets forth the administrative and enforcement provisions of the Statewide building code. It establishes the UCC's scope, lists the prescriptive methods adopted by the Department to comply with the "International Energy Conservation Code" and provides definitions and standards for child-care facilities. The final-form rulemaking prescribes the permit and inspection processes for commercial and residential construction. It establishes rulemaking procedures for municipalities to opt in or out of UCC enforcement, and enforcement procedures. This final-form rulemaking provides for the retention and sharing of records between the Commonwealth and municipalities choosing to enforce the UCC. It also enumerates safety standards for passenger elevators, conveying systems, lumber elevators, stage lifts, orchestra and organ console elevators and other lifting devices.

#### *Affected Persons*

This final-form rulemaking will affect construction contractors, building owners, persons building or renovating homes, design professionals, the Department, municipalities, political subdivisions and third-party agencies. This final-form rulemaking will provide a Statewide uniform building code for construction for commercial and residential buildings. Construction contractors, design profession-

als and building owners will be required to design and construct buildings to meet the requirements of the UCC. The Department, municipalities and political subdivisions opting to enforce the UCC and third-party agencies under contract to municipalities or building owners will have to approve and inspect commercial and residential buildings for UCC compliance.

This final-form rulemaking also establishes safety requirements for passenger elevators, conveying systems, lumber elevators, stage lifts, orchestra and organ console elevators and other lifting devices. The Department, building owners, elevator and lifting device operators and third-party elevator inspection companies will also be affected by this final-form rulemaking. Building owners and elevator and lifting device operators will be required to construct and maintain elevators and lifting devices in accordance with the UCC. The Department and third-party elevator inspection companies will have to inspect and test this equipment for compliance with UCC requirements.

#### *Fiscal Impact*

The Commonwealth will incur ongoing costs related to the administration and enforcement of the UCC required under the act. The Department will augment its plan review staff and may have to increase its inspection staff to review and approve plans and perform required inspections under the UCC. The Department will have to periodically review all municipal UCC enforcement programs to assure compliance with the accessibility provisions of the UCC.

Municipalities will only incur costs if they choose to administer and enforce the UCC. Costs will depend on how a municipality administers its program and the scope of the municipality's current building code program. However, these costs may be recovered from municipal plan review and inspection fees.

Owners of new commercial and residential buildings may save costs in municipalities currently administering building code programs utilizing National standards. In these jurisdictions, there will no longer be a duplication of plan review and inspection by the municipality and the Commonwealth. Construction contractors and design professionals may also save costs because of standardization of building codes throughout this Commonwealth.

#### *Response to Comments*

The following addresses the common areas of concern found in the comments received from the public, the House Labor Relations Committee and IRRC.

The AIA and the PSATS questioned why the Department chose to rewrite Chapter 1 of the IBC pertaining to administration and enforcement rather than revising Chapter 1 only as necessary. Revising Chapter 1 in its entirety was necessary for the Department's implementation and administration of the act. See section 301(a) of the act.

The Department is required to promulgate its own specific requirements for administration and enforcement in addition to the provisions of Chapter 1 of the IBC and the "International Residential Code" (IRC). These specific requirements must exceed some provisions of Chapter 1 of the IBC or the IRC to properly administer the act. These ICC model codes do not reflect the act's provisions concerning municipalities that "opt out" of enforcement—section 501(e) of the act; the Commonwealth's health care facilities—section 104(d)(3) and (4) of the act (35 P. S. § 7210.104(d)(3) and (4)) and sections 105(d) and

301(d)(2) of the act; prescriptive energy standards—section 301(c) of the act; accessibility—section 105(a) of the act and section 106 of the act (35 P. S. § 7210.106); adoption—section 501 of the act; third-party agencies—section 103 of the act (35 P. S. § 7210.103) (definition of "third-party agency"); historical buildings and sites—section 902 of the act (35 P. S. § 7210.902); State-owned buildings—section 105(b) of the act; swimming pools—section 104(f) of the act; highway occupancy permits—section 502(b) of the act (35 P. S. § 7210.502(b)); and religious exemptions—section 901(b) of the act (35 P. S. § 7210.901(b)), among other provisions. Modification of Chapter 1 was also necessary to incorporate provisions of other relevant laws such as the saved provisions of the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221–1235), known as the Fire and Panic Act, and to reflect stakeholder comments that the Department adopted. Revising Chapter 1 to provide one source for administrative standards will provide for more effective enforcement.

The AIA also questioned the Department's incorporation of technical provisions from ICC codes in this final-form rulemaking. The Department needed to incorporate "technical provisions" to reflect the act requirements and to provide a UCC for use in this Commonwealth.

The AIA expressed concerns about conflicts between the rulemaking and IBC codes. Section 403.27(e) (relating to applicability and use of standards) specifically addresses conflicts by stating that if there is a conflict between the final-form rulemaking and the provisions of the codes relating to administration incorporated under § 403.21(a) (relating to Uniform Construction Code), the final-form rulemaking applies.

Section 401.1 (relating to definitions) was changed in response to a number of comments. The term "ANSI" was added to the definition section since the "American National Standards Institute" was mentioned frequently in Chapter 405 (relating to elevators and other lifting devices).

IRRC indicated that it would be helpful for the Department to reference the list of certified officials from the training and certification regulation in the definition of "building code official." This definition now contains a reference to § 401.7 (relating to certification category specifications). The definition of "permit" was modified to clarify that a building code official may issue certificates of occupancy and building permits.

The AIA questioned the use of the term "code administrator" in the definition of "certificate of occupancy." The term "code administrator" in the definition was changed to "building code official."

IRRC commented that the definition of "commercial construction" in the proposed rulemaking included a building, structure or facility while the IBC provides definitions for "building" and "structure" and not for "facility." IRRC suggested that the Department delete the term "facility" from the definitions and from parts of the rulemaking. However, this term is essential for accessibility compliance and is defined in Chapter 11 of the IBC. This term is also important for other UCC-regulated facilities such as parks and other outdoor spaces that are not buildings or structures. The final-form rulemaking utilizes the Chapter 11 definition of "facility."

IRRC questioned use of the phrase "accessory structure" in the definition of "residential building." The IRC contains a definition of this phrase.

IRRC indicated that “Comcheck™” and “MECcheck™” were only used in one section of the rulemaking and suggested the definitions may not be necessary. Both of these definitions were deleted.

The Department received over 20 comments concerning § 403.23 (relating to child day care facilities). The Department redrafted that section to eliminate confusion and to allow for greater compliance. The terms “family child day care home” and “group child day care home” are no longer used and have been deleted from the definitions.

“ICC Evaluation Service, Inc.” is the successor organization to “National Evaluation Service, Inc.” The definitions are modified to reflect this change.

Many commentators encouraged the Department to use the now-current 2003 versions of the ICC codes that were published in February 2003. The Department adopted the 2003 versions of the ICC codes as reflected in § 403.21. See section 304(a) of the act. The Department modified the definitions of “International Building Code,” “ICC Electrical Code,” “International Energy Conservation Code,” “International Fire Code,” “International Fuel Gas Code,” “International Mechanical Code,” “International Plumbing Code” and “International Residential Code” to reflect this change.

The Department added three more 2003 ICC codes and a standards writing organization as definitions: “ISO,” “International Existing Building Code,” “International Performance Code” and the “International Urban-Wildland Interface Code.” The Department also deleted the definition of “Code Requirements for Housing Accessibility” because its provisions were incorporated in the other 2003 codes.

The Department revised the definition of “Uniform Construction Code” that was promulgated as part of training and certification. This definition now reflects the current 2003 versions of the model codes, refers to the ICC instead of the BOCA Code, updates the ICC’s telephone number and references the entire regulatory chapter.

The Department added the definition of “International Accreditation Service” because it is now referenced in § 403.44 (relating to alternative construction materials and methods). The definition of “NSPI” was added because it is referenced in new § 403.26 (relating to swimming pools).

The PHRC changed the title of its energy compliance publication. The definition “PHRC Alternative to Chapter 11” is deleted and replaced with “Pennsylvania’s Alternative Residential Energy Provisions.”

IRRC commented that the term “legally occupied” used in § 403.1(a) (relating to scope) should be defined. It also suggested definitions for the terms “occupancy” and “occupied.” The Department has addressed those comments by adding the definition of “legally occupied.”

IRRC requested clarification of the terms “postmark” and “personal delivery” used in §§ 403.122 and 403.142 (relating to appeals, variances and extensions of time; and Accessibility Advisory Board). Accordingly, the Department added definitions for “personal delivery” and “postmark.”

The Department made significant changes to § 403.62 (relating to permit requirements and exemptions) to allow exemptions from permit requirements for numerous home repairs. Accordingly, the Department also added a definition for “repairs.”

IRRC questioned the use of the phrase “the dwelling’s accessory structures” in the definition of “residential building.” The Department did not further define this phrase because it is a term of art among construction code officials and is defined in the IRC. The Department also deleted the last sentence in this definition because it was redundant.

Members of the Accessibility Advisory Board commented that the definition of “variance” did not notify builders and building owners that only the Department may grant variances from the UCC’s accessibility provisions. The Department modified the definition to clarify that the Department grants accessibility variances.

IRRC also requested that the Department explain why it defined terms that are already explained in IBC codes incorporated in the UCC. The Department defined some of these terms to make the final-form rulemaking easier to understand and to be used as one source.

IRRC, the House Labor Relations Committee, the AIA and numerous other commentators commented that fees for certain types of facilities might be excessive. Some commented that the fees were too difficult to determine. The AIA questioned why fees needed to be part of the final-form rulemaking. IRRC also asked whether the variance request fee was based on a request or an appearance before the appropriate body.

The act provides for the establishment of fees by regulation. See section 301(d)(2) of the act. This final-form rulemaking is the most reasonable and practical means to set the fees for the Department’s administration and enforcement of the UCC. Setting fees in this final-form rulemaking allows for public scrutiny and Department’s justification for its fees.

The Department reviewed the entire fee schedule and related comments closely. In § 401.2 (relating to Department fees) of the final-form rulemaking, fees are reduced, the fee structure is simplified and the elevator fee provisions are reorganized. New buildings and additions are assessed a basic fee of \$100 plus 20¢ for each square foot of floor area. New structures and facilities other than buildings are assessed a fee of \$300. Alterations, renovations or modifications of existing buildings or structures are assessed a basic fee of \$100 plus \$20 for each \$1,000 of estimated cost of alterations, renovations or modifications. Accelerated approvals are assessed a fee of \$300. Demolition of building or structure is assessed a fee of \$100. The variance request fee language was modified to state that the fee is based on each application. A \$100 fee was also added to § 401.2(b)(6) to allow for the issuance of an Annual Permit, under §§ 403.42(f) and 403.42a(m) (relating to permit requirements and exemptions; and permit application) for alterations to an already approved electrical, gas, mechanical or plumbing installation, as requested by the AIA.

Section 401.2(b)(4) lists a \$200 fee for accessibility plan review and inspection. IRRC questioned this fee’s purpose. The Department will charge this fee when it has to perform accessibility plan review and inspection when a municipality “opted” to enforce the UCC and has not yet obtained a certified accessibility inspector/plans examiner. Section 701(e)(2) of the act requires the Department to retain jurisdiction over accessibility plan review and inspection until a municipal code administrator is certified in this category.

IRRC commented that the terms “accessory character” and “miscellaneous structure not classified in the UCC” in § 403.1(b)(3) were unclear and open to interpretation.



The Department modified this section to delete those references. IRRC also asked the reason that sheds were the only buildings given a size limitation in the rule-making. The final-form rulemaking was modified to clarify that all of the listed structures must meet the building area limitation found in section 103 of the act (defining "utility and miscellaneous use structures").

The PPGA commented that the UCC would not be applicable to liquefied petroleum gas tanks and piping since the newly enacted Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1—1329.19) preempts the act's coverage of this area. The Department added § 403.1(b)(6) to exclude those installations. The PSATS also commented that the addition of § 403.1(b)(6) would deny municipalities the authority to enforce piping and installation requirements under the UCC. The Department will issue separate regulations concerning the regulation of liquefied petroleum gas and piping in accordance with the Propane Liquefied Petroleum Gas Act.

Section 403.1(c)(2) allows construction commenced before the UCC's effective date to continue without a permit if a permit was not required at that time. IRRC suggested that the Department consider imposing a time limit for completion of this construction. The Department has determined that it will not impose this time limit because the act does not set forth a deadline, policing this deadline would be unreasonably difficult and numerous individuals informally expressed concern about this type of deadline.

Peters Township Sanitary Authority commented that the Department of Environmental Protection, under 25 Pa. Code Chapter 73 (relating to standards for onlot sewage treatment facilities), regulates onlot individual sewage disposal systems. The Department added § 403.1(b)(7) to exclude these installations.

Based on comments to § 403.2 (relating to other statutes or ordinances), the Department further clarified the UCC's rescission and preemption of current construction standards found in statutes, local ordinances and regulations. In the final-form rulemaking, the Department incorporated language from section 303(b)(1) of the act (35 P. S. § 7210.303(b)(1)). Preemption does not apply to ordinances in effect on July 1, 1999, or reenactments of simultaneously repealed ordinances, which were originally adopted before that date which meet or exceed the UCC. See section 303(b)(1) of the act.

Numerous commentators questioned the building code official's ability to delegate duties under the act and the UCC to other certified or registered building code professionals. The Department added § 403.3 (relating to building code official delegation) to clarify that a municipality or third-party agency must employ or contract with a building code official to enforce the act. This section also clarifies that a building code official may delegate duties to construction code officials or current code administrators.

The NFPA, IRRC and other commentators questioned the Department's adoption of the "ICC Electrical Code" as part of the UCC in § 403.21(a)(2). These commentators encouraged the Department to adopt the "National Electrical Code" (NEC) instead. The act requires the Department to adopt all of the ICC "family" of codes referenced in Chapter 35 of the IBC, including the "ICC Electrical Code." The Department does not have the authority to adopt other codes, such as the NEC, except if these codes are incorporated in an ICC building code or enumerated in the act. See sections 301(a) and 304 of the act. The IRC

and the "ICC Electrical Code," incorporated in Pennsylvania's UCC, utilize the NEC 2002 standards. The "ICC Electrical Code" contains only administrative provisions and adopts, by reference, the NEC as its electrical construction standard. Chapters 33—42 of the IRC also utilize the NEC's electrical construction standards.

The final-form rulemaking adopts two new 2003 ICC code publications in § 403.21(a)(10) and (11): the "International Existing Building Code" and "International Urban-Wildland Interface Code." The PSATS questioned the Department's decision to include these codes and Appendix H (relating to signs) in the final-form rulemaking. The Department must adopt the ICC "family" of codes referenced in Chapter 35 of the 2003 IBC, which include these codes. The IBC contains no requirements for signs other than those found in Appendix H. Signage requirements are necessary for safety throughout this Commonwealth.

The Department deleted "Code Requirements for Housing Accessibility" from § 403.21 because the 2003 ICC codes do not include this publication.

In response to IRRC's comments, § 403.21(d) of the final-form rulemaking enumerates that the IRC will apply to stairway construction in use group R-3 after December 31, 2003.

The House Labor Relations Committee, IRRC and the UAAB urged the Department to adopt Appendix E of the IBC. The UAAB informed the Department that certain accessibility standards would be repealed by the UCC if Appendix E is not adopted. The Department adopted Appendix E in § 403.21(a)(12).

The Department also received comments on the lack of standards for signs and swimming pools. The Department modified the final-form rulemaking to adopt Appendix H of the IBC for signs in § 403.21(a)(13). The Department also incorporated Appendix G of the IRC for residential swimming pools in § 403.21(a)(14) to comply with section 104(f) of the act. The final-form rulemaking also contains additional standards for nonresidential pools, hot tubs and spas in § 403.26.

The Department revised § 403.21(e) to require use of the most current version of "COMcheck™." This section also contains the newest version of "MECcheck™," which is now renamed as "REScheck™."

IRRC requested that the Department explain the impact of the "Pennsylvania's Alternative Residential Energy Provisions" (formerly "PHRC Alternative to Chapter 11") on the availability of choices of home heating for new construction. The Pennsylvania Petroleum Marketers and Convenience Store Association also contended that this alternative particularly favored one heating fuel source at the expense of others. Both the International Energy Conservation Code (IECC) and REScheck™ allow a trade-off for the use of extra high-efficiency HVAC equipment, if a justification is provided using a valid energy analysis. The use of the trade-off is not mandated, nor is its use based on intent to favor one heating fuel source over another. If oil furnaces can be manufactured to attain a 90 AFUE, a trade-off would be allowed for their use.

IRRC questioned and a number of commentators objected to the rulemaking allowing the use of the PHRC prescriptive energy conservation alternative (formerly the "PHRC Alternative to Chapter 11") in § 403.21(e).

Under section 301(c) of the act, the Department approved an alternative approach to the prescriptive energy

conservation measures in the IRC 2003 and the "International Energy Code 2003" for residential construction. The final-form rulemaking will allow a permit applicant to utilize, as an alternative, "Pennsylvania's Alternative Residential Energy Provisions" issued February 2003 by the PHRC.

The Department closely reviewed the documents and testimony provided on this issue and obtained additional information. The Department continues to believe that this alternative approach would provide greater overall energy savings by fostering greater compliance with a simplified approach. Local governments, code officials and the PBA also support this approach.

The United States Department of Energy's Pacific Northwest National Laboratory (Pacific Northwest) reviewed the PHRC's alternative approach and concluded that the alternative contains energy efficiency requirements which are slightly more stringent for some residential designs and slightly less stringent for other designs. However, Pacific Northwest also acknowledged that the alternative was considerably simpler to use and would most likely foster greater compliance with the UCC's energy conservation requirements. In another study, Pacific Northwest reviewed homes that would use more energy because of increased window glazing. Pacific Northwest concluded that "increases in energy use expected from homes having more glazed area are, in fact, non-existent or negligible compared to the benefits of increased compliance." (Emphasis added.) ("Eliminating Window-Area Restrictions in the IECC—October 2001.")

The Department also reviewed other states and their experiences with energy compliance. The states that have shown less flexibility with alternative approaches have experienced difficulties. In Massachusetts, a study indicated that only 46.4% of new homes complied with the thermal requirements of that state's residential code. Prescriptive packages were almost never used—only 2% of the homes surveyed used these standards. Additional prescriptive approaches were recommended for use in Massachusetts. ("Impact Analysis of the Massachusetts Residential Energy Code Revisions"—May 14, 2001.)

IRRC requested that the Department explain its jurisdiction to require compliance with Department of Health (Health) regulations and the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b). IRRC also stated that if the Department requires compliance with Health's regulations and the Health Care Facilities Act, the final-form rulemaking must contain procedures for coordinating this compliance with Health. After consulting with Health, the Department revised § 403.22 (relating to health care facilities) to clarify its jurisdiction, and the plan approval and inspection process. The Department modified § 403.22(a) to include references to sections 104(d)(3) and 105(d)(1) of the act which require compliance with Health's regulations and the Health Care Facilities Act. The Department also modified § 403.22(d) to require that construction plans must be submitted to Health and receive its approval before construction begins. Also, a building permit applicant must obtain approval from Health before occupying a new health care facility. The Department added § 403.22(f) and (g), which prohibit a building code official from approving plans and issuing a certificate of occupancy for a health care facility until Health approved the plans and occupancy.

The House Labor Relations Committee inquired and the HAP and numerous other health care facilities commented that the proposed rulemaking would create administrative confusion and a regulatory burden for health

care facilities. The HAP and the other commentators strongly urged the Department to delegate all plan review responsibilities to Health. The Department may delegate its authority to delegate its plan review and inspections to the Health. However, there is no statutory authority for the Department to delegate municipality authority under the UCC to Health. Municipalities that enforce the UCC may not delegate these activities to Health under the act. See section 105(d)(2) of the act. Furthermore, Health does not currently have the resources, particularly certified code officials, to accept this delegation.

IRRC and over 20 commentators stated that proposed § 403.23 was inconsistent with IBC requirements and existing Department of Public Welfare (DPW) regulations. IRRC questioned how this rulemaking would be reconciled with DPW regulations and whether the Department addressed these conflicts with DPW. The act saved certain provisions in the Fire and Panic Act for small, in-home, day care facilities (section 1101 of the act (35 P. S. § 7210.1101)). There are a number of conflicts between these saved requirements and the standards established in the IBC. To resolve conflicts regarding the age, numbers of children and fire-safety requirements, the language in the proposed rulemaking was changed. The final-form rulemaking specifies that in-home day care facilities with 4—6 children and 7—12 children of any age shall meet current fire safety and DPW licensure requirements and that all other child day care facilities must meet requirements spelled out for those occupancies in the IBC. Department representatives addressed these issues and reviewed revised language with DPW staff.

The Department deleted the phrase "excluded from the Uniform Construction Code" from the first sentence of § 403.24(3) (relating to historic buildings, structures and sites) because it was unnecessary and redundant. The Department also added language to this section that will prohibit a building code official from waiving UCC accessibility requirements for historic buildings, structures and sites. Only the UAAB and the Department can review and grant accessibility variances. This language was added in response to comments from the House Labor Relations Committee, the UAAB and other accessibility advocates. Additional language was also added to incorporate provisions from section 902 of the act concerning historical buildings, structures or sites.

IRRC commented that § 403.25(a)(iii) and (iv) (relating to manufactured and industrialized housing) use the term "occupancy" to trigger UCC applicability and that the Department should clarify whether this term means ownership or classification of occupancy. The term indicates classification of "use and occupancy." The Department clarified this by adding a definition of "occupancy" in § 401.1, which regards an "approved use of a building or structure" under the UCC.

The House Labor Relations Committee and IRRC commented that the Pennsylvania Manufactured Housing Association and the Modular Building Systems Association contend that the act does not give the Department authority to regulate the manufactured or industrialized housing under section 901(a) of the act. These two associations also furnished comments on this section. However, this exemption only applies to manufactured and industrialized housing units. Section 901(a) of the act does not exempt site placement, installation of manufactured housing, foundations, utility connections and related activities. The Legislature intended that uniform standards apply to construction throughout this Commonwealth in the act. See section 102 of the act. This

final-form rulemaking will allow inspection of placement and related activities for all manufactured and industrialized housing that currently does not exist. The UCC will cover these activities. Appendix E of the IRC, adopted in § 403.21(a)(9), will also provide coverage for placement of manufactured housing.

The Department's interpretation is consistent with the Manufactured Housing and Safety Standards Act (35 P. S. §§ 1656.1—1656.9) and related regulations and the Industrialized Housing Act (35 P. S. §§ 1651.1—1656.12). These authorities provide Department of Community and Economic Development (DCED) jurisdiction over the manufactured housing and industrialized housing units. DCED will retain jurisdiction to enforce standards and resolve complaints relating to the units. Moreover, the act supersedes DCED's regulations if there is a conflict between the act and the final-form rulemaking.

The enumerated "exclusions" under section 104(a) of the act constitute construction that was never intended for act coverage. These "exclusions" do not include manufactured or industrialized housing. An "exemption" for manufactured and industrialized housing, under section 901(a) of the act, constitutes construction that was originally intended for coverage and later legislatively exempted. An "exemption" is given less authority than an "exclusion" and an "exemption" is strictly construed against the person claiming it. This final-form rulemaking also comports with section 605(b) of the National Manufactured Home Construction and Safety Standards Act (42 U.S.C.A. § 5404) requiring Federal standards for installation by December 2005.

However, the Department clarified the reference to "installation" in § 403.25(b)(2) based upon conversations with IRRC. The Department does not intend to have jurisdiction over assembly of the components of the industrialized housing units.

The PSATS (representing 1,457 townships) and the Pennsylvania State Association of Boroughs (representing 961 borough communities) requested UCC coverage of placement, siting, foundations and related activities for manufactured and industrialized housing. These standards will provide uniform coverage of these activities, greater consumer protection and inspection of the installation of this type of construction that does not exist throughout this Commonwealth.

DCED and other parties alerted the Department after the public comment period that the proposed rulemaking did not contain standards for swimming pools. Section 104(f) of the act requires standards for pools and spas. Section 403.26 was added to address swimming pools and hot tubs. The Department adopted Appendix G of the IRC in § 403.21(a)(14). For public pools, hot tubs and spas, the final-form rulemaking will require compliance with ANSI/NSPI-1 1991, ANSI/NSPI-2 1999 and the Public Bathing Law (35 P. S. §§ 672—680d).

The Department renumbered proposed § 403.26 as § 403.27 and renamed it "applicability and use of standards" in the final-form rulemaking to more accurately reflect the contents of the section. The Department deleted § 403.26(a)(1), which enumerated that Chapter 1 of the IBC is not adopted as part of the UCC. Section 403.21(a)(1) already excludes Chapter 1. The Department further clarified the application of the IRC.

A number of commentators questioned whether proposed § 403.26(a)(1) (§ 403.27(a)(1) in the final-form rulemaking) and § 403.21(a)(1) prohibited local jurisdictions from adopting or modifying Chapter 1 of the IBC. Local

municipalities may not generally adopt Chapter 1 of the IBC. Local jurisdictions may, under the act, adopt provisions of Chapter 1 which meet or exceed the UCC, including certain provisions of Chapter 1 and this final-form rulemaking (section 503(a) of the act (35 P. S. § 7210.503(a)). A municipality may enact ordinances which meet or exceed UCC requirements in specific areas listed in § 403.102(l) (relating to municipalities electing to enforce the Uniform Construction Code).

The Department received a comment concerning § 403.41 (relating to commercial construction) and numerous questions on whether a municipality electing to enforce the UCC must enforce both its commercial and residential provisions. A municipality electing to enforce the UCC must enforce both residential and commercial construction under section 501(a) and (e) of the act. Section 403.102(g) lists the ways a municipality may enforce the UCC. These include designating an employee to serve as a building code official; retaining third-party agencies; utilizing intermunicipal agreements; contracting with another municipality for services; and contracting with the Department for commercial building services. The Department will only contract with municipalities if it has the resources to perform the requested plan review and inspection work.

One commentator also questioned whether there was a requirement for fire protection permits in renumbered §§ 403.42 and 403.62. The regulation requires only a building permit. Fire protection is included in the IBC and the IRC final-form rulemaking requirements and will be part of the general building inspection process. Municipalities opting to enforce the UCC may adopt an ordinance which meets or exceeds UCC requirements and requires a fire protection permit and inspection.

IRRC commented that §§ 403.42 and 403.62 set forth comparable requirements for commercial and residential construction but are formatted differently. The Department rewrote § 403.62 to follow the organization of § 403.42.

Sections 403.42 and 403.62 generated many comments and much confusion. For clarity, the Department divided each of these sections into two sections. Sections 403.42 and 403.62 contain the heading and address the subject of "permit requirements and exemptions" for commercial and residential construction, respectively. Section 403.42a and § 403.62a (relating to permit application) have the heading and address the subject of "permit application." The application process and format are contained in §§ 403.42a and 403.62a.

IRRC and seven commentators questioned the requirement in §§ 403.42(b) and 403.62(b) concerning the use of a DCED permit application form. The Department eliminated this requirement. IRRC suggested that the Department list the information to be included on a building permit application. The Department modified §§ 403.42a(h) and 403.62a(e) to specify the information required on the permit application which will include a site plan indicating the size and location of structures and their distance from lot lines. If construction involves demolition, the site plan will specify the construction that will be demolished or left intact.

Three commentators questioned the building permit exemption language for retaining walls in §§ 403.42(c)(1)(iii) and 403.62(c)(1)(ii). The language did not require a building permit for retaining walls that were not over 4 feet in height measured from the "bottom of the footing." The commentators suggested that this

required building permits for all retaining walls since the footings for retaining walls are generally 3 feet below grade. The Department changed these exemptions to read "4 feet in height measured from the lowest level of grade" in §§ 403.42(c)(1)(iii) and 403.62(c)(1)(ii).

At the suggestion of many commentators and as mandated by section 304(a) of the act, the Department is adopting the new 2003 editions of the ICC codes. There were several minor changes relating to permit exemptions in Chapter 1 of the 2003 IBC. These changes are reflected in § 403.42(c)(1)(xi).

Code officials presented information that permits should not be required for window replacement without structural change. The Department added this exemption to § 403.42(c)(1)(xiii).

The Pennsylvania Municipal Authorities Association commented that §§ 403.42(e) and 403.62(e) should be amended to insure that public water and sewer authorities are included in exemptions enumerated in these sections. To address this concern, the Department changed the language of §§ 403.42(e) and 403.62(e) to delete the word "service" from public service utilities. The Department also referenced the definition of "public utility" in 66 Pa.C.S. § 102 (relating to definitions).

IRRC commented that the Department should identify, in § 403.42(f), the documents that should be attached to the permit application. The new application sections, §§ 403.42a(b) and 403.62a(b), enumerate that construction documents must include plans and specifications.

The Department added § 403.42(f) at the AIA's request. This will allow for the issuance of annual permits to allow additional installations to already-approved electrical, gas, mechanical or plumbing work. Section 403.42a(m) was also added to enumerate the application procedures for this permit.

IRRC commented that the Department should identify the official who may approve shop drawings before system installation. In reorganized § 403.42a(f)(3)(i), the building code official shall approve shop drawings. Based upon AIA comments, the Department clarified that shop drawings pertain to fire protection systems in § 403.42a(f).

IRRC and three commentators noted that § 403.42(n) requires the permit applicant to identify the individual who will observe construction. This person may be unknown at the time of the permit application. In reorganized § 403.42a(j), the Department requires the name of the licensed architect or engineer in responsible charge. It also requires the permit applicant to notify the building code official if another architect or engineer assumes responsible charge. Newly numbered § 403.42a(k) provides additional clarification that an applicant shall specify who will perform structural observation and inspection if sections 1704 or 1709 of the IBC requires structural observations or special inspections. Additionally, language pertaining to an architect or engineer being in "responsible charge" in § 403.42a(j) was used, at the AIA's request, to reflect the actual use of the term in these professions.

Section 403.42(k) of the proposed rulemaking required that the manufacturer's installation instructions related to exterior wall envelopes and testing details be included with the submission of construction documents. One commentator indicated that the specific manufacturer or product is not normally known during the construction planning. The Department deleted that requirement from the final-form rulemaking.

At the AIA's request, the Department modified provisions relating to the waiver of document submission. Section 403.42a(l) now allows for the waiver of site plan submission except for accessibility requirements. Documents that have to be prepared by a licensed architect or professional engineer may not be waived.

IRRC commented that § 403.43(c) (relating to grant, denial and effect of permits) requires a building code official to mark any necessary changes for UCC compliance on the construction documents. This may place the building code official in jeopardy of violating professional licensing laws for architects and engineers. The Department modified this requirement in the final-form rulemaking to require that only nondesign changes be marked by the building code official. The Department also changed this subsection and added § 403.63(c) (relating to grant, denial and effect of permits) to require that a building code official's approval must be marked on each page of the set of plans reviewed. The Department made this change following consultations with New Jersey state building code officials.

The UAAB commented that this section did not clearly indicate that only the Department could grant extensions of time variances or appeals relating to accessibility requirements. The Department added § 403.43(j) to restrict this authority to the Secretary.

One commentator was confused by the references to extensions of time in § 403.43(g) and (i). The building code official may grant extensions of time to commence construction after the building permit is issued. Only the Board of Appeals may grant extensions of time, appeals and variances on building code officials' orders to correct or violation orders. In response to the AIA's request, the Department also added § 403.43(k) to allow deferred submission of construction documents for portions of the construction.

To reflect the Department's practice of requiring the submission of revised plans for changes made during construction, the Department added this requirement in §§ 403.43(l) and 403.63(j). The final-form rulemaking already contained a fee for revisions of approved plans in § 401.2(b)(3).

Section 403.44(a) allows the use of alternative materials and equipment which are evaluated and approved by the National Evaluation Services, Inc. (NES) as meeting the UCC. IRRC, the AIA and three other commentators noted that there are other approved laboratories and quality assurance agencies which evaluate materials and equipment. Since the proposed rulemaking was published, ICC Evaluation Service, Inc. became the successor to the NES. The Department rewrote this section to expand the alternative methods and materials which may be utilized and which will meet UCC requirements. The Department also changed the section heading to "alternative construction materials and methods" because this is a more accurate description of this section's contents. The Department also added the "International Performance Code 2003" as an alternative means of compliance with the UCC.

IRRC commented that § 403.45(c) (relating to inspections) should be changed to allow construction code official inspection "only" during normal business hours. The Department made the revision that an inspection should occur during normal hours at the construction site. The Department also added language that would permit inspection at a time requested or agreed to by the permit holder. However, inspections could occur at different

times if required under § 403.86 (relating to right of entry to inspect). At the AIA's request, the Department added language in subsection (c) that requires construction work to remain accessible and exposed for inspection.

IRRC and one commentator commented that the reference to a "general building" inspection in § 403.45(e)(1) was vague and needed clarity. The Department added references to the inspector certification categories for the different inspections listed in § 403.45(e)(1)—(7), which describe the inspections with more clarity. It also deleted the reference to elevator inspections that are governed in Chapter 405.

IRRC and one commentator commented that § 403.46(b) (relating to certificate of occupancy) does not include a time frame for the code official to issue the certificate of occupancy after receiving the final inspection report. The Department modified this subsection to require the certificate to be issued within 5 business days after the receipt of the final inspection report. The Department also added the requirement that the certificate of occupancy include the permit holder's name and address.

IRRC and 12 commentators questioned the requirements for public utility connections in § 403.47 (relating to public utility connections) and § 403.66 (formerly § 403.65) (relating to public utility connections). The Department completely rewrote these sections after discussing this issue with municipal code officials and public utility companies. Both sections are identical. Subsection (a) allows a building code official to authorize temporary connection of a utility so that construction may be completed and to reflect current practice in many municipalities and Chapter 1 of the IBC and the IRC. Subsection (b) requires the permit holder to provide written proof to the utility company that the building or structure has passed UCC inspections before electricity or gas may be connected to the completed construction. This requirement is based on current practice by many utilities.

IRRC also questioned whether the public utility requirements are affected if a municipality "opts out" of enforcement. In those municipalities, all third-party agencies are required to have a building code official who may authorize temporary utility connection under § 403.66(a).

Three commentators stated that the permit and inspection process for residential buildings in §§ 403.61—403.66 do not require plan submission or review. The Department added § 403.62a(b) requiring the submission of plans and specifications with the permit application. This requirement will also pertain to commercial construction in § 403.42a(b). The Department added § 403.62a(c) to allow a building code official to waive the submission of construction documents if the nature of the construction does not require review of plans to determine compliance with the UCC. The Department also added § 403.62a(e), which requires the application to include a site plan except if the building code official waives this requirement.

Another commentator stated that typical residential home construction and remodeling do not include plans prepared by a registered design professional. This final-form rulemaking does not impose this requirement because Pennsylvania licensure laws do not require a licensed architect or engineer to seal plans for one- or two-family dwellings.

The House Labor Relations Committee, IRRC and a number of commentators requested that the permit application and approval process for commercial and residen-

tial construction be as similar as possible. The Department revised and drafted §§ 403.41—403.43 and 403.61—403.63 to address this request.

The House Labor Relations and Local Government Committees, other legislators and the PSATS expressed concern about the impact of the final-form rulemaking on citizens making minor repairs to their residences. In response, the Department significantly revised § 403.62 to exempt numerous home repairs from permit requirements. Exempted repairs now include minor electrical work such as installation of dimmer switches and replacement of receptacles, switches and light fixtures. Exemptions will also cover, for example, construction of decks lower than 30 inches above grade, repair or replacement of a porch, replacement of siding, repair and replacement of appliances and ordinary repairs. The Department also excluded ordinary repairs from the permit requirement.

In revising § 403.62, the Department utilized New Jersey's construction code, section 5:23-9.3, as a guide. The Department considered establishing a monetary threshold for this exemption. However, this threshold could not be reasonably enforced because of the practical difficulties of determining the costs of a project and because a large project could be divided into phases to circumvent the final-form rulemaking. A monetary threshold could also require permits for work that is actually exempted under the Department's revised § 403.62. Moreover, a monetary threshold could exempt permits for work that should be reviewed and inspected such as construction that changes the structure or negatively impacts safety. A monetary limit would also require permits for construction that could reasonably be excluded such as deck construction. This option and leaving this decision to each municipality would also undermine the intent of having a uniform code.

The Department also considered residential exemptions based upon whether the construction involves the replacement of a nonstructural component or part with another component or part of equal type, size or specification. Exclusion based upon these criteria would cause confusion and enforcement difficulties. This type of exclusion would also be more restrictive, in many ways, than the Department's proposal. For example, construction of new decks and fences would require a permit under the amendment while the Department's proposal would exempt construction of certain new decks and fences. Additionally, construction and repairs that should be regulated for safety reasons (for example, water heaters and roofing) will be unregulated.

Based upon comments, the Department made revisions allowing emergency repairs without first obtaining a permit if application is made within 3 days of the repair or replacement (§§ 403.42(b) and 403.62(b)). The Department also added exclusions for "ordinary repairs" in subsection (d).

IRRC suggested that the Department use the term "permit" rather than "building permit" in § 403.64(a) and (g) (relating to inspections) (former § 403.63(a) and (g)) for clarity. The Department made this change.

IRRC and four commentators questioned why the lists of inspections required under § 403.64(d) and (f) (former § 403.63(d) and (f)) are different. These inspection provisions reflect section 501(e) of the act. The inspection requirements during construction differ from those that are required as part of the final inspection. However, this difference may be confusing. The Department rewrote subsection (f) to reference a final inspection and compli-

ance with the UCC without enumerating specific inspections. IRRC also questioned the meaning of the term "general building information" in § 403.64(f) (former § 403.63(f)). The term "general building information" was deleted with the other enumerated building inspections.

IRRC also suggested that the Department add examples of the "other inspection" that a municipality may require to ascertain compliance with the UCC in § 403.64(e) (former § 403.63(e)). Examples or a list of possible inspections may limit the municipality's inspection authority. The type of additional inspections a municipality would perform would be based on unique construction circumstances or municipal code enforcement procedures.

Three commentators recommended that the Department eliminate the requirement in § 403.64(h) (formerly § 403.63(h)) that the municipality send a copy of the final inspection report to the lender because the lender may be unknown or because the municipality should not become involved in the business relationship between the lender and owner. The Department deleted this section.

The Department renumbered the remaining sections in this subchapter. IRRC commented that the final-form rulemaking should include a time frame in which the code official must issue the certificate of occupancy after receiving the final inspection report. The Department modified § 403.65(b) (relating to certificate of occupancy) to require the certificate to be issued within 5 business days after the receipt of the final inspection report.

The Department received numerous comments on the use of the term "structure" throughout the final-form rulemaking. The Department deleted this term from § 403.65 (former § 403.64). However, the ICC codes utilize this term. The Department accordingly placed a definition of "structure" in § 401.1.

The AIA objected to the provision in § 403.81(a) (relating to stop work order) that a building code official could issue a stop work order if the construction could interfere with an inspection. The Department deleted this provision because it also mandated that construction remain accessible and exposed for inspection in § 403.45(c). A building code official may issue a written stop order, nonetheless, if the construction violates the UCC or is being performed in a dangerous and unsafe manner.

The AIA requested that the Department add language to § 403.84 (relating to unsafe building, structure or equipment) indicating that a vacant building or structure is unsafe if it is not secure against entry. The Department agrees with this recommendation and revised § 403.84(a) to incorporate this recommendation.

IRRC and one commentator questioned the necessity of keeping building records for the life of the building if the building is substantially renovated under § 403.85(a) (relating to release, retention and sharing of commercial construction records). It is absolutely necessary to keep building plans and records for as long as the building is in existence. Even if the building is substantially renovated, existing structure or foundation and framework is not changed. The Department currently keeps building records for all commercial buildings for their entire existence. These records are used daily for violation determinations, fire and accident inspections and countless other reasons.

IRRC and other commentators also questioned public access to building records under § 403.85. The act of June 21, 1957 (P. L. 390, No. 212) known as the Right-to-Know Law (65 P. S. §§ 66.1—66.9) controls public access

to these documents. The Department added § 403.85(e) and (f) to authorize release of records to the public under the Right-to-Know Law and to reflect public safety concerns. Consistent with the Right-to-Know Law, the Department, a municipality and a third-party agency acting on behalf of a municipality may prohibit the release of applications received, building plans and specifications, inspection reports and similar documents. These documents should be released to the building owner of record, the permit holder, the design professional of record or a third-party authorized by the building owner in writing to receive the documents upon presentation of valid identification. The Department, the Department of General Services, law enforcement or emergency response agencies and Federal, State or local health agencies may also have access to these records.

IRRC commented that § 403.86(a) allows a code official to enter a building at "reasonable times." IRRC requested that the Department replace this phrase with "normal business hours." The Department made this revision and added the phrase "or at times agreed to by the owner."

IRRC and the PBA indicated that the rulemaking does not address how and when the UCC takes effect in municipalities, especially the municipalities that do not inform the Department whether they will enforce the UCC. The PBA requested that the Department mandate that the UCC take effect within 90 days of publication. According to the PBA, this approach would avoid legal liability for builders because there would be no question on the date that the UCC took effect and no builder would be at a competitive disadvantage. See section 1103 of the act (35 P. S. § 7210.1103). However, this approach does not reflect the different dates that would be in place for municipalities that choose to enforce the UCC. Also, a municipality has to provide notice to the Department of UCC enforcement and that municipalities may not be ready to enact the UCC within 90 days and provide notice to builders of enforcement. See section 501(a)(2) of the act.

Section 403.101 (relating to effective date) was added to clearly specify the UCC's effective date. It provides that the UCC will take effect when: (1) a municipality enacts an ordinance adopting the UCC and provides notification to the Department within 210 days of publication; (2) 210 days elapses from the date of publication and the municipality provides no notification; or (3) a municipality elects not to enforce the UCC and provides notification within 210 days of publication. Based on comments received by a member of the UAAB, § 403.101 now clearly specifies that the Universal Accessibility Act will remain in force until the UCC takes effect to ensure that there will be continued compliance with accessibility standards.

With the addition of § 403.101, the Department renumbered proposed §§ 403.101—403.103. IRRC also instructed the Department to correct the cross reference of § 401.3 (relating to certification required) in § 403.102(h) (former § 403.101(i)). The Department made this correction and this cross reference is made to § 403.2a. The Department also moved the subject matter in § 403.102(c) (former § 403.101(c)) to § 403.101.

IRRC questioned how the Department would notify municipalities which submit ordinances that equal or exceed UCC requirements for Department review of the Department's determination. See section 503(f) and (i) of the act. The Department added § 403.102(j) to address this concern. The Department will notify the municipality in writing of its determination under section 503(b) of the act.

The PBA recommended that the Department expand the rulemaking to detail the process for written challenges to municipal ordinances. The act provides the process for challenging an ordinance. The Department added § 403.102(k) to notify aggrieved parties of the statutory provisions and procedure for challenging a municipal ordinance. Section 403.102(k)(1) references the statutory provisions for a written challenge (see section 503(j) of the act) and § 403.102(k)(2) references the act's requirements for the Department's ruling on these challenges (see section 503(k) of the act).

The PBA and the American Forest and Paper Association suggested that the Department post all filed municipal ordinances, in their entirety, on its website. The Department will post summary information about proposed ordinances on its website. All ordinances, in their entirety, will be available for public inspection. The Department does not have the staff and resources to post and maintain entire ordinances accurately and timely on its website.

Under § 403.102(l) of the final-form rulemaking, a municipality may enact an ordinance that meets or exceeds §§ 403.42a(a)—(e) and (g)—(n) and 403.62(a)—(e).

IRRC questioned former § 403.101(l), which allows a municipality to require additional information on an addendum to an application. The Department deleted this requirement because it also removed the requirement that all permit applicants utilize an application form developed by DCED.

IRRC and numerous third-party agencies questioned why the Department did not state that municipalities opting not to enforce the UCC shall provide written notice to applicants for commercial building permits that they may obtain the services of a third-party agency in § 403.103(g) (former § 403.102(f)) (relating to municipalities electing not to enforce the Uniform Construction Code). The final-form rulemaking requires municipalities to notify these applicants that they must maintain the services of the Department. Section 501(e)(2) of the act allows a third-party agency under contract to the Department to conduct plan review and inspections in municipalities that "opt out" of enforcement. The Department is responsible for ultimately paying and assigning third-party agencies under contract. Accordingly, applicants should contact the Department directly so that it may appropriately govern these activities.

Because of comments and issuance of a new model code, compliance with the "International Performance Code" may be accepted as an alternative to UCC compliance in § 403.103(c). Based upon the PSATS comment and in accordance with section 501(e)(3) of the act, § 403.103(f) now reflects that a third-party agency does not have to provide a copy of the final inspection report to a municipality that does not enforce the UCC. Additionally, § 403.103(g)(5) was added to ensure that applicants for Department review of commercial construction in municipalities that "opt out" will have to provide the Department with information on the proposed occupancy or use of the building or structure.

IRRC and the UAAB suggested that the Department add language to § 403.104(a) (former § 403.103(a)) (relating to Department review) concerning the corrective action it can take after an investigation of complaints concerning municipal enforcement and administration of the UCC. The Department added subsection (c), which states that the Department may initiate an action in

Commonwealth Court, initiate decertification proceedings against code administrators and initiate prosecutions. See section 903 of the act (35 P. S. § 7210.903) and sections 105 and 701 of the act.

IRRC asked what action would cause the Department to review a municipal enforcement program more than once in a 5-year period under § 403.104(b) (former § 403.103(b)). A written complaint would cause the Department to initiate a review at any time. The UAAB suggested lowering the review period to 3 years. The Department does not have the resources to perform any type of meaningful review more frequently without sacrificing other UCC enforcement. Additionally, the Department did not utilize the comment that violations of the accessibility provisions lead to mandatory prosecutions. The Department has discretion to enforce and prosecute, when appropriate, violations concerning accessibility. Mandating prosecution for every violation is not cost-effective, will unduly penalize individuals who attempt to comply with the act and will detract from the Department's preference for compliance and education over punishment. However, subsection (b) now specifies that the Department will review a municipal program regardless of the elapsed time if a complaint is received under section 105(a) of the act.

IRRC commented that the requirements for board of appeals members in § 403.121 (relating to board of appeals) were vague and suggested that the Department include more detailed information on qualifications. The qualifications for board of appeals members reflect Chapter 1 of the IBC in accordance with section 501(c) of the act. Overly stringent requirements may block effective code enforcement by unreasonably decreasing the availability of board members. However, this section was rewritten to provide for training and experience in construction, as a design professional, or as an inspector or plan reviewer. Additionally, a municipal code administrator may not serve on its board. The powers granted to the board of appeals under § 403.121(b) are consistent with section 501(c)(2) of the act.

One commentator stated that the phrase "governing body" in former § 403.121(c)(1) conflicts with the First Class City Charter and possibly other home rule municipality charters. The Department deleted § 403.121(c)(1) and included a provision in § 403.121(a) that the municipality appoints members to serve on a board of appeals.

IRRC questioned why § 403.122(a) requires the filing of appeals with the building code official rather than the board of appeals. The Department changed this section to read that appeals are to be filed with the board of appeals.

IRRC commented that in § 403.122(b) the use of the terms "postmark date" and "personal delivery" should be clarified. The Department added definitions for these terms in § 401.1.

IRRC questioned why "other appropriate relief" may be taken by the board of appeals in § 403.122(i)(4) because the phrase was unclear and suggested that the Department provide some examples of "other appropriate relief." The Department agreed that the term was unclear and deleted this provision.

Section 403.122(j) requires that a board of appeals will provide written notice of its decision to the owner, the owner's agent and the building code official. IRRC asked if the municipality would also receive written notice. Written notice will be provided to the building code as an employee or agent of the municipality.



Tom Wenner, an accessibility advocate, suggested that the language in § 403.141(b) (relating to enforcement by the Department) regarding the certified accessibility specialist be consistent with the language in § 403.102(o). The Department changed the last line of § 403.141(b) to refer to certified accessibility specialist as a "code administrator certified as an accessibility specialist."

The Department modified § 403.142(d)(5) to require that the Accessibility Advisory Board provide written notification of hearings at least 5 days prior to the hearing unless the owner waives this period. The Department made this revision because IRRC requested more specific requirements for a time period and the manner of notification.

The Department received a number of comments requesting that it regulate mine elevators, automated people movers, personnel hoists and material lifts. This would expand the Department's jurisdiction into areas regulated by other government entities. Automated people movers are rail devices and are not considered lifting devices that fall within the final-form rulemaking. The Federal government regulates mine elevators and personnel hoists. Accordingly, the Department is preempted from regulating these items. The Department has historically only regulated and inspected devices lifting individuals.

IRRC questioned the use of the terms "dwelling units" in § 405.1(b) (relating to scope). The Department also received many comments concerning elevator inspection in private dwellings. The Department reviewed § 405.1 and clarified the language in § 405.1(b)(3) to state that elevators in residential buildings accessible by the occupants of more than one dwelling unit are not excluded from the UCC. However, lifts in other private residences are excluded.

IRRC questioned the level of repair or renovation that would be required for existing elevators. The Department also received numerous comments on how the periodic testing and inspection requirements applied to existing elevators. To clarify the repair and renovation requirements and the applicability of the testing and inspection requirements of §§ 405.7—405.9 (relating to periodic inspections; periodic testing; and periodic dynamic testing) to existing elevators, the Department added language to § 405.1(c)(3). Specifically, an elevator owner may continue to operate an elevator in accordance with the code in existence at the time the elevator was installed if the owner complies with the testing and inspection requirements of §§ 405.7—405.9.

In § 405.2(a) (relating to standards), the Department adopted numerous National standards to govern elevators and lifting devices. All of these standards reference other standards. To clarify which of the standards referenced in the adopted standards apply under the UCC, the Department added language stating that the referenced standards are adopted to the extent that they are not excluded by § 405.2(b).

In § 405.2(a)(2), the Department updated the adopted "ASME B20.1" standard to the most current 2002 edition. In § 405.8(a), the Department updated its reference to "ASME A17.1-2000" by incorporating the 2002 addenda. In § 405.8(b), the Department updated its reference to "ASME A18.1-1999" by incorporating the 2001 addenda.

The Department received numerous comments on the testing schedules for hydraulic elevators. IRRC and PM Associates commented that test cycles for hydraulic elevators should be shorter and that the testing should be

phased-in. The Department agrees with this comment. In § 405.8(a)(3), the Department reduced the inspection interval from 5 years to 3 years and phased-in the testing requirements over a 3-year period. Elevators installed before 1973 shall be tested in the first year. Elevators installed between 1973 and 1992 shall be tested in the second year. Elevators installed after 1992 shall be tested in the third year. Elevator owners may have these tests performed prior to the required phase-in year. For consistency with this section, the Department deleted § 405.2(d)(4) on testing intervals for hydraulic elevators.

The Department also added § 405.8(b) to require witnessing of each test required by § 405.8.

Upon review of the final-form rulemaking's testing requirements, the Department discovered that it did not specifically set forth the testing scheduled for vertical reciprocating conveyers. The Department added § 405.8(f) to require these devices with platform safety devices to be tested at 5-year intervals. The Department also discerned that the test documentation on elevator equipment was not specifically addressed. The Department added § 408.5(h), which requires elevator inspection companies to mark elevators which pass these tests with metal tags containing information on test performed, date and name of company performing the test. This will assist the owner by providing information for future tests, inspections and maintenance on the elevator at the elevator site.

IRRC and the Pennsylvania Ski Areas Association commented that the requirement in § 405.11(d) (relating to accident report) that a lifting device involved in an accident may not be returned to operation until the Department provides approval would create a serious problem for the ski industry. The Pennsylvania Ski Areas Association stated that most accidents occurring on ski lifts are not caused by a mechanical problem but by skiing accidents. In the proposed rulemaking, this section required ski areas to shut down ski lifts every time a skier falls when getting off the lift through no fault of the equipment. The Department agrees and modified § 405.11(d) to require the equipment to be shut down only in cases of fatal injury. The Department also added § 405.11(e), which requires elevators and lifting equipment involved in nonfatal accidents resulting from mechanical or electrical failure to be placed out of operation until the Department approves the equipment for service.

One commentator raised the concern that ski lift owners may not know when a skier injured by a lift is hospitalized. The commentator suggested amendment of this provision to provide direction regarding situations when an owner is not immediately aware that the injured party is hospitalized. This comment will not be implemented. The Department will accept notification from the ski lift owner within 24 hours of knowledge of the accident. Ski lift owners will not be penalized for not reporting accidents resulting in hospitalization of the injured party, if they did not know of the hospitalization.

IRRC also questioned how the accident reports required in § 405.11(b) would be available to ski area owners and staff. These forms will be available on the Department's website and they will be available in paper format from the Department. The Department will accept notification by mail and fax.

IRRC commented that the term "initial inspection" used in § 405.12(w) (relating to lumber elevators) concerning full load testing for rated lifting capacity is unclear. In the elevator inspection industry, the term is understood



as the first inspection on a new equipment installation. Only the Department performs initial inspections. This test would only be performed on new installations.

IRRC and Robert L. Seymour and Associates, Inc. requested that the Department clarify who approves landing door interlocks under § 405.35(b) (relating to landing doors). The Department modified this section to state that Department approval is required.

The Department rewrote § 405.36(c) (relating to lifting capacity) as new § 405.37 (relating to operating speed). The lifting capacity speed enumerated in § 405.36(c) is more correctly characterized as an operating speed and should be a stand-alone section that is not incorporated as part of lifting capacity.

Robert L. Seymour and Associates, Inc. questioned the emergency stop switch provisions in § 405.38 (relating to operating controls). The Department reorganized the provisions for emergency stop switches in § 405.38 for clarity.

In § 405.42 (relating to additional requirements), the Department clarified the gross weight calculation of moveable platforms in subsection (d) and the requirement for secondary disconnection device when motor or controller is not visible from mainline disconnect switch.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 14, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 4127, to IRRC and the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 19, 2003, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2003, and approved the final-form rulemaking.

*Contact Person*

The contact person is Charles J. Sludden, Jr., Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, Room 1613, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120, csludden@state.pa.us.

*Findings*

The Department finds that:

(1) Public notice of intention to promulgate administrative regulations amended by this order has been given under section 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

*Order*

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 34 Pa. Code, are amended by amending §§ 401.1 and 401.2; and by adding §§ 401.2a, 403.1—403.3, 403.21—403.27, 403.41, 403.42, 403.42a, 403.43—403.48, 403.61, 403.62, 403.62a, 403.63—403.66, 403.81—403.86, 403.101—403.104, 403.121, 403.122, 403.141, 403.142, 405.1—405.12 and 405.31—405.42 to read as set forth in Annex A.

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

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

(d) This order shall take effect April 9, 2004.

STEPHEN M. SCHMERIN,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 5994 (December 6, 2003).)

**Fiscal Note:** 12-60. (1) General Fund; (2) Implementing Year 2002-03 is \$0; (3) 1st Succeeding Year 2003-04 is \$1,500,000; 2nd Succeeding Year 2004-05 is \$22,000; 3rd Succeeding Year 2005-06 is \$7,000; 4th Succeeding Year 2006-07 is \$7,500; 5th Succeeding Year 2007-08 is \$10,000; (4) 2001-02 Program—\$9,100,000; 2000-01 Program—\$8,800,000; 1999-00 Program—\$8,400,000; (7) General Government Operations; (8) recommends adoption.

**Annex A**

**TITLE 34. LABOR AND INDUSTRY**

**PART XIV. UNIFORM CONSTRUCTION CODE**

**CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS**

**§ 401.1. Definitions.**

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

*ALI*—The Automatic Lift Institute, Post Office Box 33116, Indialantic, Florida, 32903-3116.

*ANSI*—American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

*ASME*—The American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5990.

*Accessibility Advisory Board*—The Department's Accessibility Advisory Board created under section 106 of the act (35 P. S. § 7210.106).

*Accredited academic institution*—A high school, technical or vocational school, private school licensed or registered with the Department of Education, junior college, community college or university.

*Act*—The Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103).

*Board of appeals*—A body established by a municipality or municipalities which are parties to an agreement for the joint administration and enforcement of the act to

hear requests for variances or extensions of time, and appeals from code administrator decisions.

*Building*—A structure used or intended for supporting or sheltering any occupancy.

*Building code official*—A construction code official, or the building code official's designee, who manages, supervises and administers building code enforcement activities under § 401.7(a)(18) (relating to certification category specifications). Duties include, but are not limited to: management of building code enforcement activities; supervision of building inspectors or plan examiners; authorizing issuance of certificates of occupancy; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.

*Certificate of occupancy*—A certificate issued by a building code official allowing occupancy of a building or structure under the Uniform Construction Code.

*Certified building official*—A classification administered by the International Code Council or its predecessor organization.

*Chapter 11*—Chapter 11 of the International Building Code relating to accessibility requirements adopted as part of the Uniform Construction Code.

*Code administrator*—A municipal code official, construction code official or third-party agency certified with the Department under the act or the Department under section 103 of the act (35 P. S. § 7210.103). The term includes an individual certified in a category established under this chapter to perform plan review of construction documents or administer and enforce codes and regulations in that category under the act or related acts.

*Commercial construction*—A building, structure or facility that is not a residential building.

*Construction code official*—An individual certified by the Department in an appropriate category established under section 701(b) of the act (35 P. S. § 7210.701(b)) to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations in that category under the act or related acts under section 103 of the act.

*Conveyor*—A horizontal, inclined or vertical device for moving or transporting bulk material, packages or objects in a path predetermined by the design of the device and having points of loading and discharge, fixed or selected, and related equipment and devices described in and governed by the ASME standards adopted in this chapter.

*Current code administrator*—An individual who performed plan review of construction documents, inspections of one-family or two-family residential property or other buildings, structures and equipment or administered and enforced a construction code program, and who was employed by or under contract with the Commonwealth or a municipality prior to the effective date of adoption of the final-form regulations for the Uniform Construction Code. The term includes an individual who performed these duties as an employee, contractor or agent of a person employed by or under contract with the Commonwealth or a municipality of this Commonwealth prior to April 9, 2004.

*Department*—The Department of Labor and Industry of the Commonwealth.

*Elevator*—Hoisting and lowering devices governed by ASME standards adopted by the Department under the

Uniform Construction Code and other lifting devices subject to the requirements of the Uniform Construction Code.

*Facility*—All or any portion of buildings, structures, site improvements, elements and pedestrian or vehicular routes located on sites where the buildings or structures are located.

*Filing date*—The date that the Department or building code official receives the completed permit application.

*Fire and Panic Act*—The act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

*Health care facility*—A facility licensed under the Health Care Facilities Act.

*Health Care Facilities Act*—The Health Care Facilities Act (35 P. S. §§ 448.101—448.904b).

*ICC*—International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401.

*ICC Electrical Code*—The "ICC Electrical Code—Administrative Provisions 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*ICC Evaluation Services, Inc.*—The ICC Evaluation Services, Inc., 5360 Workman Mill Road, Whittier, California 90601.

*ISO*—The International Organization for Standardization, 1, Rue de Varembe, Case Postale 56 CH 1211, Geneva 20, Switzerland.

*Industrial Board*—The Department's Industrial Board established under sections 445 and 2214 of The Administrative Code of 1929 (71 P. S. §§ 155 and 574), which hears requests for variances and extensions of time and appeals of decisions of the Department under the Uniform Construction Code.

*Industrialized housing*—Under section 3 of the Industrialized Housing Act (35 P. S. § 1651.3), a structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. The term does not include housing units defined as mobile homes.

*International Building Code*—Chapters 2—29 and 31—35 of the "International Building Code 2003" (first printing), issued by the ICC. The term includes all errata issued by the ICC.

*International Energy Conservation Code*—The "International Energy Conservation Code 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Accreditation Service, Inc.*—The International Accreditation Service, Inc., 5360 Workman Mill Road, Whittier, California 90601.

*International Existing Building Code*—The "International Existing Building Code for Buildings and Facilities 2003 (First Printing)" issued by the International Code Council. The term includes all errata issued by the ICC.

*International Fire Code*—The "International Fire Code 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Fuel Gas Code*—The "International Fuel Gas Code 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Mechanical Code*—The “International Mechanical Code 2003” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Performance Code*—The “International Performance Code for Buildings and Facilities 2003” (First Printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Plumbing Code*—The “International Plumbing Code 2003” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Residential Code*—The “International Residential Code for One- and Two-Family Dwellings 2003” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Urban—Wildland Interface Code*—The “International Urban-Wildland Interface Code 2003” issued by the ICC. The term includes all errata issued by the ICC.

*Legally occupied*—Use or habitation of a building or facility that was occupied in accordance with all valid construction statutes and ordinances in effect before April 9, 2004.

*Manufactured housing*—Under section 901(a) of the act (35 P. S. § 7210.901(a)), housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P. S. §§ 1656.1—1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

*NSPI*—National Spa & Pool Institute, 2111 Eisenhower Avenue, Alexandria, Virginia 22314.

*Occupancy*—Approved use of a building or a structure under the Uniform Construction Code.

*PHRC*—The Pennsylvania Housing Research Center, 219 Sackett Building, University Park, Pennsylvania 16802.

*Passenger ropeway*—An aerial tramway, aerial lift, surface lift, tow, conveyor or other lifting device which carries, pulls or pushes passengers along a level or inclined path by means of a haul rope or other flexible element which is driven by a power unit remaining essentially at a single location.

*Pennsylvania’s alternative residential energy provisions*—The “Pennsylvania Alternative Residential Energy Provisions” issued February 2003 by the PHRC.

*Permit*—A document issued by a building code official authorizing the construction, alteration, repair, demolition, location, maintenance or installation relating to a building, structure, elevator or equipment under the Uniform Construction Code.

*Person*—Includes a corporation, partnership, business trust, other association, estate, trust, foundation or natural person. The term also includes the governing authority for a county or municipality, and a government entity other than the Commonwealth.

*Personal delivery*—The date that the appeal or request for a variance or extension of time under §§ 403.122 and 403.142 (relating to appeals, variances and extensions of time; and Accessibility Advisory Board) was delivered to a common carrier, or was received by facsimile transmission or hand-delivery at the office of the building code official.

*Postmark*—The date of the official United States Postal Service postmark on the envelope containing an appeal or

request for variance or extension of time under §§ 403.122 and 403.142 or the date of a private postage meter mark on the envelope containing the appeal or request.

*Repair*—Reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

*Residential building*—Construction that relates to detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) that are not more than three stories in height with a separate means of egress which includes the dwellings’ accessory structures.

*Secretary*—The Secretary of the Department.

*State-owned building*—A building owned by or to be constructed for Commonwealth entities consisting of the General Assembly, the Unified Judicial System, the Pennsylvania Higher Education Assistance Agency, an executive agency, independent agency, and a State-affiliated entity or State-related institution as defined in 62 Pa.C.S. § 103 (relating to definitions).

*Structure*—A combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location.

*Third-party agency*—A person, firm or corporation certified by the Department as a construction code official and contracted to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations under the act.

*Uniform Construction Code*—This chapter; “The International Building Code First Edition 2003” and the “International Residential Code for One- and Two-Family Dwellings 2003,” available from the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795, 1 (800) 786-4452; and any standards adopted by the Department in this chapter under section 301 of the act (35 P. S. § 7210.301).

*Variance*—A modification of a Uniform Construction Code standard approved by a board of appeals or the Industrial Board and by the Secretary for accessibility requirements.

**§ 401.2. Department fees.**

(a) The following fees apply to the certification of code officials. The Department will charge one fee per certification application. An individual may apply for certification for multiple categories on a single application form. Fees are nonrefundable.

- (1) Initial certification and registration—\$50.
- (2) Certification renewal—\$50.
- (3) Third-party agency certification and renewal—\$250.
- (4) Identification card replacement—\$10.

(b) The following fees shall apply to the Department’s issuance of a permit for the construction, alteration or demolition of a building or structure:

- (1) New construction
  - (i) New buildings and additions \$100 plus 20¢ per square foot of floor area or each fraction of floor area.
  - (ii) New structures and facilities other than buildings \$300

(2) Alterations, renovations or modifications of existing buildings or structures	\$100 plus \$20 for each \$1,000 of estimated cost of alterations, renovations or modification certified by the permit applicant	(1) Electric elevator with one to ten openings	\$ 75
(3) Revisions of approved plans and accelerated approval	\$300	(2) Electric elevator with 11 to 20 openings	\$100
(4) Department accessibility plan review and inspection under § 403.141(b) (relating to enforcement by the Department)	\$200	(3) Electric elevator with more than 20 openings	\$125
(5) Building or structure demolition	\$100	(4) Roped hydraulic elevator, roped/chained vertical reciprocating conveyor, rack and pinion elevator, special purpose personnel elevator, power sidewalk elevator, roof-top elevator and elevator used for construction	\$ 75
(6) Annual permit	\$100	(5) Hydraulic elevator, limited use/limited access elevator, screw column elevator, hand elevator, inclined elevator, dumbwaiter and direct acting hydraulic vertical reciprocating conveyor	\$ 60
(c) The following fees apply to the issuance of a permit for the installation or repair of an elevator and lifting device:		(6) Aerial tramway and aerial detachable lift	\$150
(1) Electric elevator		(7) Aerial lift, fixed	\$100
(i) 1 to 10 openings	\$300	(8) Surface lift, tow and conveyor	\$ 75
(ii) Each additional opening (per opening)	\$10	(9) Wheelchair lift and inclined stairway chairlift	\$ 75
(2) Roped hydraulic elevator and roped/chained reciprocating conveyors	\$300	(10) Escalator and moving walk	\$ 50
(3) Hydraulic elevator, limited use/limited access elevator and direct acting hydraulic vertical reciprocating conveyor	\$200	(11) Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices	\$ 75
(4) Aerial tramway and aerial detachable lift		(e) The following fees shall apply to witnessing periodic tests under § 405.8 (relating to periodic testing):	
(i) Basic fee	\$500	(1) Electric elevators with one to ten openings	\$125
(ii) Additional fee per tower over 15 towers	\$35	(2) Electric elevators with 11—20 openings	\$150
(5) Aerial lift, fixed		(3) Electric elevators with more than 20 openings	\$175
(i) Basic fee	\$300	(4) Roped hydraulic elevator and roped/chained vertical reciprocal conveyor	\$110
(ii) Additional fee per tower over ten towers	\$35	(5) Hydraulic elevator, limited use/limited application elevator and direct hydraulic vertical reciprocating conveyor	\$ 85
(6) Surface lift, tow and conveyor	\$200	(6) Escalator and moving walk	\$ 85
(7) Escalator and moving walk	\$300	(7) Wheelchair lift and inclined stairway chairlift	\$ 75
(8) Wheelchair lift and inclined stairway chairlift	\$150	(8) Orchestra lift, belt manlift, stage lift and organ lift	\$125
(9) Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices	\$300	(9) Other equipment	\$ 85
(10) Permit for major repair	\$200	(f) The following fees shall apply to the witnessing of periodic dynamic testing required under § 405.9 (relating to periodic dynamic testing):	
(11) Reinspection following failed major repair inspection (per inspection)	\$100 paid before reinspection	(1) Aerial tramways	\$300
(12) Reinspection following failed acceptance inspection (to a maximum of \$300 per inspection)	50% of initial permit fee paid before reinspection	(2) Detachable aerial grips	\$300
(13) Revision of plans	50% of initial permit fee	(3) Fixed grip aerial lifts	\$200
(d) The following fees shall apply to periodic elevator and other lifting device inspections under § 405.7 (relating to periodic inspections):		(g) The following fees shall apply to a certificate of operation:	

- (1) Annual renewal \$ 25
- (2) Duplicate \$ 25
- (h) The following fees shall apply to a variance request:
  - (1) Industrial Board variance request appeal or extension of time \$100
  - (2) Accessibility Advisory Board variance request application \$100

**§ 401.2a. Municipal and third-party agency fees.**

- (a) A municipality or third-party agency that enforces the Uniform Construction Code may establish fees for its administration and enforcement and time periods for payment of the fees. The municipality or third-party agency may establish a required time period for payment of the fees and fees for plan review, inspections and other activities related to the Uniform Construction Code.
- (b) The building code official for the municipality and a third-party agency shall make the fee schedule available to the public.
- (c) A municipality or third-party agency may establish a fee refund policy.
- (d) A municipality or third-party agency may withhold issuance of a certificate or permit until a required fee is paid.
- (e) A municipality may establish other fees authorized by law.

**CHAPTER 403. ADMINISTRATION**

**GENERALLY**

- Sec.
- 403.1. Scope.
- 403.2. Other statutes or ordinances.
- 403.3. Building code official delegation.

**STANDARDS**

- 403.21. Uniform Construction Code.
- 403.22. Health care facilities.
- 403.23. Child day care facilities.
- 403.24. Historic buildings, structures and sites.
- 403.25. Manufactured and industrialized housing.
- 403.26. Swimming pools.
- 403.27. Applicability and use of standards.

**PERMIT AND INSPECTION PROCESS FOR COMMERCIAL CONSTRUCTION**

- 403.41. Commercial construction.
- 403.42. Permit requirements and exemptions.
- 403.42a. Permit application.
- 403.43. Grant, denial and effect of permits.
- 403.44. Alternative construction materials and methods.
- 403.45. Inspections.
- 403.46. Certificate of occupancy.
- 403.47. Public utility connections.
- 403.48. Boilers.

**PERMIT AND INSPECTION PROCESS FOR RESIDENTIAL BUILDINGS**

- 403.61. Residential buildings.
- 403.62. Permit requirements and exemptions.
- 403.62a. Permit application.
- 403.63. Grant, denial and effect of permits.
- 403.64. Inspections.
- 403.65. Certificate of occupancy.
- 403.66. Public utility connections.

**DEPARTMENT, MUNICIPAL AND THIRD-PARTY ENFORCEMENT FOR NONCOMPLIANCE**

- 403.81. Stop work order.
- 403.82. Notice of violations.
- 403.83. Order to show cause/order to vacate.
- 403.84. Unsafe building, structure or equipment.
- 403.85. Release, retention and sharing of commercial construction records.
- 403.86. Right of entry to inspect.

**MUNICIPAL ELECTION**

- 403.101. Effective date.
- 403.102. Municipalities electing to enforce the Uniform Construction Code.
- 403.103. Municipalities electing not to enforce the Uniform Construction Code.
- 403.104. Department review.

**BOARD OF APPEALS**

- 403.121. Board of appeals.
- 403.122. Appeals, variances and extensions of time.

**DEPARTMENT ENFORCEMENT**

- 403.141. Enforcement by the Department.
- 403.142. Accessibility Advisory Board

**GENERALLY**

**§ 403.1. Scope.**

(a) *Application.* The Uniform Construction Code applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all existing structures that are not legally occupied.

(b) *Exclusions.* The Uniform Construction Code does not apply to:

(1) New buildings or renovations to existing buildings for which an application for a permit was made to the Department or a municipality before April 9, 2004.

(2) New buildings or renovations to existing buildings on which a contract for design or construction was signed before April 9, 2004.

(3) The following structures if the structure has a building area less than 500 square feet and is accessory to a detached one-family dwelling:

- (i) Carports.
- (ii) Detached private garages.
- (iii) Greenhouses.
- (iv) Sheds.

(4) An agricultural building defined under section 103 of the act (35 P. S. § 7210.103).

(5) Manufactured or industrialized housing shipped from the factory under section 901(a) of the act (35 P. S. § 7210.901(a)) as provided in § 403.25 (relating to manufactured and industrialized housing).

(6) Installation of tubing, piping, propane gas burning appliances, equipment or fixtures related to liquefied petroleum gas under the Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1—1329.19).

(7) Construction of individual sewage disposal systems under 25 Pa. Code Chapter 73 (relating to onlot sewage treatment facilities).

(c) *Prior permits and construction.*

(1) A permit issued under construction regulations before April 9, 2004, remains valid and the construction of the building or structure may be completed in accordance with the approved permit. The permit is invalid unless the construction commenced within 2 years of permit issuance or a time period specified by municipal ordinance, whichever is less. The permit holder shall acquire a new permit under section 104(c) of the act (35 P. S. § 7210.104(c)) if the permit was not actively prosecuted during this time period.

(2) Construction may be completed without a permit under section 104(c)(2) of the act where construction of a

building or structure commenced before April 9, 2004, and a permit was not required at that time.

(3) The legal occupancy of a structure existing on April 9, 2004, may continue without change except where the Uniform Construction Code provides otherwise.

(d) The Uniform Construction Code applies to the construction of a residential building or structure governed by a homeowner's or community association under section 104(d)(2)(ii) of the act.

(e) An electrical provision of the Uniform Construction Code does not apply to a dwelling unit utilized by a member of a recognized religious sect if a code administrator grants an exemption under section 901(b) of the act (35 P. S. § 7210.901(b)) as follows:

(1) The permit applicant shall file an application with the code administrator stating the manner in which an electrical provision of the Uniform Construction Code conflicts with the applicant's religious beliefs. The application shall also contain an affidavit by the applicant stating:

(i) The permit applicant is a member of a religious sect.

(ii) The religious sect has established tenets or teachings which conflict with an electrical provision of the Uniform Construction Code.

(iii) The permit applicant adheres to the established tenets or teachings of the sect.

(iv) The dwelling unit will be used solely as a residence for the permit applicant and the applicant's household.

(2) The code administrator shall grant the application for the exemption if made in accordance with paragraph (1).

(3) If the permit applicant receives an exemption for a dwelling unit under section 901(b) of the act and the applicant subsequently sells or leases the dwelling unit, the applicant shall bring the dwelling unit into compliance with the provision of the Uniform Construction Code from which it was exempted prior to the dwelling unit being sold or leased unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1).

#### § 403.2. Other statutes or ordinances.

(a) Under section 104(d)(1) of the act (35 P. S. § 7210.104(d)(1)), the provisions of the Uniform Construction Code listed in § 403.21 (relating to Uniform Construction Code) preempt and rescind construction standards provided by a statute, local ordinance or regulation. The rescission or preemption does not apply to ordinances in effect on July 1, 1999, or reenactments of simultaneously repealed ordinances which were originally adopted before July 1, 1999, which contain provisions which meet or exceed the Uniform Construction Code under section 303(b)(1) of the act (35 P. S. § 7210.303(b)(1)).

(b) Under section 303(a)(2) of the act, a municipal building code ordinance provision in effect in or adopted by a city of the first class on or before January 1, 1998, shall remain in effect until December 31, 2003. The provisions of the ordinance which do not comply with the Uniform Construction Code on December 31, 2003, will be amended to provide for the minimum requirements of the Uniform Construction Code.

#### § 403.3. Building code official delegation.

(a) The Department, a municipality or third-party agency shall employ or contract with a building code official to enforce the act.

(b) A building code official may delegate his duties to a construction code official or current code administrator.

### STANDARDS

#### § 403.21. Uniform Construction Code.

(a) The Department adopts and incorporates by reference the following codes as the Uniform Construction Code:

(1) The provisions of Chapters 2—29 and 31—35 of the "International Building Code."

(2) The "ICC Electrical Code."

(3) The "International Mechanical Code."

(4) The "International Fuel Gas Code."

(5) The "International Plumbing Code."

(6) The "International Residential Code."

(7) The "International Fire Code."

(8) The "International Energy Conservation Code."

(9) Sections AE501—AE503 and AE601—AE605 of Appendix E of the "International Residential Code."

(10) The "International Existing Building Code."

(11) The "International Urban-Wildland Interface Code."

(12) Appendix E of the "International Building Code."

(13) Appendix H of the "International Building Code."

(14) Appendix G of the International Residential Code."

(b) The codes and standards adopted under subsection (a) are part of the Uniform Construction Code to the prescribed extent of each code or standard. The provisions of the Uniform Construction Code apply if there is a difference between the Uniform Construction Code and the codes or standards adopted in subsection (a). This chapter's administrative provisions govern under § 403.27(e) (relating to applicability and use of standards) if there is a conflict with the provisions of the codes relating to administration incorporated under subsection (a).

(c) Appendices to a code or standard listed in subsection (a) are not adopted in the Uniform Construction Code except for the provisions adopted in subsection (a)(9) and (12)—(14).

(d) Until December 31, 2003, a permit applicant shall use one of the following specifications for stairway construction in use groups R-3, within dwelling units in occupancies in use group R-2 and in occupancies in use group U which are accessory to an occupancy in use group R-3. The "International Residential Code" will apply to stairway construction in use group R-3 after December 31, 2003.

(1) Specifications utilized in place of exception 5 under section 1003.3.3.3 of the "International Building Code":

(i) The maximum riser height shall be 8 1/4 inches.

(ii) The minimum tread depth shall be 9 inches.

(iii) A 1-inch nosing shall be provided on all stairways with solid risers.

(2) Stairway specifications utilized in place of section R-314.2 of the "International Residential Code":

(i) The maximum riser height is 8 1/4 inches. There may be no more than a 3/8 inch variation in riser height

within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.

(ii) The minimum tread depth is 9 inches measured from tread nosing to tread nosing.

(iii) The greatest tread depth within any flight of stairs may not exceed the smallest by more than 3/8 inch.

(iv) All treads may have a uniform projection of not more than 1 1/2 inches when solid risers are used.

(v) Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.

(vi) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stair.

(e) A permit applicant may utilize one of the following prescriptive methods to demonstrate compliance with the energy conservation requirements of the Uniform Construction Code. The standards are those listed for the climatic zone of this Commonwealth where the building or structure is located.

(1) The prescriptive methods for detached residential buildings contained in the current version of the "International Energy Conservation Code" compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheck™) or "Pennsylvania's Alternative Residential Energy Provisions."

(2) The prescriptive methods for all other buildings or structures contained in the current version of the "International Energy Conservation Code" compliance guide containing State maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (COMcheck™).

(f) Construction of individual sewage disposal systems is governed under 25 Pa. Code Chapter 73 (relating to onlot sewage treatment facilities).

(g) The repair, alteration, change of occupancy, addition and relocation of existing buildings shall comply with Chapter 34 of the "International Building Code" or with the "International Existing Building Code."

**§ 403.22. Health care facilities.**

(a) A health care facility shall comply with all of the following under sections 104(d)(3) and 105(d)(1) of the act (35 P. S. §§ 7210.104(d)(3) and 7210.105(d)(1)):

(1) The Health Care Facilities Act.

(2) Regulations of the Department of Health in 28 Pa. Code Part IV (relating to health facilities).

(3) Building codes and regulations set forth in the applicable licensure laws and regulations under section 105(d) of the act (35 P. S. § 7210.105(d)).

(4) This chapter.

(b) Chapter 405 (relating to elevators and other lifting devices) always applies to health care facilities.

(c) In addition to the requirements of this chapter, a permit applicant for a health care facility shall obtain a license from the Department of Health under the Health Care Facilities Act and its regulations and comply with the Department of Health's license application procedures and its licensing regulations.

(d) A permit applicant for construction or alteration of a health care facility shall do all of the following:

(1) Submit construction or alteration plans to the Department of Health and obtain Department of Health approval before commencing construction or performing the alteration.

(2) Obtain approval from the Department of Health before occupancy of a new health care facility under 28 Pa. Code § 51.5 (relating to building occupancy).

(3) Obtain approval from the Department of Health before occupancy of an altered portion of an existing health care facility.

(e) A Department of Health inspector may inspect a health care facility site before, during and after construction to monitor compliance with Department of Health's health facility regulations.

(f) A building code official may not approve plans for a health care facility under this chapter unless the Department of Health has approved the plans.

(g) A building code official may not issue a certificate of occupancy for the health care facility under this chapter unless the Department of Health approved occupancy under 28 Pa. Code § 51.5.

(h) This section applies to construction or alteration of all health care facilities that the Department or a building code official review and approve under this chapter.

**§ 403.23. Child day care facilities.**

(a) A dwelling unit where child day care services are provided for less than 24 hours for 4 to 12 children is an R-3 occupancy if the dwelling unit is used primarily as a private residence and the provision of day care services is accessory to the principal use of the dwelling unit as a residence.

(b) A day care facility that is an R-3 occupancy under subsection (a) which provides day care services to 4—6 children shall comply with all of the following:

(1) Have a smoke detector on each floor and in the basement. The smoke detector may be powered by a nonreplacable, lithium battery listed by Underwriters Laboratories® that is warranted for 10 years and should sound an alarm when activated that is audible to persons in the unit's indoor child care space with all intervening doors closed. Where this type of detector is utilized, the unit owner of this detector shall keep the proof and date of purchase of the detector in the unit's fire drill logs.

(2) Have a portable fire extinguisher rated for Class B Fires in the kitchen and other cooking areas.

(3) Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Chapter 3290 (relating to family child day care homes).

(c) A day care facility that is an R-3 occupancy under subsection (a) which provides day care services to 7—12 children shall comply with all of the following:

(1) Have an interconnected smoke detector system.

(2) Have a fire extinguisher rated for Class B fires in the kitchen and other cooking areas.

(3) Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Chapter 3280 (relating to group child day care homes).

(d) All other child day care facilities shall be classified under Chapter 3 of the "International Building Code."

The facilities shall meet all Uniform Construction Code standards for these occupancy classifications.

**§ 403.24. Historic buildings, structures and sites.**

A building code official may exclude an entire historic building or structure or part of the building or structure from compliance with the Uniform Construction Code if it meets all of the following conditions under section 902 of the act (35 P. S. § 7210.902):

(1) The building or structure is an existing building or structure, or a new building or structure that is not intended for residential use on an historic site.

(2) The building or structure is identified and classified by Federal or local government authority or the Historical and Museum Commission as an historic building or site.

(3) A building code official judges the building or structure or parts of the building and structure as safe and the exclusion is in the interest of public health, safety or welfare. The building code official shall apply the Uniform Construction Code to parts of the building or structure where its exclusion is not within the interest of the public health, safety and welfare. A building code official may not waive the Uniform Construction Code's accessibility requirements under this section.

**§ 403.25. Manufactured and industrialized housing.**

(a) Manufactured housing is governed by the following under section 901(a) of the act (35 P. S. § 7210.901(a)):

(1) Except as provided in paragraph (2), the Uniform Construction Code does not apply to manufactured housing assembled by and shipped from the manufacturer and which bears a label which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (42 U.S.C.A. §§ 5401—5426).

(2) This chapter and sections AE501—AE503 and AE601—AE605 of Appendix E of the International Residential Code adopted under the Uniform Construction Code apply to the following:

- (i) Site preparation.
- (ii) Foundation construction.
- (iii) Connection to utilities.

(3) The Uniform Construction Code applies to the following:

(i) Alteration or repair to the unit that does not fall within 24 CFR 3280.1—3280.904 (relating to manufactured home construction and safety standards) and the manufacturer's installation instructions after assembly and shipment by the manufacturer.

(ii) Additions to the unit after delivery to the site.

(iii) Construction, alteration, repair or change of occupancy if the manufactured housing is resold to a subsequent purchaser.

(iv) Construction, alteration, repair or change of occupancy if the original purchaser relocates the manufactured housing.

(b) Industrialized housing is governed by the following under section 901(a) of the act:

(1) Except as provided in subsection (b)(2), the Uniform Construction Code does not apply to industrialized housing assembled by and shipped from the manufacturer.

(2) The Uniform Construction Code applies to all of the following:

- (i) Site preparation.
- (ii) Foundation construction.
- (iii) Utilities connection.
- (iv) Construction, alteration or repair to the industrialized housing unit after installation.
- (v) Construction, alteration, repair or occupancy if industrialized housing is resold to a subsequent purchaser.
- (vi) Construction, alteration, repair or occupancy if industrialized housing is relocated.

(c) The Department of Community and Economic Development may enforce and take action under the Industrialized Housing Act (35 P. S. §§ 1651.1—1651.12) and the Manufactured Housing Construction and Safety Standards Authorization Act (35 P. S. §§ 1656.1—1656.9).

**§ 403.26. Swimming pools.**

(a) A swimming pool, hot tub and spa which is accessory to a one- or two-family dwelling shall comply with all of the following:

- (1) Chapter 41 of the "International Residential Code."
- (2) Appendix G of the "International Residential Code."
- (3) Section 2406.2, paragraph 9 of the International Building Code (glazing in walls and fences enclosing indoor and outdoor swimming pools, hot tubs and spas).

(4) Section 3109.4 of the "International Building Code (residential swimming pool enclosures).

(b) A swimming pool that is not accessory to a one- or two-family dwelling shall comply with this chapter, the "American National Standards for Public Pools" issued by ANSI and NSPI (ANSI/NSPI-1 1991) and the Public Bathing Law (35 P. S. §§ 672—680d).

(c) A hot tub or spa that is not accessory to a one- or two-family dwelling shall comply with this chapter and the "American National Standard for Public Spas" issued by ANSI and NSPI (ANSI/NSPI-2 1999).

**§ 403.27. Applicability and use of standards.**

(a) Portions of this chapter designate and incorporate portions of the following ICC 2003 copyrighted works:

- (1) The "International Building Code."
- (2) The "International Residential Code."
- (3) The "ICC Electrical Code."
- (4) The "International Plumbing Code."
- (5) The "International Mechanical Code."

(b) The "International Residential Code" and the "International Existing Building Code" apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings no more than 3 stories in height with a separate means of egress and their accessory structures.

(c) The ICC owns the copyrighted works in subsection (a). Reproduced with permission. All rights reserved.

(d) If different sections of this chapter specify different materials, method of construction or other requirements, the most restrictive material, method of construction or other requirement shall govern. The specific requirement of this part applies if there is a conflict between a general requirement and a specific requirement.



(e) This chapter governs if there is a conflict between this chapter and the provisions of the codes relating to administration incorporated under § 403.21(a) (relating to Uniform Construction Code).

(f) A provision of the "International Mechanical Code" does not apply if the provision conflicts with the Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.9).

**PERMIT AND INSPECTION PROCESS FOR COMMERCIAL CONSTRUCTION**

**§ 403.41. Commercial construction.**

This section and §§ 403.42—403.48 apply to the Department and municipalities electing to enforce the Uniform Construction Code under § 403.102 (relating to municipalities electing to enforce the Uniform Construction Code).

**§ 403.42. Permit requirements and exemptions.**

(a) An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the Uniform Construction Code shall first apply to the building code official and obtain the required permit under § 403.42a (relating to permit application).

(b) Emergency repairs or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the building code official within 3 business days of the repair or replacement.

(c) A permit is not required for the exceptions listed in § 403.1(b) (relating to scope) and the following construction as long as the work does not violate a law or ordinance:

- (1) Building construction for the following:
  - (i) Fences that are not over 6 feet high.
  - (ii) Oil derricks.
  - (iii) Retaining walls, which are not over 4 feet in height measured from the lowest level of grade to the top of the wall, unless it is supporting a surcharge or impounding Class I, II or III-A liquids.
  - (iv) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
  - (v) Sidewalks and driveways not more than 30 inches above grade and that are not located over a basement or story below it and which are not part of an accessible route.
  - (vi) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work.
  - (vii) Temporary motion picture, television, and theater stage sets and scenery.
  - (viii) Prefabricated swimming pools accessory to a Group R-3 occupancy which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely aboveground.
  - (ix) Shade cloth structures constructed for nursery or agricultural purposes that do not include service systems.
  - (x) Swings and other playground equipment accessory to one- or two-family dwellings.

(xi) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of group R-3 as applicable in the "International Building Code," and Group U occupancies.

(xii) Movable cases, counters and partitions that are not over 5 feet 9 inches in height.

(xiii) Window replacement without structural change.

(2) Electrical work for the following:

(i) Minor repair and maintenance work that includes the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Electrical equipment used for radio and television transmissions. The provisions of the Uniform Construction Code apply to equipment and wiring for power supply and the installation of towers and antennas.

(iii) The installation of a temporary system for the testing or servicing of electrical equipment or apparatus.

(3) The following gas work:

(i) A portable heating appliance.

(ii) Replacement of a minor part that does not alter approval of equipment or make the equipment unsafe.

(4) The following mechanical work or equipment:

(i) A portable heating appliance.

(ii) Portable ventilation equipment.

(iii) A portable cooling unit.

(iv) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.

(v) Replacement of any part that does not alter its approval or make it unsafe.

(vi) A portable evaporative cooler.

(vii) A self-contained refrigeration system containing 10 pounds or less of refrigerant and placed into action by motors that are not more than 1 horsepower.

(5) The following plumbing repairs:

(i) Stopping leaks in a drain and a water, soil, waste or vent pipe. The Uniform Construction Code applies if a concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and is removed and replaced with new material.

(ii) Clearing stoppages or repairing leaks in pipes, valves or fixtures, and the removal and installation of water closets, faucets and lavatories if the valves or pipes are not replaced or rearranged.

(d) An ordinary repair does not require a permit. The following are not ordinary repairs:

(1) Cutting away a wall, partition or portion of a wall.

(2) The removal or cutting of any structural beam or load-bearing support.

(3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.

(4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

(e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility as the term "public utility" is defined in 66 Pa.C.S. § 102 (relating to definitions).

(f) A building code official may issue an annual permit instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation. All of the following are required:

(1) The applicant shall regularly employ at least one qualified trades person in the building or structure owned or operated by the applicant.

(2) The applicant shall submit an application in accordance with § 403.42a(m).

(3) An annual permit holder shall keep detailed records of alterations made in accordance with the annual permit. The permit holder shall provide access to these records to the building code official.

**§ 403.42a. Permit application.**

(a) Applications for a permit required under § 403.42 (relating to permit requirements and exemptions) shall be submitted to the building code official in accordance with this section.

(b) A permit applicant shall submit an application to the building code official and attach construction documents, including plans and specifications, and information concerning special inspection and structural observation programs, Department of Transportation highway access permits and other data required by the building code official with the permit application. The applicant shall submit three sets of documents when the Department conducts the review.

(c) A licensed architect or licensed professional engineer shall prepare the construction documents under the Architects Licensure Law (63 P. S. §§ 34.1—34.22), or the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2). An unlicensed person may prepare design documents for the remodeling or alteration of a building if there is no compensation and the remodeling or alteration does not relate to additions to the building or changes to the building's structure or means of egress.

(d) A building code official may require submission of additional construction documents in special circumstances.

(e) The permit applicant shall submit construction documents in a format approved by the building code official. Construction documents shall be clear, indicate the location, nature and extent of the work proposed, and show in detail that the work will conform to the Uniform Construction Code.

(f) All of the following fire egress and occupancy requirements apply to construction documents:

(1) The permit applicant shall submit construction documents that show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the Uniform Construction Code.

(2) The construction documents for occupancies other than Groups R-2 and R-3 shall contain designation of the number of occupants to be accommodated on every floor and in all rooms and spaces.

(3) The permit applicant shall submit shop drawings for a fire protection system that indicates conformance with the Uniform Construction Code in accordance with the following:

(i) The shop drawings shall be approved by the building code official before the start of the system installation.

(ii) The shop drawings must contain the information required by the referenced installation standards contained in Chapter 9 of the "International Building Code."

(g) Construction documents shall contain the following information related to the exterior wall envelope:

(1) Description of the exterior wall envelope indicating compliance with the Uniform Construction Code.

(2) Flashing details.

(3) Details relating to intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane and details around openings.

(h) Construction documents shall contain a site plan that is drawn to scale. The building code official may waive or modify the following site plan requirements if the permit application is for an alteration or repair or if waiver or modification is warranted. Site plan requirements include all of the following:

(1) The size and location of new construction and existing structures on the site.

(2) Accurate boundary lines.

(3) Distances from lot lines.

(4) The established street grades and the proposed finished grades.

(5) If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot.

(6) Location of parking spaces, accessible routes, public transportation stops and other required accessibility features.

(i) A permit applicant shall submit certifications required in the "International Building Code" for construction in a flood hazard area to the building code official.

(j) A permit applicant shall identify, on the application, the name and address of the licensed architect or engineer in responsible charge. The permit applicant shall notify the building code official in writing if another licensed architect or engineer assumes responsible charge.

(k) The permit applicant shall describe an inspection program, identify a person or firm who will perform special inspections and structural observations if section 1704 or 1709 of the "International Building Code" requires special inspections or structural observations for the construction.

(l) A building code official may waive or modify the submission of construction documents, that are not required to be prepared by a licensed architect or engineer, or other data if the nature of the work applied for does not require review of construction documents or other data to obtain compliance with the Uniform Construction Code. The building code official may not waive the submission of site plans that relate to accessibility requirements.

(m) An applicant for an annual permit under § 403.42(f) shall complete an application and provide information regarding the system that may be altered and the date that approval was previously provided for the approved electrical, gas, mechanical or plumbing installation.

(n) A permit applicant shall comply with the permit, certification or licensure requirements of the following laws applicable to the construction:

- (1) The Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.19).
- (2) The Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1—1329.19).
- (3) The Health Care Facilities Act.
- (4) The Older Adult Daily Living Centers Licensing Act (62 P. S. §§ 1511.1—1511.22).

**§ 403.43. Grant, denial and effect of permits.**

(a) A building code official shall grant or deny a permit application, in whole or in part, within 30 business days of the filing date. Reasons for the denial shall be in writing and sent to the applicant. The building code official and the permit applicant may agree in writing to extend the deadline by a specific number of days. A building code official may establish a different deadline to consider applications for a permit in an historic district.

(b) A building code official shall examine the construction documents and shall determine whether the construction indicated and described is in accordance with the Uniform Construction Code and other pertinent laws or ordinances as part of the application process.

(c) A building code official shall stamp or place a notation on each page of the set of reviewed construction documents that the documents were reviewed and approved for Uniform Construction Code compliance before the permit is issued. The building code official shall clearly mark any required nondesign changes on the construction documents. The building code official shall return a set of the construction documents with this notation and any required changes to the applicant. The permit holder shall keep a copy of the construction documents at the work site open to inspection by the construction code official or an authorized representative.

(d) A building code official may not issue a permit for any property requiring access to a highway under the Department of Transportation's jurisdiction unless the permit contains notice that a highway occupancy permit is required under section 420 of the State Highway Law (36 P. S. § 670-420) before driveway access to a Commonwealth highway is permitted.

(e) A building code official may issue a permit for the construction of the foundations or other parts of a building or structure before the construction documents for the whole building or structure are submitted if the permit applicant previously filed adequate information and detailed statements for the building or structure under the Uniform Construction Code. Approval under this section is not assurance that the building code official will issue a permit for the entire building or structure.

(f) Issuance of a permit does not bar prosecution or other legal action for violations of the act, the Uniform Construction Code or a construction ordinance. A building code official may suspend or revoke a permit issued under the Uniform Construction Code when the permit holder does not make the required changes directed by the building code official under subsection (c), when the permit is issued in error, on the basis of inaccurate or incomplete information or in violation of any act, regulation, ordinance or the Uniform Construction Code.

(g) A permit becomes invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work

permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. The building code official may grant extensions of time to commence construction in writing. A permit may be valid for no more than 5 years from its issue date.

(h) The permit holder shall keep a copy of the permit on the work site until the completion of the construction.

(i) A permit applicant may request extensions of time or variances or appeal a building code official's action on the permit application to a board of appeals under § 403.122 (relating to appeals, variances and extensions of time).

(j) A board of appeals may not rule on requests for extensions of time, variances or appeals relating to this chapter's accessibility requirements. The Secretary has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under § 403.142 (relating to Accessibility Advisory Board)

(k) A building code official may allow deferred submittals of portions of the design of the building and structure from the time of the application until a specified time set by the building code official. All of the following apply to deferred submittals:

(1) The building code official shall provide prior approval of the deferral of any submittal items.

(2) A licensed architect or professional engineer in responsible charge shall list the deferred submittals on the construction documents for review by the building code official.

(3) A licensed architect or professional engineer shall first review submittal documents for deferred submittal items and place a notation on the documents that the architect or engineer reviewed the documents and that the documents are in general conformance with the design of the building or structure.

(4) Deferred submittal items may not be installed until the building code official approves the design and submittal documents for the deferred submittal items.

(l) Work shall be installed in accordance with the approved construction documents. The permit holder shall submit a revised set of construction documents for approval for changes made during construction that are not in accordance with the approved construction documents.

(m) A permit is not valid until the required fees are collected under §§ 401.2 and 401.2a (relating to Department fees; and municipal and third-party agency fees).

**§ 403.44. Alternative construction materials and methods.**

(a) Materials, products and methods of construction that were evaluated as meeting codes enumerated in § 403.21 (relating to Uniform Construction Code) by the ICC Evaluation Service, Inc. or an evaluation service accredited under the "General Requirements for Bodies Operating Product Certification Systems" issued by the ISO (ISO Guide 65) are approved for use. The use shall conform with the evaluation.

(b) Materials, equipment and devices bearing the label or listed by a testing laboratory or quality assurance agency accredited by the International Accreditation Service, Inc. or another agency accredited under the "Calibration and Testing Laboratory Accreditation Systems-General Requirements for Operation and Recognition" issued by ISO (ISO Guide 58) are approved for use if:

(1) The testing laboratory or quality assurance agency deemed the material as meeting Uniform Construction Code-required standards.

(2) The scope of accreditation is applicable to Uniform Construction Code-required standards.

(c) A new building or remodeling, alteration, addition or change of use and occupancy of an existing building which complies with the International Performance Code shall also be in compliance with the Uniform Construction Code.

#### § 403.45. Inspections.

(a) A construction code official shall perform inspections to insure that the construction complies with the approved permit and the Uniform Construction Code.

(b) Before issuing a permit, a building code official may examine, or cause to be examined, buildings, structures, facilities or sites related to the permit application.

(c) The permit holder or an authorized agent shall notify the construction code official when work is ready for inspection and provide access for the inspection. The work shall remain accessible and exposed for inspection. A construction code official may inspect the construction and equipment only during normal hours at the construction site unless the permit holder or agent requests or agrees to another time. Inspections may be conducted under § 403.86 (relating to right of entry to inspect).

(d) A construction code official shall notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.

(e) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report, which indicates that all of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

- (1) General building under § 401.7(6) (relating to certification category specification for building inspector).
- (2) Electrical under § 401.7(7).
- (3) Plumbing under § 401.7(9).
- (4) Accessibility under § 401.7(11).
- (5) Fire protection under § 401.7(13).
- (6) Mechanical under § 401.7(8).
- (7) Energy conservation under § 401.7(10).

#### § 403.46. Certificate of occupancy.

(a) A building, structure or facility may not be used or occupied without a certificate of occupancy issued by a building code official.

(b) A building code official shall issue a certificate of occupancy within 5 business days after receipt of a final inspection report that indicates compliance with the Uniform Construction Code. The certificate of occupancy shall contain the following information:

- (1) The permit number and address of the building, structure or facility.
- (2) The permit holder's name and address.
- (3) A description of the portion of the building, structure or facility covered by the occupancy permit.
- (4) The name of the building code official who issued the occupancy permit.

(5) The applicable construction code edition applicable to the occupancy permit.

(6) The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the "International Building Code," when designated.

(7) The type of construction defined in Chapter 6 (Types of Construction) of the "International Building Code," when designated.

(8) Special stipulations and conditions relating to the permit and board of appeals' decisions and variances for accessibility requirements granted by the Secretary.

(9) The date of the final inspection.

(c) A building code official may issue a certificate of occupancy for a portion of a building, structure or facility if the portion independently meets the Uniform Construction Code.

(d) A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, on the basis of incorrect information supplied by the permit applicant or in violation of the Uniform Construction Code. Before a certificate of occupancy is revoked, a building owner may request a hearing before the board of appeals under § 403.122 (relating to appeals, variances and extensions of time).

#### § 403.47. Public utility connections.

(a) A building code official may authorize the temporary connection of a building or system under construction to a utility source of energy, fuel or power.

(b) Connection to a public electric or gas utility for the completed construction may not occur unless the permit holder provides written proof to the utility company that the building or structure passed inspections under this chapter.

#### § 403.48. Boilers.

(a) The Boiler and Unfired Pressure Law (35 P. S. §§ 1331.1—1331.19) and Chapter 3 (relating to boilers and unfired pressure vessels) govern the new installation, repair or replacement of a boiler or other pressure vessel.

(b) A permit under this chapter is not required for the installation, repair or replacement of a boiler or unfired pressure vessel under subsection (a). The building or structure containing the boiler or unfired pressure vessel shall comply with the Uniform Construction Code or the regulation or ordinance in effect at the time of its legal occupancy.

### PERMIT AND INSPECTION PROCESS FOR RESIDENTIAL BUILDINGS

#### § 403.61. Residential buildings.

This subchapter and §§ 403.62—403.66 apply to municipalities electing to enforce the Uniform Construction Code under § 403.102 (relating to municipalities electing to enforce the Uniform Construction Code) and third-party agencies.

#### § 403.62. Permit requirements and exemptions.

(a) An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a residential building or erect, install, enlarge, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system regulated by the Uniform Construction Code shall first apply to the building code official and obtain the required permit under § 403.62a (relating to permit application).

(b) An emergency repair or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the building code official within 3 business days of the repair or replacement.

(c) A permit is not required for the exceptions listed in § 403.1(b) (relating to scope) and the following construction if the work does not violate a law or ordinance:

(1) The following building construction, replacement or repairs:

- (i) Fences that are no more than 6 feet high.
- (ii) Retaining walls that are not over 4 feet in height measured from the lowest level of grade to the top of the wall unless the wall supports a surcharge.
- (iii) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- (iv) Sidewalks and driveways that are 30 inches or less above adjacent grade and not placed over a basement or story below it.
- (v) Exterior or interior painting, papering, tiling, carpeting, flooring, cabinets, counter tops and similar finishing work.
- (vi) Prefabricated swimming pools that are less than 24 inches deep.
- (vii) Swings and other playground equipment accessory to a one- or two-family dwelling.
- (viii) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- (ix) Replacement of glass in any window or door. The replacement glass shall comply with the minimum requirements of the International Residential Code.
- (x) Installation and replacement of a window, door, garage door, storm window and storm door in the same opening if the dimensions or framing of the original opening are not altered. The installation of means of egress and emergency escape windows may be made in the same opening, without altering the dimensions or framing of the original opening if the required height, width or net clear opening of the previous window or door assembly is not reduced.
- (xi) Replacement of existing roof material that does not exceed 25% of the total roof area performed within any 12-month period.
- (xiii) Replacement of existing siding.
- (xiv) Repair or replacement of any part of a porch or stoop which does not structurally support a roof located above the porch or stoop.
- (xv) Installation of additional roll or batt insulation.
- (xvi) Replacement of exterior rain water gutters and leaders.

(xvii) Installation of an uncovered deck where the floor of the deck is no more than 30 inches above grade.

(2) Minor electrical work for the following:

- (i) Replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles
- (ii) Replacement of a receptacle, switch or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item. This

does not include replacement of receptacles in locations where ground-fault circuit interrupter protection is required.

(iii) Replacement of installed electrically operated equipment such as doorbells, communication systems and any motor operated device.

(iv) Installation, alteration or rearrangement of communications wiring.

(v) Replacement of dishwashers.

(vi) Replacement of kitchen range hoods.

(vii) Installation of battery-powered smoke detectors.

(3) The following gas work:

(i) Portable heating, cooking or clothes drying appliances.

(ii) Replacement of a minor part that does not alter approval of equipment or make this equipment unsafe.

(iii) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(4) The following mechanical work or equipment:

(i) A portable heating appliance.

(ii) Portable ventilation appliances.

(iii) A portable cooling unit.

(iv) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.

(v) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

(vi) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are put into action by motors 1 horsepower.

(vii) Portable evaporative cooler.

(viii) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(5) The following plumbing work:

(i) Replacement of bib valves if the replacement hose bib valves are provided with an approved atmospheric vacuum breaker.

(ii) Refinishing of existing fixtures.

(iii) Replacement of ball cocks.

(iv) Repair of leaks.

(v) Clearance of stoppages.

(vi) Replacement of faucets or working parts of faucets.

(vii) Replacement of valves other than shower or combination shower/bath valves.

(viii) Replacement of traps.

(ix) Replacement of a water closet, lavatory or kitchen sink.

(x) Replacement of domestic clothes washers and dishwashers.

(6) The following heating, ventilation and air conditioning work:

(i) Replacement of motors, pumps and fans of the same capacity.

(ii) Repair and replacement of heating, supply and return piping and radiation elements which do not require rearrangement of the piping system.

(iii) Repair and replacement of duct work.

(iv) Repair and replacement of air conditioning equipment and systems.

(v) Repair and replacement of control devices for heating and air conditioning equipment.

(vi) Replacement of kitchen range hoods.

(vii) Replacement of clothes dryers if there is no change in fuel type, location or electrical requirements.

(viii) Replacement of stoves and ovens if there is no change in fuel type, location or electrical characteristics.

(d) An ordinary repair does not require a permit. The following are not ordinary repairs:

(1) Cutting away a wall, partition or portion of a wall.

(2) The removal or cutting of any structural beam or load-bearing support.

(3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.

(4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

(e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility as the term "public utility" is defined in 66 Pa.C.S. § 102 (relating to the definitions).

#### § 403.62a. Permit application.

(a) Applications for a permit required under § 403.62 (relating to permit requirements and exemptions) shall be submitted to the building code official in accordance with this section.

(b) A permit applicant shall submit an application to the building code official and attach construction documents with plans and specifications.

(c) A building code official may waive the submission of construction documents if the nature of the construction does not require the review of the construction documents to determine compliance with the Uniform Construction Code.

(d) A permit applicant for a building or structure located in a flood hazard area under the National Flood Insurance Program shall submit the following information with the construction documents:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.

(2) The elevation of the proposed lowest floor including basement and the height of the proposed lowest floor including basement above the highest adjacent grade is to be included in the documents if the building or structure is located in areas of shallow flooding (Zone AO).

(3) Design flood elevations contained on the municipality's Flood Insurance Rate Map produced by the Federal Emergency Management Agency. The building code official and the applicant shall obtain and reasonably utilize design flood elevation and floodway data available from

other sources if this information is not contained on the municipality's Flood Insurance Rate Map.

(e) The application must contain a site plan showing the size and location of the new construction and existing structures on the site and the structure's distance from lot lines. If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot. A building code official may waive or modify the site plan requirement when the permit application is for an alteration or a repair or if the waiver is warranted for other reasons.

#### § 403.63. Grant, denial and effect of permits.

(a) A building code official shall grant or deny a permit application, in whole or in part, within 15 business days of the filing date or the application is deemed approved. Reasons for the denial must be in writing and sent to the permit applicant. The building code official and the applicant may agree in writing to extend the deadline by a specific number of days.

(b) A building code official shall examine the construction documents and shall determine whether the construction indicated and described is in accordance with the Uniform Construction Code and other pertinent laws or ordinances as part of the application process.

(c) A building code official shall stamp or place a notation on each page of the set of reviewed construction documents that the documents were reviewed and approved for Uniform Construction Code compliance before the permit is issued. The building code official shall clearly mark any required nondesign changes on the construction documents. The building code official shall return a set of the construction documents with this notation and any required changes to the applicant. The applicant shall keep a copy of the construction documents at the work site open to inspection by the construction code official or an authorized representative.

(d) A building code official may not issue a permit for any property requiring access to a highway under the Department of Transportation's jurisdiction unless the permit contains notice that a highway occupancy permit is required under section 420 of the State Highway Law (36 P. S. § 670-420) before driveway access to a Commonwealth highway is permitted.

(e) A building code official may issue a permit for the construction of the foundations or other parts of a building or structure before the construction documents for the whole building or structure are submitted if the permit applicant previously filed adequate information and detailed statements for the building or structure under the Uniform Construction Code. Approval under this section is not assurance that the building code official will issue a permit for the entire building or structure.

(f) Issuance of a permit does not bar prosecution or other legal action for violations of the act, the Uniform Construction Code or a construction ordinance. A building code official may suspend or revoke a permit issued under the Uniform Construction Code when the owner does not make the required changes directed by the building code official under subsection (c), when the permit is issued in error, on the basis of inaccurate or incomplete information or in violation of any act, regulation, ordinance or the Uniform Construction Code.

(g) A permit becomes invalid unless the authorized construction work begins within 180 days after the

permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. The building code official may grant extensions of time to commence construction in writing. A permit may be valid for no more than 5 years from its issue date.

(h) The permit holder shall keep a copy of the permit on the work site until the completion of the construction.

(i) A permit applicant may request extensions of time or variances or appeal a building code official's action on the permit application to a board of appeals under § 403.122 (relating to appeals, variances and extensions of time) in a municipality which has adopted an ordinance for the administration and enforcement of the act or municipalities which are parties to an agreement for the joint administration and enforcement of the act.

(j) Work shall be installed in accordance with the approved construction documents. The permit holder shall submit a revised set of construction documents for approval for changes made during construction that are not in accordance with the approved construction documents.

(k) A permit is not valid until the required fees are collected under § 401.2a (relating to municipal and third-party agency fees).

**§ 403.64. Inspections.**

(a) A construction code official shall inspect all construction for which a permit was issued. The permit holder shall insure that the construction is accessible for inspection. An inspection does not bar prosecution or other legal action for violation of the Uniform Construction Code.

(b) The permit holder or an authorized agent shall notify the construction code official when work is ready for inspection and provide access for the inspection.

(c) The construction code official shall notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.

(d) A construction code official shall make the following inspections and file inspection reports relating to Uniform Construction Code compliance in all of the following areas:

- (1) Foundation inspection.
- (2) Plumbing, mechanical and electrical system inspection.
- (3) Frame and masonry inspection.
- (4) Wallboard inspection.

(e) The construction code official may conduct other inspections to ascertain compliance with the Uniform Construction Code or municipal ordinances.

(f) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report that indicates compliance with the Uniform Construction Code.

(g) A third-party agency under contract with a permit holder shall submit a copy of the final inspection report to the property owner, builder and the lender designated by the builder.

**§ 403.65. Certificate of occupancy.**

(a) A residential building may not be used or occupied without a certificate of occupancy issued by a building code official.

(b) A building code official shall issue a certificate of occupancy after receipt of a final inspection report that indicates compliance with the Uniform Construction Code within 5 business days. The certificate of occupancy shall contain all of the following information:

- (1) The permit number and address of the residential building.
- (2) The name and address of the owner of the residential building.
- (3) A description of the portion of the residential building covered by the occupancy permit.
- (4) A statement that the described portion of the residential building was inspected for compliance with the Uniform Construction Code.
- (5) The name of the building code official who issued the occupancy permit.
- (6) The construction code edition applicable to the occupancy permit.
- (7) If an automatic sprinkler system is provided.
- (8) Any special stipulations and conditions relating to the building permit.

(c) A building code official may issue a certificate of occupancy for a portion of a residential building if the portion independently meets the Uniform Construction Code.

(d) A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, on the basis of incorrect information supplied by the permit applicant, or in violation of the Uniform Construction Code. Before a certificate of occupancy is revoked, a building owner may request a hearing before the board of appeals in accordance with § 403.122 (relating to appeals, variances and extensions of time).

(e) A third-party agency under contract with a building permit holder shall submit a copy of the certificate of occupancy to the municipality.

**§ 403.66. Public utility connections.**

(a) A building code official may authorize the temporary connection of a building or system under construction to a utility source of energy, fuel or power.

(b) Connection to a public electric or gas utility for the completed construction may not occur unless the permit holder provides written proof to the utility company that the building or structure passed inspections under this chapter.

**DEPARTMENT, MUNICIPAL AND THIRD-PARTY ENFORCEMENT FOR NONCOMPLIANCE**

**§ 403.81. Stop work order.**

(a) A building code official may issue a written stop work order when the official determines that construction violates the Uniform Construction Code or is being performed in a dangerous or unsafe manner. The stop work order is to contain the reasons for the order and list the required conditions for construction to resume.

(b) The building code official shall serve the stop work order on the permit owner or the owner's agent by certified mail or personal service.

(c) A person who continues construction after service of a stop work order, except for construction work that is necessary to remove a violation or an unsafe condition, may be subject to the penalties under section 903 of the

act (35 P. S. § 7210.903). A building code official may seek enforcement of a stop work order in a court of competent jurisdiction.

**§ 403.82. Notice of violations.**

A building code official shall follow the following procedures if an inspection reveals a violation of the Uniform Construction Code:

(1) A construction code official shall discuss the inspection results with the permit holder at the completion of the inspection.

(2) The building code official may issue a written notice of violations to the permit holder. The notice is to contain a description of the violations and an order requiring correction of the violations within a reasonable period determined by the building code official. When a violation relates to an unsafe building, structure or equipment, a building code official shall act in accordance with § 403.84 (relating to unsafe building, structure or equipment).

(3) After the compliance date contained in the order, the building code official shall inspect the building, structure or equipment to determine whether the violation was corrected. The building code official shall close the order if the violation was corrected. The building code official may issue an order to show cause under § 403.83 (relating to order to show cause/order to vacate) to the owner for a violation that was not corrected.

**§ 403.83. Order to show cause/order to vacate.**

(a) A building code official may initiate action to vacate or close a building, structure or equipment for violations of the Uniform Construction Code by issuing an order to show cause to the owner or owner's agent of a building or structure.

(b) The order to show cause shall contain a statement of the grounds for the action, the alleged violations of the Uniform Construction Code and notification that the building, structure or equipment may be closed or vacated. The order to show cause shall contain notification that the owner or owner's agent shall submit a written answer within 30 days. The building code official shall serve the order to show cause upon the owner or owner's agent by certified mail or personal service.

(c) The owner or owner's agent may file a written answer to the order to show cause with the building code official within 30 days following service of the order to show cause. The answer shall contain specific admissions or denials of the allegations contained in the order to show cause and set forth the specific facts, matters of law or Uniform Construction Code interpretation relied upon by the owner. The answer may contain a request for a variance or an extension of time for compliance. The building code official shall forward all requests for variances, extensions of time or appeals regarding interpretations of the Uniform Construction Code to the board of appeals within 5 business days. The building code official shall send a request for variance, extension of time or appeals regarding interpretation of the Uniform Construction Code's accessibility requirements to the Department within 5 business days.

(d) If the owner or owner's agent files an appeal, the board of appeals or Department will assume jurisdiction and consolidate the answer with any pending request for variance, extension of time or appeal filed by the owner with the board of appeals.

(e) The building code official shall consider the pending request for variance or extension of time or appeal as a stay to an enforcement action.

(f) After receipt of the answer, the building code official may take the following actions if the owner or owner's agent did not previously file an appeal or request for variance or extension of time:

(1) Issue a stop work order.

(2) Vacate or close the building or structure or place equipment out of operation.

(3) Abate or modify the alleged violation.

(4) Order other action to protect persons or property.

(g) A construction code official shall inspect the construction at the expiration of an extension of time or other time period granted for compliance under this section. If the building, structure or equipment violates the Uniform Construction Code following inspection, the building code official may issue an order vacating or closing the building or structure or placing equipment out of operation. The building code official shall serve this order upon the owner or owner's agent by certified mail or personal service.

(h) Where an unsafe condition exists, a building code official shall act in accordance with § 403.84 (relating to unsafe building, structure or equipment).

**§ 403.84. Unsafe building, structure or equipment.**

(a) A building code official may determine that a building, structure or equipment is unsafe because of inadequate means of egress, inadequate light and ventilation, fire hazard, other dangers to human life or the public welfare, illegal or improper occupancy or inadequate maintenance. A vacant building or structure that is not secured against entry is unsafe under this section.

(b) When a building code official determines the existence of an unsafe condition, the building code official shall order the vacating of the building or structure.

(c) A building code official shall serve a written notice on the owner or owner's agent of the building, structure or equipment that is unsafe under this section. The notice shall contain the order to vacate the building, structure or seal the equipment out of service and state the unsafe conditions, required repairs or improvements. The order shall be served by certified mail or personal service to the owner or to the owner's agent's last known address or on the owner, agent or person in control of the building, structure or equipment. A building code official shall post the written notice at the entrance of the structure or on the equipment if service cannot be accomplished by certified mail or personal service.

(d) When a building or structure is ordered vacated under this section, the building code official shall post a notice at each entrance stating that the structure is unsafe and its occupancy is prohibited.

(e) A building code official may not rescind the order to vacate until the owner abates or corrects the unsafe condition.

(f) The Department may seal an elevator for an unsafe condition under section 105(c)(1) of the act (35 P. S. § 7210.105(c)(1)). The Department is the only entity that may remove or authorize the removal of a seal if an owner abates or corrects the unsafe condition.

**§ 403.85. Release, retention and sharing of commercial construction records.**

(a) A building code official shall keep records of all applications received, permits issued, reviewed building plans and specifications, certificates issued, fees collected, reports of inspections, notices and orders issued for all



commercial buildings and structures under the Uniform Construction Code. A building code official shall retain these records as long as the related building, structure or equipment remains in existence.

(b) A building code official shall reproduce records kept in an electronic format to a hard-copy format upon request. A building code official may charge for the reproduction costs.

(c) A municipality that discontinues enforcing the Uniform Construction Code shall keep records of previous Uniform Construction Code enforcement. A municipality shall make these records available to the Department.

(d) The Department will make its records available to a municipality that elects to enforce the Uniform Construction Code under section 501 of the act (35 P. S. § 7210.501).

(e) The Department, a municipality and a third-party agency acting on behalf of a municipality may prohibit release of applications received, building plans and specifications, inspection reports and similar documents to the public under the act of June 21, 1957 (P. L. 390, No. 212) known as the Right-to-Know Law (65 P. S. §§ 66.1—66.9). The Department, the municipality or the third-party agency may release these documents to the building owner of record, the permit holder, the design professional of record or a third party authorized by the building owner in writing to receive the documents upon presentation of valid identification.

(f) The Department, a municipality and a third-party agency acting on behalf of a municipality may release any document obtained under this chapter to the following:

- (1) The Department.
- (2) The Department of General Services.
- (3) Law enforcement or emergency response entities.
- (4) Federal, State or local health entities.

**§ 403.86. Right of entry to inspect.**

(a) A construction code official may enter a building, structure or premises during normal business hours or at a time agreed to by the owner or owner's agent to perform inspections under the Uniform Construction Code, to enforce Uniform Construction Code provisions or if there is reasonable cause to believe a condition on the building, structure or premises violates the Uniform Construction Code or which constitutes an unsafe condition.

(b) A construction code official may enter a building, structure or premises when the official presents credentials to the occupant and receives permission to enter.

(c) A construction code official may not enter a building, structure or premises that is unoccupied or after normal business hours without obtaining permission to enter from the owner or the owner's agent.

(d) A construction code official may seek the assistance of a law enforcement agency to gain entry to enforce the Uniform Construction Code when the construction code official has reasonable cause to believe that the building, structure or premises is unsafe.

(e) This section shall be used in conjunction with the Fire and Panic Act.

**MUNICIPAL ELECTION**

**§ 403.101. Effective date.**

(a) The Fire and Panic Act, the act of September 1, 1965 (P. L. No. 235) (71 P. S. §§ 1455.1—1455.3b), known

as the Universal Accessibility Act and a locally-enacted building code shall remain in effect until the date that one of the following has transpired:

(1) A municipality enacts an ordinance adopting the Uniform Construction Code and the municipality provides written notification to the Department of the adopted ordinance before August 7, 2004.

(2) The initial election and notification period ended on August 7, 2004, and the municipality has not provided written notification to the Department.

(3) The municipality elects not to adopt an ordinance enforcing the Uniform Construction Code and provides written notification to the Department.

(b) After the expiration of the initial election period, a municipality may elect to administer and enforce the Uniform Construction Code. The municipality shall provide 180 days notice to the Department of its intention to pass an ordinance adopting the Uniform Construction Code.

(c) The Fire and Panic Act, the Universal Accessibility Act and a locally-enacted building code shall remain in effect for the following construction:

(1) New buildings or renovations to existing buildings for which an application for a building permit was made to the municipality before April 9, 2004.

(2) New buildings or renovations to existing buildings on which a contract for design or construction was signed before April 9, 2004.

**§ 403.102. Municipalities electing to enforce the Uniform Construction Code.**

(a) A municipality which elects to enforce the Uniform Construction Code shall enact an ordinance adopting the Uniform Construction Code as its municipal building code under section 501(a) of the act (35 P. S. § 7210.501(a)).

(b) The initial election period is from April 9, 2004, through July 8, 2004. A municipality shall enact an ordinance adopting the Uniform Construction Code by July 8, 2004.

(c) A municipality shall submit written notification to the Department of adoption of the ordinance and the following information within 30 days of its adoption:

- (1) The number and date of adoption of the ordinance.
- (2) The name of building code official.
- (3) The business address of building code official.
- (4) The business phone number of building code official.
- (5) The electronic mail address of building code official, if available.

(d) A municipality may retain ordinances in effect on July 1, 1999, that contain standards that equal or exceed the Uniform Construction Code under section 303(b) of the act (35 P. S. § 7210.303(b)).

(e) A municipality that administers and enforces the Uniform Construction Code may cease administration and enforcement if it provides 180 days notice to the Department of its intention to adopt an ordinance ceasing administration and enforcement.

(f) A municipality shall notify the Department in writing within 30 days of any changes to the information it provided under subsections (b) and (e).

(g) A municipality that elects to administer and enforce the Uniform Construction Code shall utilize any of the following ways under section 501(b) of the act:

(1) Employ at least one construction code official and designating an employee to serve as a building code official.

(2) Retaining one or more third-party agencies.

(3) Utilizing an intermunicipal agreement under 53 Pa.C.S. §§ 2301—2315 (relating to intergovernmental cooperation).

(4) Contracting with another municipality.

(5) Contracting with the Department for plan reviews, inspection and enforcement of structures other than one-family and two-family dwelling units and utility and miscellaneous use structures.

(h) A municipality may charge fees under § 401.2a (relating to municipal and third-party agency fees).

(i) A municipality may enact an ordinance containing standards that equal or exceed the Uniform Construction Code as adopted by § 403.21 (relating to the Uniform Construction Code) under section 503 of the act (35 P. S. § 7210.503) after Department review and approval. The municipality shall notify the Department of the proposed ordinance and shall submit all of the following to the Department for its review:

(1) The complete ordinance.

(2) The information required in subsection (c).

(3) A detailed statement containing the differences between the proposed ordinance and the Uniform Construction Code and how the ordinance will equal or exceed the Uniform Construction Code.

(j) The Department will review all proposed ordinances that are filed with the Department in accordance with section 503(f) and (i) of the act (35 P. S. § 7210.503(f) and (i)). The Department will provide written notification of its findings to the municipality including the Department's finding on the municipality's compliance with section 503(b) of the act.

(k) A written challenge of an ordinance is governed by the following:

(1) An aggrieved party may file a written challenge of an ordinance within 30 days of its enactment with the Department and the municipality under section 503(j) of the act.

(2) The Secretary will issue a ruling on the challenge within 45 days of receipt of the filing of the last challenge to the ordinance or within 30 days of the Department hearing on the challenge, whichever occurs last, under section 503(k) of the act.

(l) A municipality may enact an ordinance relating to the administration and enforcement of the Uniform Construction Code that meets or exceeds the requirements of the following sections:

(1) Section 403.42(b) and (c) (relating to permit requirements and exemptions).

(2) Section 403.42a(a)—(e) and (g)—(n) (relating to permit application).

(3) Section 403.43(b), (c), (g), (h) and (k) (relating to grant, denial and effect of permits).

(4) Section 403.44 (relating to alternative construction material and methods).

(5) Section 403.45 (relating to inspections).

(6) Section 403.46 (relating to certificate of occupancy).

(7) Section 403.47 (relating to public utility connections).

(8) Section 403.62(a)—(e) (relating to permit requirements and exemptions).

(9) Section 403.64 (relating to inspections).

(10) Section 403.65 (relating to certificates of occupancy).

(11) Section 403.66 (relating to public utility connections).

(12) Section 403.81(a) and (b) (relating to stop work order).

(13) Section 403.82 (relating to notice of violations).

(14) Section 403.83 (relating to order to show cause/order to vacate).

(15) Section 403.84(a)—(e) (relating to unsafe building structure or equipment).

(16) Section 403.85(a)—(c) (relating to release, retention and sharing of commercial construction records).

(m) A municipality may utilize forms provided by the Department of Community and Economic Development as the permit application under §§ 403.42a and 403.62a.

(n) The Department will enforce Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code until a municipality employs or contracts with a code administrator certified as an accessibility inspector/plans examiner under this part.

(o) A municipality may observe Department inspections of State-owned buildings in its jurisdiction under section 105(b)(1) of the act (35 P. S. § 7210.105(b)(1)). A municipality may review all building plans and plan review documents for State-owned buildings in the Department's custody.

**§ 403.103. Municipalities electing not to enforce the Uniform Construction Code.**

(a) A municipality shall provide written notification to the Department before August 7, 2004, if it elects not to administer and enforce the Uniform Construction Code.

(b) An applicant for a residential building permit shall obtain the services of a third-party agency certified in the appropriate categories to conduct the plan review and inspections under §§ 403.61—403.66 (relating to permit and inspection process for residential buildings).

(c) A building code official shall approve an alternative material, design or method of construction if the proposed design is satisfactory and complies with the intent of the Uniform Construction Code and the offered material, method or work is equivalent to Uniform Construction Code requirements for its intended purpose. The building code official shall accept compliance with the International Performance Code as an alternative to compliance with the Uniform Construction Code.

(d) A building code official shall determine the climatic and geographic design criteria contained in Table R301.2(1) of the "International Residential Code" for residential construction.

(e) A third-party agency which conducts plan review and inspection of residential buildings and utility and miscellaneous use structures shall retain copies of all final inspection reports relating to Uniform Construction Code compliance.

(f) A third-party agency shall send a copy of the final inspection report to the property owner, builder, and a lender designated by the builder.

(g) A municipality shall provide written notification to a permit applicant for buildings and structures other than residential buildings that the applicant shall obtain the Department's services for plan review and inspection. The municipality shall send a copy of the notice to the Department. The notice shall contain the following information:

- (1) The name of the applicant.
- (2) The address of the applicant.
- (3) The name of the building or structure.
- (4) The address of the building or structure.
- (5) Proposed occupancy or use of building or structure under the Uniform Construction Code.

**§ 403.104. Department review.**

(a) The Department will investigate written and signed complaints concerning the enforcement and administration of the Uniform Construction Code under section 105(a) of the act (35 P. S. § 7210.105(a)). The Department will make a report to the governing body of the municipality or third-party agency that was the subject of the review and provide recommendations to address any deficiencies found by the Department.

(b) The Department will review each municipal enforcement program at least once every 5 years unless a complaint is received under section 105(a) of the act to ensure that code administrators are adequately administering and enforcing the provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code. The Department will submit a written report to the municipality of its findings. The municipality may submit a written response to the Department.

(c) The Department may take any of the following actions for violations of the act or to obtain compliance with the act:

- (1) Initiate proceedings in Commonwealth Court under section 105(a)(3) of the act.
- (2) Initiate proceedings against code administrators under section 701 of the act (35 P. S. § 7210.701) and § 401.14 (relating to decertification or refusal to certify).
- (3) Initiate prosecutions under section 903 of the act (35 P. S. § 7210.903).

**BOARD OF APPEALS**

**§ 403.121. Board of appeals.**

(a) A municipality which has adopted an ordinance for the administration and enforcement of the Uniform Construction Code or is a party to an agreement for the joint administration and enforcement of the Uniform Construction Code shall establish and appoint members to serve on a board of appeals under section 501(c) of the act (35 P. S. § 7210.501(c)).

(b) The board of appeals shall hear and rule on appeals, requests for variances and requests for extensions of time. An application for appeal shall be based on a claim that the true intent of the act or Uniform Construction Code has been incorrectly interpreted, the provisions of the act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used.

(c) The composition of a board of appeals is governed by all of the following:

(1) A member of the board of appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer.

(2) A member of the board of appeals holds office at the pleasure of the municipality's governing body.

(3) Members of a municipality's governing body and its code administrators may not serve on a board of appeals.

(4) A municipality may fill a position on the board of appeals with a qualified person who resides outside of the municipality when it cannot find a person within the municipality who satisfies the requirements of this section.

(d) Two or more municipalities may establish a joint board of appeals through an intermunicipal agreement under 53 Pa.C.S. §§ 2301—2315 (relating to intergovernmental cooperation).

(e) A board of appeals member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.

(f) A board of appeals shall schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act).

(g) A board of appeals may not act upon appeals, requests for variance or requests for extension of time relating to accessibility under the act.

**§ 403.122. Appeals, variances and extensions of time.**

(a) An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the building code official or other person designated by the board of appeals on a form provided by the municipality.

(b) The postmark date or the date of personal service will establish the filing date of the appeal and request for variance or extension of time.

(c) An appeal or request for variance or extension of time to a board of appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under § 403.84 (relating to unsafe building, structure or equipment) may not be stayed.

(d) A board of appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.

(e) A board of appeals shall hold a hearing within 60 days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.

(f) A board of appeals shall only consider the following factors when deciding an appeal under section 501(c)(2) of the act:

- (1) The true intent of the act or Uniform Construction Code was incorrectly interpreted.
- (2) The provisions of the act do not apply.
- (3) An equivalent form of construction is to be used.

(g) A board of appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:

(1) The reasonableness of the Uniform Construction Code's application in a particular case.

(2) The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.

(3) The availability of professional or technical personnel needed to come into compliance.

(4) The availability of materials and equipment needed to come into compliance.

(5) The efforts being made to come into compliance as quickly as possible.

(6) Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.

(h) If the owner or owner's agent requests a hearing, the board of appeals shall schedule a hearing and notify the owner or owner's agent and building code official of the date, time and place of the hearing.

(i) The board of appeals may:

(1) Deny the request in whole or in part.

(2) Grant the request in whole or in part.

(3) Grant the request upon certain conditions being satisfied.

(j) The board of appeals shall provide a written notice of its decision to the owner and to the building code official.

(k) An owner shall file an appeal, request for variances and request for extension of time relating to accessibility with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).

#### DEPARTMENT ENFORCEMENT

##### § 403.141. Enforcement by the Department.

(a) The Department will conduct plan and specification review and inspections for all State-owned buildings under section 105(b) of the act (35 P. S. § 7210.105(b)). The Department will notify municipalities of all inspections of State-owned buildings and provide municipalities the opportunity to observe inspection of the buildings.

(b) The Department will retain jurisdiction over the provisions of Chapter 11 (Accessibility), and any other accessibility requirements contained in or referenced by the Uniform Construction Code, until a municipality administering and enforcing the Uniform Construction Code obtains the services of a code administrator certified as an accessibility specialist.

(c) The Department will enforce the Uniform Construction Code for all buildings and structures except for residential buildings and utility and miscellaneous use structures in municipalities that have not adopted an ordinance to enforce the act under section 501(a)(1) of the act (35 P. S. § 7210.501(a)(1)).

(d) The Industrial Board will decide petitions for variances and extensions of time and appeals of Department decisions under the Uniform Construction Code. The Industrial Board will hold the first hearing on a petition within 45 days of receipt of the petition.

(e) An owner or owner's agent may file a petition for variance or extension of time or an appeal with the Industrial Board under § 403.122 (relating to appeals,

variances and extensions of time). An owner or owner's agent may file an appeal concerning technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).

##### § 403.142. Accessibility Advisory Board.

(a) The Secretary has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code for individual projects under section 301(a)(3) of the act (35 P. S. § 7210.301(a)(3)).

(b) The Accessibility Advisory Board is created with the following powers and duties under section 106 of the act (35 P. S. § 7210.106):

(1) Review all proposed regulations under the act and offer comment and advice to the Secretary on all issues related to accessibility by persons with physical disabilities and enforcement of accessibility requirements.

(2) Review all applications for modifications or variances of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code. The Accessibility Advisory Board will advise the Secretary whether modification or variance should be granted or whether compliance is technically feasible.

(3) Hear appeals from decisions of building code officials and recommend modifications, variances or extensions of time. An appeal of a decision of a building code official shall be based on a claim that the true intent of the act or the Uniform Construction Code was incorrectly interpreted, the act does not apply or an equivalent form of construction is to be used.

(c) The Accessibility Advisory Board will schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. §§ 701—716 (relating to the Sunshine Act).

(d) The Accessibility Advisory Board will hear requests for variances or modification, requests for extensions of time and appeals in accordance with the following procedure:

(1) An owner or owner's agent shall file an appeal with the Accessibility Advisory Board on a Department-provided form.

(2) The postmark date or the date of personal service will establish the filing date of the appeal.

(3) An appeal to the Accessibility Advisory Board will automatically suspend an action to enforce an order to correct except where there is an unsafe building, structure or equipment under § 403.84 (relating to unsafe building, structure or equipment).

(4) The Accessibility Advisory Board will make recommendations based upon documents and written brief unless the owner requests a hearing.

(5) If the owner or owner's agent requests a hearing, the Accessibility Advisory Board will schedule a hearing and will provide written notification to the owner or owner's agent and the building code official of the date, time and place of the hearing. The notification will be made no less than 5 days prior to the hearing unless the owner waives this period.

(6) The Accessibility Advisory Board may consider the following factors when a request for an extension of time or a variance or other appropriate relief is reviewed:

- (i) The reasonableness of the regulations or Uniform Construction Code as applied in the specific case.
- (ii) The extent to which an extension of time or a variance will subject occupants of the building or structure to conditions which do not comply with the Uniform Construction Code.
- (iii) The availability of professional or technical personnel needed to comply with the Uniform Construction Code.
- (iv) The availability of materials and equipment needed to comply with the Uniform Construction Code.
- (v) The efforts made to safeguard occupants.
- (vi) The efforts made to comply with the Uniform Construction Code.
- (vii) Compensatory features that will provide an equivalent degree of compliance with the intent of the Uniform Construction Code.

(7) The Accessibility Advisory Board will recommend that the Secretary take one of the following actions:

- (i) Deny the request in whole or in part.
- (ii) Grant the request in whole or in part.
- (iii) Grant the request upon certain conditions being satisfied.
- (iv) Grant other appropriate relief.

(8) The Secretary will make a final decision on the request and will issue written notice of the decision to the owner or the owner's agent and the building code official.

(e) An individual, partnership, agency, association or corporation who reasonably believes there is a violation of the accessibility provisions of the act or the Uniform Construction Code by a governmental entity or private owner may file a complaint with the body responsible for enforcement of the Uniform Construction Code under section 501(f) of the act (35 P. S. § 7210.501(f)).

**CHAPTER 405. ELEVATORS AND OTHER LIFTING DEVICES**

**GENERALLY**

Sec.	
405.1.	Scope.
405.2.	Standards.
405.3.	Permit application.
405.4.	Approved designs, equipment and devices.
405.5.	Acceptance inspection.
405.6.	Certificate of operation.
405.7.	Periodic inspections.
405.8.	Periodic testing.
405.9.	Periodic dynamic testing.
405.10.	Major repairs, replacements and alterations.
405.11.	Accident report.
405.12.	Lumber elevators.

**STAGE, ORCHESTRA AND ORGAN CONSOLE ELEVATORS**

405.31.	Applicability.
405.32.	Platforms.
405.33.	Shaftway requirements.
405.34.	Projections and recesses.
405.35.	Landing doors.
405.36.	Lifting capacity.
405.37.	Operating speed.
405.38.	Operating controls.
405.39.	Switches.
405.40.	Pit and pit access.
405.41.	Single operator requirement.
405.42.	Additional Requirements.

**GENERALLY**

**§ 405.1. Scope.**

(a) *Application of chapter.* This chapter constitutes the Uniform Construction Code technical requirements for elevators and other lifting devices. This chapter applies to the construction, alteration, addition, repair, movement, equipment, removal, maintenance, use and change in use of every elevator and lifting device after April 9, 2004.

(b) *Exceptions.* The Uniform Construction Code does not apply to:

(1) New elevators and lifting devices or renovations to existing elevators and lifting devices for which a permit application was made to the Department before April 9, 2004.

(2) New elevators and lifting devices or renovations to existing elevators and lifting devices for which a contract for design or construction was signed before April 9, 2004.

(3) Elevators and lifting devices solely in residential buildings used by the occupants of a dwelling unit except where the lifting device is used or accessible by the occupants of more than 1 dwelling unit.

(c) *Prior permits and construction.*

(1) A permit issued under valid regulations before April 9, 2004, remains valid and the construction of the elevator or lifting device may be completed in accordance with the approved permit if construction commences by April 9, 2006.

(2) If construction of the elevator or lifting device has not commenced within the time period allowed under paragraph (1), the permit becomes rescinded. The permit holder shall acquire a new permit under section 304(c)(2) of the act (35 P. S. § 7210.304(c)(2)) before construction.

(3) An elevator or lifting device that was issued a certificate of operation by the Department before April 9, 2004, may remain in use if the owner maintains the elevator or lifting device in accordance with a previous Department permit or approval, the owner complied with the regulations in effect when the certificate of operation was issued and the owner complies with the applicable requirements of §§ 405.7—405.9 (relating to periodic inspections; periodic testing; and periodic dynamic testing).

**§ 405.2. Standards.**

(a) The following standards are adopted as part of the Uniform Construction Code and apply to the listed type of elevator or other lifting device. Other authorities referenced in the standards are adopted if the authority is not excluded in subsection (b):

(1) "ASME A17.1-2000" with "A17.1a-2002" addenda:

- (i) Part 1 (General).
- (ii) Part 2 (Electric elevators).
- (iii) Part 3 (Hydraulic elevators).
- (iv) Part 4 (Elevators with other types of driving machines).
- (v) Part 5 (Special application elevators).
- (vi) Part 6 (Escalators and moving walks).
- (vii) Part 7 (Dumbwaiters and material lifts).
- (viii) Part 8 (General requirements).
- (ix) Part 9 (Standard codes and specifications).

(2) "ASME B20.1-2000" for vertical and inclined reciprocating conveyors without automatic transfer devices.

(3) "ASME A90.1-1997" including "A90.1a-1999" and "A90.1b-2001" addenda for belt man-lifts.

(4) "ANSI B77.1-1999" for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors.

(5) "ASME A18.1-1999" including "A.18.1a-2001" addenda for vertical and inclined wheelchair lifts and stairway lifts. Testing under sections 10.3.2 and 10.3.3 shall comply with § 405.8 (relating to periodic test results).

(6) Electric wiring and apparatus shall comply with the "ICC Electrical Code."

(b) The following sections of "ASME A17.1-2000" with "A17.1b-2002" addenda are not adopted as the Uniform Construction Code:

- (1) Section 5.3 (Private residence elevators).
- (2) Section 5.4 (Private residence inclined elevators).
- (3) Section 5.8 (Shipboard elevators).
- (4) Section 5.9 (Mine elevators).
- (5) Section 7.7 (Automatic transfer devices).
- (6) Section 7.8 (Power dumbwaiter with automatic transfer devices).
- (7) Section 7.9 (Electric material lifts with automatic transfer devices).
- (8) Section 7.10 (Hydraulic material lifts with automatic transfer devices).
- (9) Section 7.11 (Material lifts with obscured transfer devices).
- (10) Section 8.6.7.3 (Private residence elevator).
- (11) Section 8.6.7.4 (Private residence inclined elevators).
- (12) Section 8.6.7.8 (Shipboard elevators).
- (13) Section 8.6.7.9 (Mine elevators).
- (14) Section 8.6.9.2 (Material lifts and dumbwaiters with automatic transfer devices).
- (15) Section 8.7.5.3 (Private residence elevators).
- (16) Section 8.7.5.4 (Private residence inclined elevators).
- (17) Section 8.7.5.8 (Shipboard elevators).
- (18) Section 8.7.5.9 (Mine elevators).
- (19) Section 8.7.7.3 (Material lifts and dumbwaiters with automatic transfer devices).
- (20) Section 8.10.5.2 (Private residence elevators and lifts).
- (21) Section 8.10.5.5 (Material lifts and dumbwaiters with automatic transfer devices).
- (22) Section 8.10.5.8 (Shipboard elevators).
- (23) Section 8.11.5.2 (Private residence elevators and lifts).
- (24) Section 8.11.5.5 (Material lifts and dumbwaiters with automatic transfer devices).
- (25) Section 8.11.5.8 (Shipboard elevators).

(c) The following portions of "ASME B20.1 2000" are not adopted as the Uniform Construction Code:

- (1) Section 3 (Intent).
- (2) Section 5.14 (Hoppers and chutes).
- (3) Section 6.1 (Belt conveyors—fixed in place).

(4) Section 6.2 (Bucket conveyors).

(5) Section 6.3 (Chain conveyors).

(6) Section 6.4 (En masse conveyors).

(7) Section 6.5 (Flight and apron conveyors—bulk material).

(8) Section 6.7 (Live roller conveyors—belt or chain driven).

(9) Section 6.8 (Mobile conveyors).

(10) Section 6.9 (Portable conveyors, extendible belt conveyors and car unloaders).

(11) Section 6.10 (Pusher bar conveyors).

(12) Section 6.11 (Roller and wheel conveyors).

(13) Section 6.12 (Screw conveyors).

(14) Section 6.13 (Shuttle conveyors, belt trippers and transfer cars).

(15) Section 6.14 (Skip hoists—bulk materials).

(16) Section 6.15 (Slat conveyors and roller slat conveyors).

(17) Section 6.16 (Suspended vertical tray conveyors).

(18) Section 6.17 (Tow conveyors—in the floor).

(19) Section 6.18 (Trolley conveyors and power and free conveyors).

(20) Section 6.19 (Vertical articulated conveyors).

(21) Section 6.20 (Vertical chain opposed shelf type conveyors).

(d) The following portions of "ASME A18.1-1999" with "A18.1a-2001" addenda are not adopted as the Uniform Construction Code:

- (1) Part V (Private residence vertical platform lifts).
- (2) Part VI (Private residence inclined platform lifts).
- (3) Part VII (Private residence incline stairway chairlifts).

(e) This chapter applies when there is a conflict with a code or standard related to elevators or lifting devices.

#### § 405.3. Permit application.

(a) An owner of an elevator or lifting device or an authorized agent shall apply to the Department for a permit before the construction, alteration, replacement or repair of an elevator or lifting device.

(b) An owner or owner's agent shall submit four copies of a permit application and supporting documents to the Department for review. The application and supporting construction documents shall be submitted in Department-approved media and clearly detail the location, nature and extent of the proposed construction and its compliance with the Uniform Construction Code.

(c) The Department may suspend or revoke a permit when the permit was issued erroneously, on inaccurate, incorrect or incomplete information or issued in violation of the Uniform Construction Code. The Department may charge an applicant a new application and inspection fee when a previous permit was suspended or revoked based upon inaccurate, incomplete or incorrect information provided by the permit applicant.

(d) A permit becomes invalid unless construction work is commenced within 180 days after its issuance or if the work is suspended or abandoned for a period of 180 days after it is commenced. The Department may grant writ-

ten extensions of time for periods of 180 days each. A permit remains valid for no more than 5 years.

(e) The Department will grant or deny a permit in whole or in part within 30 business days of the filing date of a complete application. The Department will provide written notification to the applicant for applications denied in whole or in part.

(f) The Department will place the written or stamped notation "Reviewed and Approved for Code Compliance" on the documents accompanying the permit application. The Department will keep three sets of the construction documents and send one set of construction documents to the permit applicant.

(g) An owner or owner's agent may request a variance or appeal the code administrator's decision to the Industrial Board under § 403.122 (relating to appeals, variances and extensions of time). The appeal shall be based on a claim that the true intent of the act or the Uniform Construction Code were incorrectly interpreted, the act does not fully apply or an equivalent form of construction is to be used.

(h) A permit is not valid until the Department collects the required fees under § 401.2 (relating to Department fees).

**§ 405.4. Approved designs, equipment and devices.**

A platform, car, cabin or chair safety device may be installed after it receives a Department-issued certificate of acceptance. An applicant for a certificate of acceptance shall meet the following requirements:

(1) The manufacturer, designer or engineer of the platform, car, cabin or chair safety device shall submit the design to the Department.

(2) The Department will observe the operation of the device for compliance with the Uniform Construction Code before use of the device in this Commonwealth.

(3) The Department will issue a certificate of acceptance after it observes successful testing of the device.

**§ 405.5. Acceptance inspection.**

The Department will conduct an acceptance inspection to confirm compliance with the Uniform Construction Code before a new elevator or lifting device or an elevator or lifting device under repair is put into service.

**§ 405.6. Certificate of operation.**

(a) An elevator or lifting device may not be operated unless the Department issues a certificate of operation for the elevator or other lifting device. The Department will issue a certificate of operation for the elevator or other lifting device if it passes inspection.

(b) A certificate of operation is valid for 24 months from the issue date for equipment that requires a 6-month periodic inspection under § 405.7 (relating to periodic inspections). A certificate of operation is valid for 48 months from the issue date for equipment requiring a 12-month periodic inspection cycle under § 405.7.

(c) A certificate of operation may remain valid for an additional 30 days after its expiration date if a periodic inspection is conducted within 30 days of the certificate's expiration date. A certificate of operation is not valid until the Department collects the required fee under § 401.2 (relating to Department fees).

(d) The certificate of operation or a copy of the certificate of operation for equipment with a machine room shall be posted in the elevator car or other lifting device

enclosure, or attached to the controller in the machine room. The certificate of operation for escalators, moving walks and other equipment without a machine room shall be made available to a construction code official during a periodic inspection.

**§ 405.7. Periodic inspections.**

(a) A construction code official of the Department or a third-party agency shall conduct periodic inspections and document compliance with the Uniform Construction Code at intervals that do not exceed 6 months for the following equipment:

- (1) Electric elevator.
- (2) Hydraulic elevator.
- (3) Escalator.
- (4) Belt man-lift.
- (5) Lumber elevator.
- (6) Moving walk.
- (7) Orchestra elevator.
- (8) Organ elevator.
- (9) Limited use/limited application elevator.
- (10) Special purpose personnel elevator.
- (11) Stage elevator.
- (12) Power sidewalk elevator.
- (13) Elevators used for construction.
- (14) Inclined elevator.
- (15) Rooftop elevator.

(b) A construction code official shall perform periodic inspections of all other lifting devices at intervals that do not exceed 12 months. A construction code official shall inspect a lifting device that is used on a seasonal basis before the beginning of the season of operation.

(c) A construction code official who performed a periodic inspection shall complete an inspection report containing all of the following information:

- (1) The inspection results.
- (2) The day, month and year of the inspection.
- (3) The beginning and conclusion times of the inspection.
- (4) The construction code official's certification number.
- (5) The construction code official's signature. An electronic signature may be used.

(d) A construction code official who performed a periodic inspection shall insure that the following information is completed on the certificate of operation:

- (1) The day, month and year of inspection.
- (2) The construction code official's certification number.
- (3) The construction code official's signature.

(e) A construction code official shall submit the results of routine inspections to the Department within 15 days of the inspection in a format acceptable to the Department.

(f) A construction code official shall notify the Department if a lifting device failed a periodic inspection within 1 business day from the inspection.

**§ 405.8. Periodic testing.**

(a) The following periodic testing under "ASME A17.1-2000" with "A17.1a-2002" addenda is required. A construction code official shall witness all of the testing:

- (1) Category One under section 8.11.2.2 at 5-year intervals.
- (2) Category Five under section 8.11.2.3 at 5-year intervals.
- (3) Category One under section 8.11.3.2 at 3-year intervals. Periodic inspection and testing shall be phased in over a 3-year period as follows:
  - (i) Elevators installed before 1973 shall receive periodic inspection and testing on or before April 9, 2005.
  - (ii) Elevators installed between 1973 and 1992 shall receive periodic inspection by April 9, 2006.
  - (iii) Elevators installed after 1992 shall receive periodic inspection and testing by April 9, 2007.
- (4) Category Three under section 8.11.3.3 at 5-year intervals.
- (5) Category Five under section 8.11.3.4 at 5-year intervals.
- (6) Category One under section 8.11.4.2 at 3-year intervals.
- (7) Other equipment under section 8.11.5 at 5-year intervals as follows:
  - (i) Sidewalk elevators under section 8.11.5.1.
  - (ii) Hand elevators under section 8.11.5.3.
  - (iii) Dumbwaiters under section 8.11.5.4.
  - (iv) Special purpose personnel elevators under section 8.11.5.6.
  - (v) Inclined elevators under section 8.11.5.7.
  - (vi) Screw column elevators under section 8.11.5.9.
  - (vii) Rooftop elevators under section 8.11.5.10.
  - (viii) Rack and pinion elevators under section 8.11.5.11.
  - (ix) Limited use and limited application elevators under section 8.11.5.12.
  - (x) Elevators used for construction under section 8.11.5.13.

(b) A construction code official shall witness each test enumerated in this section.

(c) Inspection and testing under "ASME A.18.1-1999" with "A18.1a-2001" Addenda are required at the following intervals:

- (1) Testing under section 10.3.1 shall be conducted at 5-year intervals.
- (2) Testing under section 10.3.2 shall be conducted at 5-year intervals.
- (3) Testing under section 10.3.3 shall be conducted at 5-year intervals.
- (d) A lumber elevator equipped with platform safety devices shall be tested with rated load at intervals that may not exceed 5 years.

(e) Stage, orchestra and organ lifts equipped with a platform safety device shall be tested with rated loads at intervals that may not exceed 5 years.

(f) Vertical reciprocating conveyers with a platform safety device shall be tested at intervals that do not exceed 5 years.

(g) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests. All of the following information is required in the report:

- (1) The test results.
- (2) The day, month and year of the test.
- (3) The beginning and concluding times of the test.
- (4) The construction code official's signature. The construction code official may use an electronic signature.

(h) A metal tag shall be permanently attached on an elevator that successfully passes the test under this section in accordance with all of the following:

- (1) The metal tag shall be furnished by the company that performed the testing.
- (2) The metal tag shall be attached to the elevator safety-releasing carrier for safety tests or to the controller for all other tests.
- (3) The tag shall contain all of the following:
  - (i) The day, month and year of the test.
  - (ii) The name of the company that performed the test.
  - (iii) The type of test performed.

**§ 405.9. Periodic dynamic testing.**

(a) The following periodic dynamic testing shall be conducted under "ANSI B77.1-1999":

- (1) Aerial tramways dynamic testing under section 2.3.3.1.2.
- (2) Detachable grip aerial lifts dynamic testing under section 3.3.3.1.2.
- (3) Fixed grip aerial lifts dynamic testing under section 4.3.3.1.2.
- (b) A construction code official shall witness all periodic dynamic testing under this section.

(c) A construction code official shall complete and submit a test report to the Department within 15 days of witnessing a periodic dynamic test. The report shall be in a format acceptable to the Department and contain all of the following information:

- (1) The test results.
- (2) The day, month and year of test.
- (3) The beginning and concluding times of test.

(4) The construction code official's signature. The construction code official may use an electronic signature.

**§ 405.10. Major repairs, replacements and alterations.**

(a) Repairs, replacement and alterations of elevators or other lifting devices shall comply with the following sections of "ASME A17.1-2000" with "A17.1a-2002" addenda:

- (1) Section 8.6.2 (Repairs).
- (2) Section 8.6.3 (Replacements)
- (3) Section 8.7 (Alterations).

(b) The requirements of subsection (a) apply to major repairs, replacements and alterations performed on other types of lifting devices that are not referenced in "ASME A17.1-2000" with "A17.1a-2002" addenda.



(c) An elevator or lifting device shall be taken out of service when a major repair, replacement or alteration is performed upon it. The owner or owner's agent shall provide written notification to the Department when the major repair, replacement or alteration is completed. The elevator or lifting device may be returned to service when it passes a Department inspection.

**§ 405.11. Accident report.**

(a) An owner of an elevator or lifting device or an authorized agent shall submit an accident report to the Department if the elevator or lifting device is involved in an accident resulting in any of the following:

- (1) Fatal injury or hospitalization to a person.
  - (2) Damage to the elevator or lifting device rendering it unsafe under § 403.84 (relating to unsafe building, structure or equipment).
- (b) The owner or authorized representative shall submit the accident report on a Department-prescribed form, which must be received by the Department within 24 hours of the accident.
- (c) The Department may order an investigation of the accident.
- (d) An elevator or lifting device that was involved in a fatal accident may not return to operation until the Department provides approval.

(e) An elevator or lifting device involved in a nonfatal accident resulting from mechanical or electrical failure may not return to operation until the Department provides approval.

**§ 405.12. Lumber elevators.**

(a) A lumber elevator is a platform that is used to raise or lower stacked lumber under the requirements of this section. An individual may not ride a lumber elevator.

(b) The shaftway is enclosed on all sides that are not used for loading or unloading with flush partitions that are at least 6 feet high. Movable bars or railings are required to protect all points of loading and unloading, unless gates are provided. Flaring is at an angle of at least 75° from the horizontal and shall protect all shearing points in the shaftway excluding each loading and unloading landing.

(c) Gates are required to protect all points of loading and unloading when the platform's vertical travel exceeds 6 feet or when there are two or more landings. The following types of automatic and semiautomatic gates may be used:

- (1) Semiautomatic vertical-rising gates.
- (2) Fully automatic vertical-rising gates only at terminal landings.
- (3) Manually operated swinging or horizontal gates with locking devices and electric brakes.
- (4) Department-approved, power-operated horizontal gates.

(d) A locking device shall comply with the following requirements:

(1) An automatic locking device shall be placed on, or attached to a manually operated gate. The locking device shall prevent the normal operation of the platform when the gate is open and unsecured. The locking device shall prevent the opening of the gate when the car is away from the landing.

(2) A shield shall be installed on openwork gates and shall be of sufficient size to prevent access to the lock from the outside of the shaftway.

(e) The shaftway shall have a pit with a depth of at least 2 feet from the lowest point of the underside of the platform framing to the pit floor or highest projection when the platform is at its lowest limit of travel. Toe guards, guide shoes or rollers attached to the platform and buffers or bumpers may extend into this space.

(f) Substantial guides of either wood or steel are required for installation on lumber elevators.

(g) Lifting capacity shall equal a live load of at least 50 pounds per square foot of platform floor area. The gross weight of the movable platform shall include railings, aprons, wirings, conduits, outlets and every item that is permanently attached to the platform and its rated lifting capacity.

(h) The lifting speed of a lumber elevator may not exceed 15 feet per minute.

(i) A lumber elevator shall be equipped with operating switches that meet the following requirements:

- (1) An operating switch shall be located where the entire shaftway is visible when gates are not installed.
- (2) An operating switch shall be a continuous pressure switch.

(3) A manually operated emergency stop switch shall be placed adjacent to the elevator's operating switches, driving machines, pit entrances, machine controller and landings. An emergency stop switch shall be a manually reset switch and cannot be dependent upon springs for proper operation.

(4) An emergency stop switch shall be red. No other switch may be red.

(5) Operating switches shall be labeled by function.

(j) Reverse phase protection is required when alternating current is used.

(k) Elevator screws shall be directly connecting with worm or beveled gears. Gears shall be enclosed in a housing.

(l) A lumber elevator that is not supported or operated by screws, plungers or similar means shall have approved platform safeties capable of stopping and holding the platform at any point of its travel and its rated lifting capacity.

(m) The motor, controller and brake shall be located in a lighted room outside of the shaftway, unless the devices are located in the pit. The lumber elevator shall be equipped with stone or masonry piers or columns capable of absorbing the impact of a full-loaded platform when the motor and controller are located in the pit.

(n) A lumber elevator shall be equipped with normal terminal limit switches located in the shaftway or stop motion devices on the operating machine and arranged to automatically bring the platform to rest at either terminal landing.

(o) Final terminal limit switches shall be installed and connected so the switch will function if a lumber elevator runs by the normal terminal limit switch. Final terminal limit switches will automatically shut off the power, apply the brake and prevent the operation of the lumber elevator in either direction until adjustments are made to return the lumber elevator to normal operation. Final terminal limit switches shall be located in the shaftway.

(p) A slack cable or slack chain device shall be installed on all winding drum or sprocket power-driven lumber elevator machinery. The device shall automatically shut off the power, apply the brake and stop the machinery when the platform is obstructed in its descent.

(q) A lumber elevator shall be equipped with an approved and enclosed fused main line switch or an approved and enclosed circuit breaker switch. The switch shall be located adjacent to the entrance door in the machine room when the motor and controller are located in a machine room. The switch shall be located outside of the shaftway and adjacent to the pit access door when the motor and controller are located in the pit.

(r) A motor or controller shall be equipped with a second device for disconnection when the motor or controller is not visible from the disconnection equipment required in subsection (q). The second disconnection device shall be equipped to accept a padlock that can lock the device in an "open" and "off" position.

(s) Lighting shall be provided in all machine spaces and pits within the shaftway and landings. The light switch shall be mounted at the entryway to a machine space and pit.

(t) A lumber elevator shall be equipped with a door that allows access to the pit when the motor or controller is located in the pit. A pit access door is to meet all of the following requirements:

(1) A pit access door shall be located below the bottom of the platform when the platform is at its lowest limit of travel.

(2) A pit access door shall be at least 30 inches by 30 inches in size, self-closing and self-locking.

(3) A pit access door shall have a switch to prevent operation of the elevator while the pit access door is open.

(4) An emergency stop switch shall be installed on the strike side of each pit access door.

(5) A switch for operating the pit lights shall be installed on the strike side of all pit access doors.

(6) A sign shall be located on the exterior strike side of each pit access door with the notation, "CAUTION—Elevator Pit Access Door—Authorized Personnel Only." The sign lettering shall be a minimum of 1/4 inch in width and 1 1/2 inches in height. The color of the lettering shall contrast with the color of the access door.

(7) An owner or owner's agent shall have sole possession of keys to each pit access door.

(u) A lumber elevator platform shall have a steel frame designed with a minimum safety factor of six based on the highest rating of either the rated lifting load or the rated static load, uniformly distributed.

(v) A platform shall be equipped with an apron on all its sides. When the travel distance of a lumber elevator extends above the top of the surrounding floor level, the apron shall have sufficient depth to enclose the space between the floor level and the under side of the platform when the platform is at its travel limit.

(w) As part of the initial inspection, the elevator shall be loaded to rated lifting capacity and operated throughout its entire travel. Platform safeties are to be tested with the maximum rated lifting capacity.

#### **STAGE, ORCHESTRA AND ORGAN CONSOLE ELEVATORS**

##### **§ 405.31. Applicability.**

The following types of elevators shall meet the requirements of this section and §§ 405.32—405.41:

(1) A stage elevator consisting of a section of the stage arranged to be raised and lowered above and below the stage in a vertical direction.

(2) An orchestra elevator consisting of a platform arranged to be raised and lowered in a vertical direction.

(3) An organ console elevator used for raising and lowering an organ console, including the organist in a vertical direction.

##### **§ 405.32. Platforms.**

(a) A stage, orchestra or organ console elevator platform shall be comprised of steel frame construction and designed with a safety factor of at least six based on the highest rating of either the rated lifting load or the rated static load uniformly distributed.

(b) When the travel of a stage, orchestra or organ console elevator extends above the top of the shaftway enclosure, the platform shall be equipped with an apron at least as deep as the space between the top of the shaftway enclosure and the underside of the platform when the platform is at its limit of travel.

##### **§ 405.33. Shaftway requirements.**

(a) The inside surface of a shaftway shall have a smooth finish within the limits of travel without any projections or recesses except for landing entrances, guides and guide brackets, vertical slots required for concealed guides, junction boxes and conduits for wiring, seating cart storage areas, orchestra areas and piano storage areas.

(b) Shaftway guide rails shall be made of steel.

(c) Adjacent lift sides shall be equipped with aprons, railings and toeboards and pressure-sensing strips that are necessary to avoid shearing and fall hazards when elevators or other lifts under this section are installed in the same shaftway.

##### **§ 405.34. Projections and recesses.**

Projections or recesses for landing entrances, junction boxes and conduits for wiring, seating cart storage areas, orchestra areas and piano storage areas shall have the following protection:

(1) Metal bevel plates shall protect the underside and topside of projections and the underside of all recesses. The plates shall extend from the edge of the projection or recess to the wall. The beveled angle may not be less than 75° relative to a horizontal position. Instead of plates, the bevel surfaces may be made of concrete and troweled to a smooth finish. Pressure sensing strips meeting the requirements in paragraph (2) may be used instead of beveled plates.

(2) Pressure sensing strips shall be placed on the underside of the platform on sides where there is a projection or recessed opening and on an apron attached to the platform. Pressure sensing strips shall meet the following requirements:

(i) A strip shall be interconnected to the operating and controlling circuit of the elevator.

(ii) A strip shall detect an obstruction that exerts a force of 5 pounds or greater per square inch.

(iii) The elevator shall immediately stop and automatically reverse direction for travel of 2—4 inches when a strip detects an obstruction. The pressure strips may automatically reset once the elevator has stopped its reverse travel.

**§ 405.35. Landing doors.**

(a) Swinging doors installed at the bottom landing of the shaftway shall open outward.

(b) Shaftway landing doors shall be equipped with a Department-approved interlock. The interlock shall:

(1) Secure the platform in the stop position or place the power of controlling the elevator beyond the operator's control while any landing door is open.

(2) Operate in conjunction with a normally closed electrical valve operating system when used for maintained pressure hydraulic elevators.

(c) A landing door may unlock only when the platform is stopped at the level where the landing doors are located.

(d) Landing doors shall open manually from inside the shaftway regardless of the platform's position.

**§ 405.36. Lifting capacity.**

(a) The lifting capacity of an orchestra or organ console elevator shall equal a live load of at least 25 pounds per square foot of floor area of the platform.

(b) The lifting capacity of a stage elevator shall equal a live load of at least 75 pounds per square foot of floor area of the platform.

**§ 405.37. Operating speed.**

Operating speed of an orchestra or organ console elevator may not exceed 30 feet per minute.

**§ 405.38. Operating controls.**

Operating controls shall be located so that the operator may view the platform and load throughout their entire travel. Operating controls are governed by the following:

(1) Operating controls shall be continuous pressure switches.

(2) Detachable pendent switches that plug into the platform or at an area other than the platform may be installed as operating controls if the operator can view the platform and load throughout their entire travel.

(3) Emergency stop switches that comply with all of the following:

(i) Manually operated emergency stop switches shall be located adjacent to the operating controls, driving machines, pit entrances, machine controller, orchestra areas and recessed storage areas located within the shaftway.

(ii) Emergency stop switches shall be manually reset and not depend upon springs for proper operation.

(iii) Emergency stop switches shall be red. No other switch may be red.

(iv) An emergency stop switch shall be installed on an organ console elevator in a location accessible to the organist.

(5) Operating controls shall be labeled by function.

(6) A key is required for use of the operating controls other than emergency stop switches.

(7) A stage, orchestra or organ console elevator that intersects with other stage, orchestra, organ console elevators, storage areas or orchestra areas below the stage level shall be equipped with a constant pressure pushbutton switch which meets the following requirements:

(i) The additional switch shall be located to permit an unobstructed view of the intersecting area.

(ii) The switch shall be held in the closed or "run" position to complete the operating circuit and permit the operator's controls to function.

(iii) Release of the switch will stop the elevator immediately.

(iv) An additional switch is not required for elevators that are completely enclosed in an operating shaftway.

**§ 405.39. Switches.**

(a) An elevator shall be equipped with normal terminal limit switches located in the shaft way or a stop motion device on the operating machine. The switches or device shall automatically bring the platform to rest at either terminal landing.

(b) Final terminal limit switches shall be installed in the shaftway and meet the following requirements:

(1) The switches shall be connected so that the functioning of the switch will occur if the elevator runs by the normal terminal limit switch.

(2) A final terminal limit switch is to automatically shut off power, apply the brake and prevent the operation of the elevator in either direction until adjustments are made to return the elevator to normal operation.

(c) An approved and enclosed fused main line switch or an approved circuit breaker switch shall be installed to disconnect the elevator and meet the following requirements:

(1) The switch shall be located adjacent to the entrance door in a machine room containing the motor and controller.

(2) The switch shall be located outside the shaftway and adjacent to the pit access door when the motor and controller are located in the pit.

**§ 405.40. Pit and pit access.**

(a) The pit shall be equipped with stone or masonry piers or columns or buffers capable of absorbing the impact of a fully loaded platform while maintaining a minimum refuge space of 2 feet throughout the pit area.

(b) A pit access door has to meet all of the following requirements:

(1) A pit access door shall be a minimum of 30 inches by 30 inches in size, self-closing and self-locking.

(2) Have a switch to prevent the operation of the elevator while the pit access door is open.

(3) An emergency stop switch shall be installed on the strike side of each pit access door.

(4) A switch for operating the pit lights shall be installed on the strike side of each pit access door.

(5) Contain a sign located on the exterior strike side of all pit access doors with the notation, "CAUTION—Elevator Pit Access Door—Authorized Personnel Only." The sign lettering is to be a minimum of 1/4 inch in width and 1 1/2 inches in height. The color of the lettering shall contrast with the color of the access door.

(6) An owner or owner's agent shall have sole possession of keys to each access door.

(c) A shaftway shall have a pit that meets all of the following requirements:

(1) Pit depth shall be at least 2 feet from the lowest point of the underside of the platform framing to the pit floor or highest floor projection when the platform is at its

lowest limit of travel. Toe guards, guide shoes or rollers attached to the platform and buffers or bumpers may extend into this space.

(2) Clearance between the lowest point of an apron, guide shoe or rollers on the underside of the platform and any portion of the pit floor shall be at least 6 inches when the platform has reached its lowest limit of travel.

(3) Pit floor area directly beneath any apron area of the platform shall be marked with paint of at least two contrasting colors to a minimum width of 12 inches past the inside edge of the apron, guide shoe or rollers

(d) A door shall be installed to provide access to a pit when the motor or controller for a stage, orchestra or organ console elevator is located in the pit by one of the following means:

(1) A door below the bottom of the platform when the platform is at its lowest limit of travel.

(2) A door that opens outward in the platform.

(3) The pit shall be equipped with a ladder for gaining access to the pit through this access door.

(4) The ladder and access door shall be arranged to secure the ladder to the platform during access to the pit.

(5) The ladder shall extend from the platform to the pit floor regardless of the location of the platform in the shaftway.

**§ 405.41. Single operator requirement.**

A single operator is required to control operation of a stage, orchestra or organ console elevator under all of the following conditions:

(1) The operator and designated material handlers are the only persons that may ride on a stage or orchestra elevator.

(2) The operator and organist are the only persons that may ride on an organ console elevator. An organist may be the operator of the elevator if he receives adequate training on the operation of the elevator and all its controls.

(3) An operator is required to work with an assistant when using a stage, orchestra or organ console elevator that intersects with another stage, orchestra, organ console elevator, storage areas or orchestra areas below the stage level. The assistant shall insure that there are no obstructions in the path of the elevator being operated. The assistant shall always use a two-way communication device with the operator.

**§ 405.42. Additional requirements.**

(a) Railings and toeboards shall be provided at floor levels when the elevator is not at floor level. The railing and toeboard are to be interconnected to the operating circuit so that if any portion of the rail and toeboard is not in its proper placement, the elevator cannot operate.

(b) A key shall be located at the lowest floor in a container with a glass surface. This key shall open a landing door regardless of the location of the platform.

(c) A plate attached to the equipment controller shall contain the manufacturer's listed rated lifting capacity and maximum static load.

(d) The gross weight of the movable platform shall be posted on the controller and will include railings, aprons, wiring, conduits, outlets or an item that is permanently attached to the platform and related lifting capacity.

(e) Reverse phase protection shall be provided when alternating current is used.

(f) Elevator screws are to be directly connecting with worm or beveled gears. Gears shall be enclosed in a housing.

(g) A stage, orchestra or organ console elevator that is not supported or operated by screws, plungers or similar means shall have platform safeties capable of stopping and holding the platform with a full-rated load at any point of its travel.

(h) The motor controller and brake shall be located in a lighted room outside the shaftway, unless the devices are located in the pit.

(i) A slack cable or slack chain device shall be installed on all winding drum or sprocket power-driven stage, orchestra or organ console elevator machinery. The device shall automatically shut off the power, apply the brake and stop the machinery when the platform is obstructed in its descent.

(j) A motor or controller shall be equipped with a second device for disconnection when the motor or controller is not visible from the mainline disconnect switch.

(k) Lighting shall be provided in all machine spaces, pits, storage areas, orchestra areas and landings within the shaftway. A light switch shall be mounted at the entryway to each area.

[Pa.B. Doc. No. 04-81. Filed for public inspection January 9, 2004, 9:00 a.m.]





